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Thursday
August 21, 1986

Briefings on How to Use the Federal Register—
For information on briefings in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: September 25; at 9 am.

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

RESERVATIONS: Doris Tucker 202-523-3419

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DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 12, 1940, 1941, 1943, 1945, and 1980

Highly Erodible Land and Wetland Conservation

AGENCY: Office of the Secretary and Farmers Home Administration, USDA.

ACTION: Interim rule; correction.

SUMMARY: This document corrects an interim rule on highly erodible land and wetland conservation, that appeared at page 23496 in the Federal Register of Friday, June 27, 1986 (FR Doc. 86–14499).

DATES: Comments on the interim rule must be received on or before August 26, 1986, in order to be assured of consideration.

ADDRESS: Comments should be mailed to Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Alex King, Program Specialist, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), P.O. Box 2415, Washington, DC 20013, Phone: (202) 447–4542.

The following corrections are made in FR Doc. 86–14499 appearing at page 23496 in the issue of Friday, June 27, 1986:

1. On pages 23504 and 23505, several subparagraphs of § 12.6 are out of place. Section 12.6 is correctly added to read as follows:

§ 12.6 Administration.

(a) A determination of ineligibility for benefits in accordance with the provisions of this part shall be made by the agency of the Department to which the person has applied for benefits. All determinations required to be made under the provisions of this part shall be made by the agency responsible for making such determinations, as provided in this section, and shall be binding on all other agencies of the Department.

(b) *Administration by ASCS.* (1) The provisions of this part which are applicable to ASCS will be administered under the general supervision of the Administrator, ASCS, and shall be carried out in the field in part by State ASC committees (STC) and county ASC committees (COC).

(2) The Deputy Administrator, State and County Operations, ASCS (hereinafter referred to as the "Deputy Administrator" may determine any question arising under the provisions of this part which are applicable to ASCS and may reverse or modify any determination of eligibility with respect to programs administered by ASCS made by a STC or COC in connection with the provisions of this part.

(3) ASCS shall make the following determinations which are required to be made in accordance with this part:

(i) Whether a person is a producer on a particular field in accordance with § 12.4(b);

(ii) The establishment of field boundaries in accordance with § 12.2(a)(11);

(iii) Whether land was planted to an agricultural commodity in any of the years 1981 through 1985 in accordance with § 12.5(a)(1);

(iv) Whether land was set aside, diverted or otherwise not cultivated under a program administered by the Secretary for any crop to reduce production of an agricultural commodity in accordance with § 12.5(a)(2);

(v) Whether the agricultural commodity planted on a particular field was planted before December 23, 1985, or during any crop year which began before December 23, 1985, in accordance with § 12.5(c)(1) and (2);

(vi) Whether the production of an agricultural commodity on highly erodible land or converted wetland by a landlord's tenant or sharecropper is required under the terms and conditions of the agreement between the landlord and such tenant or sharecropper in accordance with § 12.5(g); and

(vii) Whether the conversion of a particular wetland was commenced before December 23, 1985, in accordance with § 12.5(d)(1)(i).

(4) A representative number of farms selected in accordance with instructions issued by the Deputy Administrator shall be inspected by an authorized representative of ASCS to determine whether such farms are in compliance with any requirement specified in this part as a prerequisite for obtaining program benefits.

(c) *Administration by SCS.* (1) The provisions of this part which are applicable to SCS will be administered under the general supervision of the Chief of the SCS, and shall be carried out in the field in part by the state conservationist and district conservationist.

(2) SCS shall make the following determinations which are required to be made in accordance with this part:

(i) Whether land is highly erodible or is a wetland or a converted wetland in accordance with the provisions of this part;

(ii) Whether highly erodible land is predominant on a particular field in accordance with § 12.4(a);

(iii) Whether a person is actively applying a conservation plan that is based on the local SCS technical guide and which is approved by—

(A) The CD in consultation with local ASC Committees and SCS acting on behalf of the Secretary, or

(B) By SCS acting on behalf of the Secretary;

(iv) Whether a person is using a conservation system that has been approved by the CD in accordance with § 12.5(c)(3) of this part or, in an area not within a CD, a conservation system determined by the SCS to be adequate for the production of a specific agricultural commodity on highly erodible land;

(v) Whether production of an agricultural commodity on a wetland is possible as a result of a temporary natural condition and is possible without action by the producer that destroys a natural wetland characteristic; and

(vi) Whether the actions of a person with respect to the production of an agricultural commodity on the converted wetland would have only a minimal impact on the hydrological and biological aspect of wetland.

(3) SCS will provide such other technical assistance in the implementation of the provisions of this part as is determined to be necessary.

(d) *Administration by FmHA.* (1) The provisions of this part which are applicable to FmHA will be administered under the general supervision of the FmHA Administrator through FmHA's State, district, and county offices.

(2) FmHA shall determine whether the proceeds of any loan made, insured or guaranteed under any provision of law administered by FmHA will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland as required in accordance with the provisions of this part.

(e) The provisions of this part which are applicable to FCIC will be administered under the general supervision of the Manager, FCIC.

2. In the third column on page 23507, the words "directly or indirectly" were inadvertently omitted from paragraph (a) introductory text of § 12.32 and, in the first column on page 23508, the words "and shrubs" were inadvertently omitted from the second sentence of § 12.32(b)(2). Paragraph (a) introductory text of § 12.32 and the second sentence of § 12.32(b)(2) are correctly added to read as follows:

§ 12.32 Criteria for identification of converted wetland.

(a) For the purpose of determining whether land is a converted wetland in accordance with § 12.2(a)(6) of this part, a wetland shall be determined to have been drained, dredged, filled, leveled, or otherwise manipulated for the purpose or to have the effect of making the production of an agricultural commodity possible if the producer or any of the producer's predecessors in interest caused or permitted, directly or indirectly:

* * * * *

(b) * * *

(2) * * * The temporary destruction of hydrophytic vegetation (except trees and shrubs) as a result of the production of an agricultural commodity shall not be considered as altering or destroying natural wetland characteristic if such vegetable can and is allowed to return following cessation of the natural condition which made production of the agricultural commodity possible.

3. On pages 23510 and 23511, several subparagraphs of paragraph 6.c. of Exhibit M to Subpart G—Environmental Program of 7 CFR Part 1940 are out of place. Paragraph 6.c. is correctly added to read as follows:

Exhibit M—Farmer Program Implementation Procedures for the Conservation of Wetlands and Highly Erodible Land

* * * * *

6. * * *

c. Highly erodible land or wetland present.

The County Supervisor will discuss with the applicant (and lender, in the case of a guaranteed loan) and review the intended uses of the FmHA loan proceeds as evidenced in any relevant application materials.

(1) *Proceeds to be used for prohibited activity.* If proceeds would be used for a prohibited activity, the applicant (and lender, in the case of a guaranteed loan) will be advised of its ineligibility for the FmHA loan. The applicant (and lender, in the case of a guaranteed loan) will be informed of any modifications to its application that could cure the ineligibility, including financially feasible eligible loan purposes that could be helpful in implementing a conservation plan, should the latter be an appropriate cure. Substitution of non-FmHA monies to accomplish the prohibited activity would not cure the ineligibility, but actual elimination of the activity from the applicant's farm plan of operation would.

(2) *Proceeds not to be used for a prohibited activity.* If loan proceeds are not planned to be used for a prohibited activity, the County Supervisor will perform the following tasks:

(a) Document the above determination in the applicant's file as specified in paragraph 7 of this exhibit.

(b) If an insured loan is approved:

(i) Insert as an addendum to Form FmHA 1940–17, "Promissory Note," the following language. For a guaranteed loan, include this language as an element of the FmHA conditional commitment.

"Addendum to Promissory Note"

Addendum to promissory note dated _____ in the amount of $_____ at an annual interest rate of _____ percent. This agreement supplements and attaches to the above note. Borrower recognizes that the loan described on the above note will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M.

_____
Borrower

_____
Borrower

(ii) In consultation with the Office of General Counsel (OGC), ensure that an additional covenant will be added to the mortgage/deed of trust/security agreement which reads as indicated below.

"Borrower further agrees that the loan(s) secured by this instrument will be in default should any loan proceeds be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity, as further explained in 7 CFR Part 1940, Subpart G, Exhibit M."

(c) For a guaranteed loan, insert a condition on the conditional commitment (either Form FmHA 449–14, "Conditional Commitment for Contract of Guarantee," or Form FmHA 1980–15, "Conditional Commitment for Contract of Guarantee (Line of Credit)," as applicable) requiring the lender to state in the loan instruments that the loan will be in default should any proceeds of the loan be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetlands to produce an agricultural commodity.

(d) Review the term of the proposed loan and take the following actions, as applicable.

(i) *Loan term exceeds January 1, 1990, but not January 1, 1995.* If the term of the proposed loan expires within this period and the applicant intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit until either 1990 or two years after the SCS has completed a soil survey for the borrower's land, whichever is later, the County Supervisor will determine if it is financially feasible to include in the loan a condition that requires the borrower to demonstrate, prior to loss of the exemption, that the borrower is actively applying an SCS approved conservation plan. This condition will be inserted only if, prior to loan approval, the applicant, the lender, (if a guaranteed loan is involved), FmHA and SCS resolve any doubts as to what extent production would be able to continue under application of a conservation system and as to the financial implications on loan repayment ability from both the potential costs of the conservation system and the potential loss of revenues from any reduced acreage production base. If in making this determination, loan repayment ability cannot be demonstrated, FmHA will deny the loan application. If loan repayment ability can be demonstrated and an insured loan is approved, the County Supervisor will insert in Form FmHA 1940–17 the addendum set forth in subparagraph c(2)(b)(i) of this paragraph and the following indented additional language after the last sentence of that addendum:

"Borrower further agrees that, prior to loss of the exemption from the highly erodible land conservation restrictions found in 7 CFR Part 12, Borrower must demonstrate that Borrower is actively applying an approved conservation plan on that land which has been determined to be highly erodible prior to 1990 or two years after the Soil Conservation Service has completed a soil survey for that land, whichever is later."

For a guaranteed loan, FmHA's conditional commitment will require the lender to place these additional requirements in its loan instruments. Borrowers will be advised in writing that a statement from the SCS issued prior to either 1990 or two years after the SCS has completed a soil survey of the borrower's land and stating that the borrower is actively complying with an approved conservation plan will be considered adequate demonstration of compliance.

(ii) *Loan term exceeds January 1, 1995.* If the term of the proposed loan would exceed

this date and the borrower intends to produce an agricultural commodity on highly erodible land that is exempt from the restrictions of this exhibit up until that date (See subparagraph (b)(4) of paragraph 10 of this exhibit) the County Supervisor will determine if it is financially feasible to place a condition in the loan that requires the borrower to demonstrate prior to January 1, 1995, that any production after that date of an agricultural commodity on highly erodible land will be done in compliance with an approved SCS conservation system. Such a condition will not be used unless, prior to loan approval, the applicant, the lender (if a guaranteed loan is involved), FmHA and SCS resolve any doubts as to what extent production would be able to continue under a conservation system and as to the financial implications on loan repayment ability from both the potential costs of the conservation system and the potential loss of revenues from any reduced acreage production base. If in considering the use of this condition, loan repayment ability cannot be demonstrated, the application will be denied. If loan repayment ability can be demonstrated and an insured loan is approved, the County Supervisor will insert in Form FmHA 1940–17 the addendum set forth in subparagraph c(2)(b)(i) of this paragraph, the additional sentence required by subparagraph c(2)(d)(i) of this paragraph, and, after that sentence, the following indented language:

"Borrower further agrees that Borrower must demonstrate prior to January 1, 1995, that any production after that date of an agricultural commodity on highly erodible land will be done in compliance with an approved Soil Conservation Service conservation system."

For a guaranteed loan, FmHA's conditional commitment will require the lender to place these additional requirements in its loan instruments. Borrowers will be advised in writing that a statement from SCS issued prior to January 1, 1995, and stating that the borrower is complying with an approved conservation plan will be considered adequate demonstration of compliance.

(e) Implement the actions in paragraph d below if the applicant plans to repay a portion of the loan with funds from a USDA financial assistance program subject to wetland or highly erodible land conservation restrictions."

Issued at Washington, DC on August 15, 1986.

Richard E. Lyng,

Secretary.

[FR Doc. 86–18862 Filed 8–20–86; 8:45 am]

BILLING CODE 3410–07–M

7 CFR Parts 1900, 1924, and 1980

Administrative Appeal Procedure Revisions and Interest Rate Buydown Program and Appeals for Farmers Home Administration's Guaranteed Operating, Farm Ownership, and Soil and Water Loans To Implement Applicable Provisions of the Food Security Act of 1985

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: By this final rule, the Farmers Home Administration (FmHA) adopts its interim rule published February 25, 1986. The amendments are necessary to implement applicable provisions of the "Food Security Act of 1985" (Pub. L. 99–198). The major effects will be to ensure that the Agency provides for prompt handling by FmHA of appeals by most FmHA borrowers; provides for prompt service to applicants and borrowers of guaranteed farmer program loans; provide for additional ways that borrowers may continue to farm through a reduction in interest rates for guaranteed operating, farm ownership, and soil and water loans; provides an incentive to lenders to provide operating credit to farmers; and provides for appeal procedures for guaranteed operating, farm ownership, and soil and water loans for lenders and applicants similar to the insured program. These changes should assist in preserving the family farm, protect the national food supply, and strengthen rural farming communities.

EFFECTIVE DATE: August 21, 1986.

FOR FURTHER INFORMATION CONTACT: Pandor H. Hadjy, Senior Loan Officer, Farm Real Estate and Production Division, Farmers Home Administration, USDA, Room 5448, Washington, D.C. 20250, Telephone: (202) 475–4017.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under USDA procedures established in Departmental Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor, because there will not be an annual effect on the economy of $100 million or more; a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or significant adverse affects 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.

Intergovernmental Consultation

1. For the reasons set forth in the final rule related to Notice 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Emergency Loans, Farm Operating Loans, Farm Ownership Loans and Low Income Housing Loans are excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

2. The Soil and Water Loan Program is subject to the provisions of Executive Order 12372 and FmHA Instruction 1940–J.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.410—Low Income Housing Loans (Section 502 Rural Housing Loans)
10.416—Soil and Water Loans

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Discussion of Final Rule

FmHA implemented certain provisions of the "Food Security Act of 1985" (Pub. L. 99–198) upon publication by interim rule in the Federal Register (51 FR 6704) on February 25, 1986. That rule provided for a 30 day comment

period ending March 27, 1986. Three written comments were received. All comments were considered in developing the final rule. The following is a discussion of comments received from 2 lenders and 1 Bankers' Association.

One lender commented on the current definition of family farm and suggested that the definition be rewritten based solely on projected gross income. FmHA is presently analyzing this definition and is in the process of developing a new definition. The new definition will be published for public comment prior to implementation.

Two respondents commented on the provision which requires the liquidation of non-essential assets. One respondent commented on the provision making borrowers ineligible for the buydown if liquidation of non-essential assets would result in a positive cash flow. A Bankers' Association recommended that FmHA clarify this requirement to stipulate what assets are non-essential, and who has the ultimate responsibility of determining this. Paragraph IV D of Exhibit D of Subpart B of Part 1980 of this chapter requires the FmHA County Supervisor and the lender to determine if the borrower owns any assets which do not contribute to essential family living or to maintenance of a sound farming operation. This excludes assets such as personal cars, boats and non-essential purchases. Additionally, the assets must contribute needed income or other valuable needed functions to the operation. FmHA does not believe that it was the intent of the Interest Rate Buydown Program to subsidize borrowers who own assets which if sold would allow the borrower to achieve a positive cash flow. Therefore, the agency believes that the interim rule adequately addressed this issue.

The same respondent further commented that requiring Interest Rate Buydowns to be made at fixed rates is unrealistic since most agricultural loans are made at variable rates. The interest rate buydown may be attached to either a fixed or variable rate note, however, the lender may charge only a fixed rate of interest during the buydown period. After the buydown period expires the note may return to a variable rate note. Further, because the buydown is based on a 100 percent cashflow, any upward adjustment in interest rate might cause an immediate default.

The same respondent commented that FmHA investigate the possibility of recoupment of the sums expended under the buydown program in the event the program participant makes unexpected profits. The agency feels that the administrative costs of monitoring the recouping of funds expended under this program would outweigh the funds recouped from participants who may earn unexpected profits.

One of the requirements to be met by a borrower is the achievement of a positive cash flow. If a positive cash flow cannot be achieved, the lender may ask other creditors to voluntarily adjust their debts to a level necessary to achieve this cash flow. Two respondents commented on this requirement. One lender stated that since borrowers have a greater ability to persuade their creditors to make a debt adjustment, regulations should be revised to allow the borrower to initiate contacts with other creditors for debt adjustment. A Bankers' Association commented along similar lines of concern. The regulations do not prohibit the borrower form contacting creditors to arive at a debt adjustment, however, since the lender is responsible for processing the buydown we have determined that lender should initiate any contacts for debt adjustment. Therefore, the agency believes that the interim rule adequately addressed this issue.

A Bankers' Association wrote concerning the requirement that variable interest rates be tied to a "base rate" which is published periodically in a financial publication does not allow the lender to use its own cost of funds as a base rate. This is not correct. The lender may use its own cost of funds as a base rate, however, the base rate must be a generally unalterable public record, such as newspaper, financial journal or similar medium.

One lender wrote that it is inequitable that in order to meet cash flow requirements for a regular FmHA guarantee the loan may be repaid over a seven-year period with a balloon payment the seventh year which could be repaid over a 15-year amortization. However, to meet the cash flow requirements for FmHA Interest Rate Buydown the loan principal must be repaid in seven years. FmHA has received a considerable number of negative comments from lenders and Bankers' Associations relative to our prohibition of balloon payments.

The regular farm loan guarantee program is available to lenders with farm loans that are high risk and will generate a positive cash flow without an interest rate reduction. Under the regular guarantee program loans may be scheduled for repayment in equal, unequal, or balloon installments. The amount ballooned may not exceed that which the borrower could reasonably expect to pay during a maximum additional 15-year period. We agree that since the Interest Rate Buydown Program is intended to be another tool to assist borrowers and lenders where there is no other alternative but eventual liquidation, that every opportunity offered borrowers under the regular guarantee program should be offered under the Interest Rate Buydown.

Exhibit D of Subpart B of Part 1980 of the interim rule published on February 25, 1986, has been amended as a result of comments to allow scheduling repayment of loans in equal, unequal, or balloon installments subject to existing guaranteed loan regulations.

In addition, the amendatory language in amendment No. 37 of the interim rule published February 25, 1986, incorrectly stated, "Exhibit C to Part 1980, Subpart B is revised" instead of "Exhibit C to Part 1980, Subpart B is added" and is being corrected, accordingly.

Background

The loan making, supervision, and servicing of FmHA farm borowers is governed mainly by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921—et seq.). The major purpose of revising the FmHA regulations at this time is to implement various sections of the Food Security Act of 1985 (Pub. L. 99–198) mandating the handling of administrative appeals and to certain actions relating to farmer program guaranteed loans. The sections are as follows:

1. Section 1301—Joint Operations.
2. Section 1303—Family Farm Restriction.
3. Section 1312—Prompt Approval of Loans and Loan Guarantees.
4. Section 1313—Appeals.
5. Section 1320—Interest Rate Reduction Program.

Due to the urgent need of the guarantee for operating and farm ownership loans by both lenders and farmers for credit for spring planting, FmHA has expedited the implementation of these changes. The suspension continues on the guaranteed emergency loan program. Therefore, no changes are being made in the guaranteed emergency loan regulations at this time.

List of Subjects

7 CFR Part 1900

Appeals, Credit, Loan Programs—Housing and community development.

7 CFR Part 1924

Agriculture, Construction and repair, Loan programs—Agriculture.

7 CFR Part 1980

Agriculture, Loan programs—Agriculture, Loan programs—Business and industry—Rural development

assistance, Loan programs—Housing and community development.

Accordingly, the interim rule published February 25, 1986, [51 FR 6704] affecting Chapter XVIII, Title 7, CFR Parts 1900 and 1924 are adopted as a final rule. Chapter XVIII, Title 7, Part 1980, Code of Federal Regulations, is amended as follows:

PART 1980—GENERAL

Subpart B—Farmer Program Loans

1. The authority citation for Part 1980 continues to read as follows:

Authority: 7 USC 1984; 42 USC 1480; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70.

2. On page 6721, column two of the interim rule published February 25, 1986, in the amendatory language in amendment No. 37, the word "revised" is corrected to read "added."

3. In Exhibit D, paragraph IV(I) is revised to read as follows:

Exhibit D—Interest Rate Buydown Program

* * * * *

IV. Program Administration

* * * * *

I. The Interest Rate Buydown Agreement will be attached to the promissory note(s) or line of credit agreement. The promissory note(s) or line of credit agreement, cannot exceed the interest rate the lender charges its average farm customer, *prior* to any writedown by the lender, as outlined in Sections 1980.175(e), 1980.180(f), or 1980.185(f) of this subpart. The lender may only charge a fixed rate of interest during the term of the buydown agreement. The lender is responsible for the legal documentation of interest rate changes by an "allonge" attached to the promissory note(s) or line of credit agreement or other legally effective amendment of the interest rate; however, no new notes or line of credit agreements may be issued. If the lender elects to use a variable rate note or line of credit agreement, the fixed rate of interest charged during the buydown period will be calculated *not to exceed* the average variable rate charged the lender's average farm customer (as defined in §§ 1980.175(e), 1980.180(f) or 1980.185(f) over the past 90 days, plus one percent (1%)). The promissory note(s), line of credit agreements and any attachments to these agreements, must schedule repayment in accordance with the terms for the applicable loan type set forth in §§ 1980.175 (f) and (g), 1980.180(f), or 1980.185(f) of this subpart.

* * * * *

Dated: July 18, 1986.

Kathleen W. Lawrence,

Acting Under Secretary for Small Community and Rural Development.

[FR Doc. 86-18898 Filed 8-20-86; 8:45 am]

BILLING CODE 3410-07-M

Food Safety and Inspection Service

9 CFR Parts 302, 303, and 381

[Docket No. 84-030F]

Meat and Poultry Inspection; Exemption of Certain Restaurant Central Kitchens; Retail Exemption Provisions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Federal meat and poultry products inspection regulations to implement Pub. L. 98-487. This law amended the Federal Meat Inspection Act and the Poultry Products Inspection Act to exempt restaurant central kitchens under certain conditions from Federal inspection requirements. Furthermore, this rule amends the regulations by defining the limits of the applicability of Federal inspection requirements to retail stores, restaurants, and similar retail-type establishments as interpreted by the Department in conjunction with an Attorney General's opinion.

EFFECTIVE DATE: September 19, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Gonter, Assistant Deputy Administrator, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; or a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule will benefit certain segments of the industry by exempting portions of their operations from Federal inspection requirements, thus reducing their costs and removing an obstacle to centralizing food preparation for restaurants. It also will result in Federal government savings since Federal inspection is no longer required in certain central kitchens. It is estimated that approximately 40 restaurant central kitchens could be affected immediately by this rule.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service (FSIS), has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). This rule will reduce the regulatory burden on industry by exempting some small restaurant businesses from Federal inspection requirements. The costs associated with inspection may discourage small restaurant businesses from centralizing food preparation to become more efficient.

The rule permits a more flexibile regulatory approach with regard to small restaurant operations.

Background

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) require, among other things, inspection of a broad spectrum of operations and facilities involved in the preparation and processing of food derived from livestock (i.e., cattle, sheep, swine, goats, horses, mules, or other equines) and poultry. The FMIA provides that meat and meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment must be prepared under Federal inspection unless the operations of the establishment are exempted (21 U.S.C. 603, 604, 606, 608, 610, and 623). The PPIA includes comparable inspection requirements for the processing of poultry products (21 U.S.C. 454, 455, 456, 458, and 459). Establishments preparing or processing product solely for distribution within a State may instead be subject to State inspection if the State develops and effectively enforces requirements that are at least equal to those under the FMIA or PPIA. Section 301(c) (1) and (3) of the FMIA (21 U.S.C. 661(c) (1) and (3)) and section 5(c) (1) and (3) of the PPIA (21 U.S.C. 454(c) (1) and (3)) provide, in relevant part, that the Secretary of Agriculture shall designate any State for Federal inspection (including organized territories) which does not have, or is not effectively enforcing, such requirements; and if a State is so designated, wholly intrastate operations also are subject to Federal inspection and other requirements of the FMIA and PPIA.

The FMIA and PPIA each include exemption provisions for certain retail store and restaurant operations. Section

301(c)(2) of the FMIA (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the PPIA (21 U.S.C. 454(c)(2)) provide, in part, that the statutory provision requiring inspection do not apply to "operations of types traditionally and usually conducted at retail stores and restaurants when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal quantities or service of such articles to consumers at such establishments" if they are subject to such inspection provisions only because they are in designated States. Moreover, the Department has interpreted the FMIA and the PPIA, in conjunction with the Opinion of the Attorney General of August 17, 1972 (Vol. 42, Op. No. 44), as excluding from inspection requirements the operations of such retail establishments, including restaurants, operating in interstate commerce in any State.

The last 20 years have seen many changes in the food service industry. One significant trend has been the centralization of meat preparation systems. New technology and the increase in large restaurant chains and fast food operations have contributed to this trend. By centralizing preparation of products, a restaurant business can improve its efficiency. Unlike restaurants, which are exempt from inspection requirements under the FMIA and PPIA, these central kitchens, even though owned or operated by the same person or business unit as the restaurant in which their products are served, have been subject to the inspection requirements directed under the FMIA and PPIA. Since inspection under the FMIA and PPIA entails some costs, the imposition of inspection on central kitchens has probably discouraged such centralization. Congress has now addressed this issue.

On October 17, 1984, Pub. L. 98–487 was adopted (98 Stat. 2264). This law amended section 301(c)(2) of the FMIA (21 U.S.C. 661(c)(2)) and section 5(c)(2) of the PPIA (21 U.S.C. 454(c)(2)) to provide that for the purposes of that provision, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant, and thus be exempt from the inspection requirements of the FMIA and/or PPIA if certain conditions are met. The conditions are that the restaurant central kitchen prepares meat or meat food products and/or poultry products that (1) are ready to eat when they leave the facility and (2) are served in meals or as entrees only to customers at restaurants owned or operated by the same person or business unit owning or operating the restaurant central kitchen. The amendments also provide that these restaurant central kitchen facilities remain subject to the provisions of section 202 of the FMIA (21 U.S.C. 642; see Part 320 of the Federal meat inspection regulations) and section 11 of the PPIA (21 U.S.C. 460; see Part 381, Subpart Q, of the poultry products inspection regulations), and, therefore, records must be maintained and access to places of business and opportunity for examinations must be provided to representatives of the Secretary. Further, the amendments provide that any exempted restaurant central kitchen may be subject to the FMIA and PPIA inspection reuirements for as long as the Secretary of Agriculture deems necessary if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any meat or meat food products and/or poultry products are rendered adulterated.

Congress noted that not all restaurant central kitchens are suitable for exemption from Federal inspection:

> [L]arge central kitchens that supply food products for sale to a variety of outlets, such as airlines or retail stores . . . should continue to operate under Federal inspection. (S. Rep. No. 98–610, 98th Cong., 2d Sess. 3 (1984)).

Congress intended to limit the exemption to those facilities that:

> . . . are very similar to traditional restaurants, . . . those central kitchens that are essentially retail restaurant facilities, that is, establishments that prepare food products that are ready to eat and are served, without an intervening sale, only to customers at restaurants owned or operated by the same person owning or operating the central kitchen (id.).

Congress restricted the scope of the exemption to facilities that differ from the kitchens of restaurants only in that the products they prepare are moved to another site before being served. Thus, meat and meat food products and/or poultry products must be ready to eat when they emerge from the restaurant central kitchen, and they must be served to customers without an intervening sale. Congress' conclusion that only restaurant central kitchens meeting these conditions are suitable for exemption limited the effects of the legislative change to a small number of restaurant central kitchens. However, Congress anticipated a positive economic impact due to improved efficiency in the restaurant business. In Congress' view, compliance with Federal inspection requirements is particularly costly for small restaurant business. Therefore, this legislative change was regarded as removing a barrier that until now has discouraged such businesses from centralizing food preparation. (See, e.g., S. Rep. No. 98–610, 98th Cong., 2d Sess. 2, 9 (1984).)

The Proposal

On August 21, 1985, FSIS published a proposal to amend the Federal meat inspection regulations and poultry products inspection regulations to implement Pub. L. 98–487 (50 FR 33762). Section 303.1(d)(2)(iv) of the Federal meat inspection regulations (9 CFR 303.1(d)(2)(iv)) and section 381.10(d)(2)(iv) of the poultry products inspection regulations (9 CFR 381.10(d)(2)(iv)) would have been amended by revising the definition of "restaurant" to provide that operations conducted at those restaurant central kitchens which qualify for exemption under the new law are considered to be conducted at a restaurant. The current exemption from inspection requirements for restaurants would have been extended to include the operations of restaurant central kitchens that prepare meat or meat food products and/or poultry products as they would have been prepared at the restaurant location. Thus, to qualify for the proposed exemption, such food products would have been ready to eat without further preparation such as thawing or cooking upon leaving the restaurant central kitchen and maintained without preservation during transportation. During transportation between exempted restaurant central kitchens and the restaurants, products to be served cold would be maintained cold, and products to be served hot would be maintained hot. Products could not be preserved; for example, products to be served hot could not be chilled or frozen for transportation. Furthermore, such products would be served in meals or as entrees only to customers at restaurants owned or operated by the same person owning or operating the restaurant central kitchen, without an intervening sale.

Under the proposed regulations, the recordkeeping and the access and examination requirements of Part 320 and/or 381 of the regulations (9 CFR Parts 320 and 381) would continue to apply to such facilities. Any such facility would become subject to inspection requirements if the Administrator, FSIS, were to determine that sanitary conditions or practices of the facility or processing procedures or methods at the facility are such that any products are rendered adulterated.

FSIS proposed to include in the restaurant central kitchen provision those establishments that prepare and distribute ready-to-eat products for service in meals or as entrees to individual consumers through vending machines owned or operated by the same person that owns or operates the establishment. It has been FSIS policy for some time to treat such operations the same as those of restaurant central kitchens, and the regulations should be clarified to avoid any confusion. Also, the Federal meat inspection regulations, but not the poultry products inspection regulations, presently provide that the definition of "restaurant" includes a caterer which delivers or serves product in meals or as entrees only to individual consumers and otherwise meets the requirements of the regulation. Since FSIS interprets the restaurant exemption in the PPIA as covering such caterers, it proposed to amend the poultry products inspection regulations to include caterers of poultry products under the same conditions.

In addition, the proposed rule included a revision to section 303.1(d)(1) of the Federal meat inspection regulations (9 CFR 303.1(d)(1)) and section 381.10(d)(1) of the poultry products inspection regulations (9 CFR 381.10(d)(1)), proposing to delete language limiting their scope to establishments to which FMIA and/or PPIA provisions requiring inspection apply only because they are in designated States (including organized territories). As indicated earlier, the exemptions are part of the statutory provisions that direct the Secretary to designate for Federal inspection establishments with wholly interstate operations in States that do not have or are not effectively enforcing an inspection program which imposes requirements that are at least equal to those under the FMIA and/or PPIA. As also indicated, in keeping with the Opinion of the Attorney General of August 17, 1972 (Vol 42, Op. No. 44), the Department has interpreted the FMIA and PPIA as excluding retail operations under specified conditions even when their products are not solely for distribution within a State. In other words, the FMIA and PPIA are construed as reflecting Congress' intent that the exemption from inspection requirements for retail stores and restaurants is not dependent upon those businesses having exclusively intrastate operations. This proposed change was intended simply to make clear that the applicability of inspection requirements is not determined by the geographical location of retail stores' and restaurants' business activities.

Finally, it was proposed to revise § 302.2 of the Federal meat inspection regulations (9 CFR 302.2) by deleting paragraph (a), which refers to special provisions for certain retail stores and restaurants operating within the District of Columbia. Under the FMIA (21 U.S.C. 601(h)), the term "commerce" means "commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia." Since retail stores and restaurants are exempt from the inspection requirements of the FMIA regardless of whether they are operating in "commerce", there is no need to make special provisions for such operations operating within the District of Columbia.

Comments on the Proposed Rule

FSIS received 187 comments in response to the proposed rule—128 from consumers, 25 from food equipment and packaging manufacturers or their representatives, 10 from trade associations representing various segments of the food industry, 9 from restaurants and/or restaurant central kitchen owners, 5 from meat processors, 5 from medical institutions, 2 from educational institutions, 2 from Congressmen, and 1 from a State department of agriculture. Nine commenters voiced full support of the proposal as published.

Several commenters voiced opposition generally to Federal inspection of central kitchens, but did not provide direct comments on the specific issues set forth in the proposal. One owner stated general opposition to current regulations requiring Federal inspection of restaurant central kitchens. A restaurant owner and a restaurant central kitchen owner questioned the need for Federal inspection in restaurant central kitchens when they are inspected under local health departments. On the other hand, of the 128 comments received from consumers, 127 were form letters opposing the proposed rule on the basis that no central kitchen should be exempt from inspection because consumers should be assured of product wholesomeness through Federal inspection. As earlier explained in the document, Congress believed that only those central kitchens that are similar to traditional restaurants should be exempted from Federal inspection requirements in that they prepare food for their own restaurants without intervening sales. All retail restaurant central kitchens are subject to periodic inspection by local governments and to local licensing requirements to ensure proper sanitation and food handling. Thus, although certain restaurant central kitchens are exempt from Federal inspection requirements, they are still subject to local controls.

Most of the remaining commenters voiced general support of the proposal, but questioned limiting the definition of "ready to eat" to products ". . . consumed without further preparation such as cooking or thawing" and "so maintained without freezing or other preservation during transportation. . . ." They stated in particular that the requirement of maintaining hot foods would certainly increase the chances of bacterial growth and thus not assure a safe and wholesome product.

Other issues were also raised, including compliance monitoring, broadening the definition of a restaurant central kitchen, and costs for additional equipment as required under the proposal. The following is a summary of those issues and FSIS's reponse to each.

Definition of "Ready to Eat"

1. *Comment:* Comments from the two Congressmen, the State agriculture department, six trade associations, one consumer, seven restaurant and restaurant central kitchen owners, all 25 food equipment and packaging manufacturers, and the seven medical and educational institutions opposed the definition of "ready to eat." Most commenters contended that keeping hot foods hot during transportation would increase bacterial growth, and thus present possible health risks for consumers. Some also indicated that the quality of foods would be adversely affected. Three of these commenters stated that FSIS offers no valid rationale for prohibiting chilling during transportation of foods to be served hot, and ignores modern technology in the development of safe cooking/chilling systems. It was recommended that FSIS permit product chilling during transportation and then reheating at the receiving facility before serving. A trade association suggested specifically that refrigeration during transportation be allowed provided the central kitchen date stamp the product for shelf-life.

Response: Product wholesomeness is of concern to FSIS. After reevaluating the issue, FSIS agrees that refrigeration of hot foods during transportation should be permitted and has amended the rule accordingly. The product, however, must be transported directly

from the central kitchen facility to the satellite restaurant without intervening storage or transfer between conveyances between those two points. This is necessary to lessen the likelihood of product mishandling which, in turn, could result in product adulteration.

2. *Comment:* The State department of agriculture recommended several revisions to the "ready-to-eat" definition for clarification purposes. These included a proviso that during transportation chilled foods must be maintained below 40 °F. and hot foods maintained above 140 °F. to retard bacterial growth.

Response: As discussed under comment 1, FSIS has determined a need exists to refrigerate many ready-to-eat products during transportation from the central kitchen facilities to their own restaurants or vending machines. Although the Federal meat and poultry products inspection regulations do not specify the temperature at which products must be refrigerated during transportation, they do require products to be maintained in a safe, unadulterated condition. To accomplish this end, good manufacturing practices must be used which require foods to be refrigerated at 40 °F. or below. Therefore, FSIS does not see a need to regulate a refrigeration temperature.

3. *Comment:* Three commenters expressed concern that if hot foods must be kept hot, restaurant central kitchens would have to purchase additional equipment and facilities, including suitable vehicles for transporting such foods, which would create unintended hardships for small businesses.

Response: FSIS appreciates the economic concerns of small businesses. Since the rule as adopted does not require hot foods to be kept hot during transportation, the purchase of additional equipment and facilities is not necessary.

4. *Comment:* The seven medical and educational institutions, which operate central kitchen facilities, and a central kitchen facility, which services vendors, stated they are currently exempt from Federal inspection. They chill their products immediately after cooking and transport such products under refrigeration. Thus, as they interpret the proposed rule, their facilities would be subject to Federal inspection if the rule were promulgated. There is concern that many more facilities would be required to operate under Federal inspection than is now required. In terms of current governmental budgetary constraints and the paperwork burdens required of businesses under Federal inspection, the commenters recommended reconsideration of this proposal.

Response: The intent of this rulemaking proceeding is to implement statutory changes and clarify regulations exempting from Federal inspection requirements certain restaurant central kitchen facilities. Whether product is chilled immediately after cooking would not in itself determine a facility's inspection status. Under this rule, a restaurant central kitchen is exempt from Federal inspection only if (1) product is ready to eat, upon departure from such facility (i.e., no further preparation such as cooking is needed, except that it may be reheated prior to serving), (2) transportation is direct between the restaurant central kitchen and satellite restaurant or vending machine location with no intervening transfer or storage, (3) product is to be served, without intervening sale, in meals or as entrees only to customers at satellite restaurants, or through vending machines, owned or operated by the same person (individual, firm, or corporation) owning or operating the restaurant central kitchen, (4) facilities are maintained in a sanitary manner, and (5) records are maintained as required by the Federal meat and poultry products inspection regulations.

FSIS has determined that if central kitchens (1) are owned or operated by a city, county, or State in which they are located, (2) prepare ready-to-eat products to be served at institutions controlled by that same city, county, or State, and (3) meet the other conditions set forth above, such facilities are exempt from Federal inspection requirements under this rule. The central kitchen and the receiving facility are owned or operated by the same person and thus qualify for exemption.

Definition of "Restaurant Central Kitchen"

5. *Comment:* The State department of agriculture, a trade association, and a restaurant central kitchen owner suggested the exemption from Federal inspection be extended to those central kitchen facilities that service other than facilities under the "same ownership" as the central kitchen facility.

Response: As discussed, the basis for this rulemaking proceeding is a law exempting those restaurant central kitchens that are similar to traditional restaurants in that they prepare ready-to-eat food for their own restaurants without intervening sales. Therefore, to extend the exemption would not be in line with the statute.

6. *Comment:* Two processing establishments and a trade association concurred with FSIS's past policy that retail stores are permitted to sell to household consumers in intrastate or interstate commerce, but believe that this should apply as well to mail order accounts.

Response: Section 301(c)(2) of the FMIA exempts from inspection operations of types traditionally and usually conducted at retail stores and restaurants, *when conducted at any retail store or restaurant* or similar type establishment for sale in normal retail quantities or service of meat and meat food products to consumers at such establishments. The entire exempt activity must take place at the same retail establishment. The essence of the central kitchen exemption is that it permits a geographical separation between two parts of the same restaurants. Continuous control of the product by the restaurant from the point of its preparation to its service to consumers is an essential part of this single entity concept. Similarly, exempt retail stores must be in continuous possession of the product from its preparation in the store to sale *in the same store* to consumers. Any deliveries to consumers made by such stores must be carried out by employees of that store in order to maintain the continuous possession of the product.

7. *Comment:* A trade association requested that the rule be clarified to emphasize that retail food stores would not be covered under this rule and that the current exemption applicable to retail food stores covers only operations performed in a store for sale at that store.

Response: As discussed under comment 6, a retail store's exemption from Federal inspection requirements applies to retail operations conducted within the retail store itself (9 CFR 303.1(d)(1) or 381.10(d)(1)). The exemption for one retail store does not extend to other geographically separated facilities, even if under common ownership. Congress expressly expanded the restaurant exemption only; it did not expand the retail store exemption. However, there is no restriction on the geographical scope of the retail store's commercial activities, provided any deliveries are conducted by employees of the retail store providing the service. The same exemption provision applies regardless of whether the store's activities may be characterized as intrastate or interstate.

8. *Comment:* A family which owns a restaurant central kitchen requested clarification of the provision allowing exemption if the restaurant central kitchen prepares products to be served

at restaurants or through vending machines "owned or operated by the same person that owns or operates such facility". The restaurant central kitchen is owned by the same persons owning the restaurant, even though the two facilities are two separate corporations.

Response: As long as the restaurant central kitchen and the restaurant are owned or operated by the same persons, exemption from Federal inspection requirements applies. In this particular case, FSIS has determined that the facilities are indeed owned or operated by the same persons and thus qualified for the exemption.

Compliance Monitoring

9. *Comment:* The State department of agriculture and a trade association expressed concern as to how compliance with the proposed rule would be monitored and recommended that procedures for compliance monitoring be established.

Response: Through its Compliance Program, FSIS monitors the movement of meat and poultry products in exempted facilities and other operations outside federally inspected establishments. State and local officials also inspect handling of food products within their jurisdictions. These existing procedures appear to be adequate for the tasks involved. Additional procedures for compliance monitoring may be considered in the future if the current procedures are shown to be inadequate.

Final Rule

After careful consideration of the comments received, FSIS is adopting the proposed rule except for changes as previously discussed.

List of Subjects

9 CFR Part 302

Applications, Meat inspection.

9 CFR Part 303

Meat and meat food products, Meat inspection, Exemptions, Recordkeeping requirements.

9 CFR Part 381

Poultry products inspection, Exemptions, Recordkeeping requirements.

PART 302—[AMENDED]

1. The authority citation for Part 302 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

§ 302.2 [Amended]

2. The title of § 302.2 (9 CFR 302.2) is amended by removing the words "in the District of Columbia or".

3. Section 302.2 (9 CFR 302.2) is amended by removing paragraph (a) and removing the paragraph designation "(b)".

PART 303—[AMENDED]

4. The authority citation for Part 303 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k; Pub. L. 96–511, 94 Stat. 2812 (44 U.S.C. 3501 *et seq.*).

5. Section 303.1 (9 CFR 303.1) is amended by revising paragraphs (d)(1) and (d)(2)(iv) to read as follows:

§ 303.1 Exemptions.

* * * * *

(d)(1) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(2) * * *

(iv) *Restaurants.* (*a*) A restaurant is any establishment where:

(*1*) Product is prepared only for sale or service in meals or as entrees directly to individual consumers at such establishments;

(*2*) Only federally or State inspected and passed product or such product prepared at a retail store exempted under paragraph (d)(2)(iii) of this section is handled or used in the preparation of any product;

(*3*) No sale of product is made in excess of a normal retail quantity as defined in paragraph (d)(2)(ii) of this section; and

(*4*) The preparation of product is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section.

(*b*) The definition of a restaurant includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

(*c*) For purposes of this paragraph, operations conducted at a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares meat or meat food products that are ready to eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation, and served in meals or as entrees only to customers at restaurants, or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirements of this paragraph: *Provided, That* the requirements of sections 320.1 through 320.4 of this subchapter apply to such facility. *Provided further, That* the exempted facility may be subject to inspection requirements under the Act for as long as the Administrator deems necessary, if the Administrator determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of its meat or meat food products are rendered adulterated. When the Administrator has made such determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Administrator's determination in a hearing pursuant to rules of practice which will be adopted for this proceeding.

PART 381—[AMENDED]

6. The authority citation for Part 381 continues to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

7. Section 381.10 of the poultry products inspection regulations (9 CFR 381.10) is amended by revising paragraphs (d)(1) and (d)(2)(iv) to read as follows:

§ 381.10 Exemptions for specified operations.

* * * * *

(d) (1) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar-retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments.

(2) * * *

(iv) *Restaurants.* (*a*) A restaurant is any establishment where:

(*1*) Poultry products are processed only for sale or service in meals or as entrees directly to individual consumers at such establishments;

(*2*) Only federally inspected and passed, or exempted (or, as provided in § 381.223, State or local agency inspected and passed or exempted) poultry products are handled or used in the preparation of any poultry products;

(*3*) No sale of poultry products is made in excess of a normal retail quantity as defined in paragraph (d)(2)(ii) of this section; and

(*4*) The processing of poultry products is limited to traditional and usual operations as defined in paragraph (d)(2)(i) of this section.

(*b*) The definition of a restaurant includes a caterer which delivers or serves product in meals, or as entrees, only to individual consumers and otherwise meets the requirements of this paragraph.

(*c*) For purposes of this paragraph, operations conducted as a restaurant central kitchen facility shall be considered as being conducted at a restaurant if the restaurant central kitchen prepares poultry products that are ready to eat when they leave such facility (i.e., no further cooking or other preparation is needed, except that they may be reheated prior to serving if chilled during transportation), transported directly to a receiving restaurant by its own employees, without intervening transfer or storage, maintained in a safe, unadulterated condition during transportation, and served in meals or as entrees only to customers at restaurants, or through vending machines, owned or operated by the same person that owns or operates such facility, and which otherwise meets the requirement of this paragraph: *Provided, That* the requirements of sections 381.175 through 381.178 of this subchapter apply to such facility. *Provided further, That* the exempted facility may be subject to inspection requirements under the Act for as long as the Administrator deems necessary if the Administrator determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of its poultry products are rendered adulterated. When the Administrator has made such determination and subjected a restaurant central kitchen facility to such inspection requirements, the operator of such facility shall be afforded an opportunity to dispute the Administrator's determination in a hearing pursuant to rules of practice which will be adopted for this proceeding.

* * * * *

Done at Washington, DC, on August 15, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-18798 Filed 8-20-86; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-NM-43-AD; Amdt. 39-5396]

Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires inspections for cracks and repairs or modifications, as necessary, of the fuselage, wings, and vertical stabilizer structures, of certain Airbus Industrie Model A300 B2 and B4 series airplanes. This amendment is prompted by reports that cracks have been detected in several areas of the fuselage, wings, and vertical stabilizer structure during fatigue tests conducted by the manufacturer. If these cracks are not detected and repaired, structural failure could occur.

DATES: Effective September 26, 1986.

ADDRESS: The applicable service information may be obtained upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. They may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive, which requires structural inspections and corrective actions, as necessary, to the fuselage, wing, and vertical stabilizer on certain Model A300 series airplanes, was published in the **Federal Register** on May 28, 1985 (50 FR 21620).

Interested parties have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the three comments received.

The manufacturer pointed out several minor corrections, and recommended that a second optional terminating modification be added to paragraph A. The FAA concurs with the manufacturer's comments regarding the change in paragraph A., and has added a second optional terminating modification. The manufacturer recommended an increase in the repetitive inspection intervals on low-time airplanes for the inspections required by paragraph E. The FAA concurs with this recommendation and has changed the rule accordingly. The manufacturer also recommended changing the reinspection interval specified in paragraph C. from 3,000 landings to 3,000 hours. The FAA does not concur because this change would increase the burden on operators with an average flight cycle greater than one hour. The FAA will consider further rulemaking action on this subject if service history indicates a need.

The Air Transport Association (ATA) of America questioned justification for the AD based on the manufacturer's fatigue testing, since service experience "has not justified the modifications or inspections." The FAA does not concur with this comment. The FAA has determined that sufficient justification exists to support the AD. Since cracks developed on a test article using a realistic loads spectrum, similar cracks can be expected to develop in airplanes in service. These data have been reviewed by the responsible airworthiness authority and an unsafe condition was found. The FAA has reviewed the data and has also made a finding that an unsafe condition exists. The ATA also stated the proposed rule required inspections on airplanes, which are not currently on the U.S. registry, yet the cost analysis accounts for only U.S. registered airplanes. The FAA does not concur with this comment, since only airplanes on the U.S. register are subject to the requirements of U.S. AD's. The cost analysis is based on the number of airplanes known to be subject to the AD and was correct as written. The applicability statements in the AD refer to airplanes listed in the referenced service bulletins. This is done to ensure that an affected airplane, which may later be imported to the U.S., is subject

to the required inspections and modifications.

One operator commented that paragraph A. of the final rule should also include Service Bulletin A300–53–128 as terminating action for the inspections described by Service Bulletin A300–53–127. The FAA concurs with this comment in regards to termination action for Service Bulletin A300–53–128. This has been incorporated in the final rule. The commenter also requested that a 20,000 landing initial inspection threshold be given for Service Bulletin A300–53–143, instead of 20,000 flight hours, since the manufacturer based its recommendation on an assumption of one hour per flight. The FAA, with the manufacturer's concurrence, agrees that compliance should be based on the landings, and has changed the AD accordingly. The commenter also stated that the two Service Bulletins, A300–53–182 and A300–53–125, with their initial inspection times of 20,000 landings, appeared to be released prematurely and should be deleted. The FAA does not concur with the deletion of Service Bulletin A300–53–182 and A300–53–125 from the final rule. They were issued as a result of cracks developing in a test article and this same cracking can be expected to develop in airplanes in service.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes noted above.

It is estimated that 15 airplanes on the U.S. register will be affected by this AD; however, not all service bulletins will apply to all of the airplanes. It will take approximately 919 total manhours to accomplish the various required actions, and the average labor cost will be $40 per manhour. Repair parts are estimated to be nominal. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $36,790.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Airbus Model A300 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

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

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

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

2. By adding the following new airworthiness directive:

Airbus Industrie

Applies to Model A300 B2 and B4 series airplanes, serial numbers as listed in each of the following service bulletins, certificated in any category. To prevent dangerous propagation of cracks in the fuselage, wing and vertical stabilizer structures, accomplish the following, within one year after the effective date of this AD or upon reaching the threshold (number of landings or flight hours) indicated in each paragraph below, whichever is the later, unless already accomplished:

A. For airplanes with serial numbers listed in Airbus Industrie (AI) Service Bulletin A300–53–127, Revision 4, dated May 10, 1984, prior to the accumulation of 18,000 landings or 18,000 flight hours, whichever occurs first, visually inspect the upper fuselage skin at frame 58, between stringer 5 left and stringer 5 right, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 3,000 flight hours. Repair cracks in accordance with Figure 2, Inspection and Repair Alternative Chart, to the service bulletin. Incorporation of AI Modification 2147, described in AI Service Bulletin A300–53–110, Revision 10, dated April 7, 1986, or AI Modification 2526/1693 described Service Bulletin A300–53–128, Revision 5, dated May 10, 1984, terminates the repetitive inspection requirements of this paragraph.

B. For airplanes with serial numbers listed in AI Service Bulletin A300–53–101, Revision 7, dated May 10, 1984, perform a radiographic and ultrasonic inspection for cracks in the circumferential fuselage splice plates and stringer couplings in accordance with the accomplishment instructions of the service bulletin with thresholds as follows:

1. If the requirements of AI Service Bulletin A300–53–053, Revision 2, dated July 30, 1981, have been accomplished, the initial inspection is not required until the accumulation of 20,000 landing after this work was completed, and thereafter repeat this inspection at intervals not to exceed 3,000 landings.

2. If the requirements of AI Service Bulletin A300–53–053, Revision 2, dated July 30, 1981, have not been accomplished, the initial inspection must be done prior to the total accumulation of 18,000 landings, and thereafter repeat this inspection at intervals not to exceed 3,000 landings.

Repair cracks in accordance with Figures 1 or 2 of the service bulletin. Incorporation of AI Modification 3760, described in AI Service Bulletin A300–53–170, Revision 1, dated January 25, 1985, constitutes terminating action for the requirements of this paragraph.

C. For airplanes with serial numbers listed in AI Service Bulletin A300–53–143, Revision 3, dated May 10, 1984, prior to the accumulation of 20,000 landings visually inspect for cracks in frame 57A between stringers 15 and 16, left and right, and the stringer 5 connection angle at frame 65, left and right, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 3,000 landings. Repair cracks in accordance with the service bulletin instructions. Incorporation of AI Modification 2643, described in AI Service Bulletin A300–53–132, Revision 4, dated May 10, 1984, constitutes terminating action for the requirements of this paragraph.

D. For airplanes with serial numbers listed in AI Service Bulletin A300–53–182, dated February 7, 1983, prior to the accumulation of 30,000 landings, inspect for cracks in the webplate between frame 30A and frame 32 at stringers 18 and 22, left and right, in accordance with the accomplishment instructions of the service bulletin. Repeat this inspection at intervals not to exceed 3,000 landings until the airplane has accumulated a total of 36,000 landings, and thereafter repeat the inspections at intervals not to exceed 2,000 landings. Repair cracks in accordance with the service bulletin instructions. Incorporation of AI Modification 1691, described in AI Service Bulletin A300–53–063, constitutes terminating action for the requirements of this paragraph.

E. For airplanes with serial numbers listed in AI Service Bulletin A300–53–112, Revision 2, dated July 20, 1981, prior to the accumulation of 24,000 landings, visually inspect the skin for cracks from frame 28 to frame 31, between stringers 29 and 31, left and right, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 6,000 landings, until the accumulation of 36,000 landings, and thereafter at intervals not to exceed 3,000 landings. If cracks are found at any inspection, AI Modification 1358, described in AI Service Bulletin A300–53–027, Revision 4, dated January 4, 1984, must be incorporated before further flight. Incorporation of AI Modification 1358 constitutes terminating action for the inspection requirements of this paragraph.

F. For airplanes with serial numbers listed in AI Service Bulletin A300–53–100, Revision 1, dated May 10, 1984, prior to the accumulation of 12,000 landings, or 15,000 flight hours, whichever occurs first, visually inspect internally and externally for cracks, the longitudinal joint at stringer 51, left and right, between frames 72 and 80, in accordance with the accomplishment instructions of the service bulletin. Thereafter, repeat the internal inspections at intervals not to exceed 1,500 flight hours, and the external inspection at intervals not to exceed 12,000 flight hours. Repair cracks

before further flight in accordance with the service bulletin instructions. Incorporation of AI Modification 1421, described in AI Service Bulletin A300–53–033, Revision 3, dated May 10, 1984, constitutes terminating action for the requirements of this paragraph.

G. For airplanes with serial numbers listed in AI Service Bulletin A300–53–125, dated July 15, 1983, prior to the accumulation of 20,000 landings, inspect for cracks as follows:

1. Using ultrasonic methods, inspect the longitudinal lap joints at stringer 29, left and right, between frames 72 and 73, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 2,000 landings; and

2. Using an eddy current method, inspect the longitudinal skin splices of the top fuselage joint, between frame 72 and frame 80, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 3,000 landings.

Repair cracks in accordance with the service bulletin instructions. Incorporation of AI Modification 2525, described in AI Service Bulletin A300–53–126, Revision 3, dated February 23, 1983, constitutes terminating action for the requirements of this paragraph.

H. For airplanes with serial numbers listed in AI Service Bulletin A300–55–026, Revision 3, dated May 10, 1984, prior to the accumulation of 20,000 landings or 20,000 flight hours, whichever occurs first, visually inspect the six (6) vertical stabilizer attachment fittings for cracks, which initiate from the rivet holes, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 1,500 landings. Repair cracks in accordance with the service bulletin instructions. Incorporation of AI Modification 3172, described in AI Service Bulletin A300–55–024, Revision 4, dated May 25, 1984, constitutes terminating action for the requirements of this paragraph.

I. For airplanes with serial numbers listed in AI Service Bulletin A300–57–109, Revision 1, dated July 10, 1982, prior to the accumulation of 15,000 landings, visually inspect for cracks in the landing angle attached to the outboard side of the wing leading edge at nose rib 8, left and right, in accordance with the accomplishment instructions of the service bulletin, and thereafter repeat this inspection at intervals not to exceed 3,000 landings. In case of crack discovery, incorporate AI Modification 1307, described in AI Service Bulletin A300–57–026, Revision 3, dated October 21, 1982, within the next 1,000 landings. Incorporation of AI Modification 1307 constitutes terminating action for the requirements of this paragraph.

J. Upon request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Standardization Branch, ANM–113, FAA, Northwest Mountain Region, may adjust the inspection times specified in this AD to permit compliance at an established inspection period of that operator, if the request contains substantiating data to justify the change for that operator.

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

L. 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 the inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Airbus Industries, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. 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.

This amendment becomes effective September 26, 1986.

Issued in Seattle, Washington, on August 13, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–18832 Filed 8–20–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–CE–06–AD; Amendment 39–5395]

Airworthiness Directives; Beech 90 and 100 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech 90 and 100 Series airplanes which requires inspection of the wing and center section main spar structure for evidence of fatigue cracking. Ten instances of cracking have been found over a three year period. The actions of this AD will detect these cracks and preclude catastrophic failure of the wing spar.

EFFECTIVE DATE: September 26, 1986.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beech Structural Inspection and Repair Manual, P/N 98–39006, applicable to this AD was mailed by the manufacturer to all owners of record in 1983. Additional copies may be obtained from Beech Aircraft Corporation, Wichita, Kansas 67201. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Wichita Aircraft Certification Office (ACO), ACE–120W, FAA, 1801 Airport Road, Room 100 Wichita, Kansas 67209; Telephone (316) 946–4409.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection of the wing main spar and associated structure for fatigue cracking on certain Beech 90 and 100 Series airplanes was published in the **Federal Register** on May 21, 1986 (51 FR 18600). The proposal resulted from the discovery of six fatigue cracks in the wing main spar lower cap and associated structure. Since the proposal was issued, four more have been found, bringing the total to ten fatigue cracks. These defects were found by voluntary compliance with Beech Structural Inspection and Repair Manual (BSIR Manual) P/N 98–39006, revised December 20, 1984, or later revision. Because of their location in the structure, the FAA considers these to be fatigue cracks which would have grown in size, possibly causing failure of the spar, if not detected and repaired. Since the condition is likely to exist or develop in other Beech 90 and 100 Series aircraft of the same design, an AD was proposed which would require inspection, and when necessary the replacement, of the wing main spar structure in accordance with the Beech Structural Inspection and Repair Manual, Part Number (P/N) 98–39006 or with other instructions provided by Beech Aircraft Corporation. Beech Models 65–90 and 65–A90 airplanes with Serial Number (S/N) below LJ–68 are excluded because AD 70–25–4 already requires wing spar inspections on these airplanes.

Interested persons have been afforded an opportunity to comment on the proposal. Four commentors responded to the proposed rule.

The first commentor concurred with the intent of the proposal, but felt that allowances should be given to those airplanes which have a wing spar reinforcing strap installed. The proposed rule would require only a one-time inspection aimed at determining the extent of the spar fatigue problem, and to prevent any latent cracks from going undetected. Since we do not know the condition of a given spar cap at the time of strap installation, the FAA must require the one-time inspection regardless of strapping. If further inspections are deemed appropriate as a result of this inspection, the influence of installing a strap over structure known to be sound will be considered.

The second commentor feels that qualified, competent personnel should

be permitted to perform these inspections, as well as "personnel specifically trained by Beech". Since it is imperative that the proposed one-time inspection be performed correctly and effectively, the inspection personnel must be properly trained. The manufacturer is offering a three-day training course at no cost to maintenance personnel. The FAA has concluded that it is appropriate to require this specific training. If the inspection was performed prior to issuance of the proposed AD, the maintenance inspector would still have the option of attending the course to determine whether the inspection was properly conducted. In this way, unnecessary repetition of the inspection may be avoided.

The third commentor provided the following four comments.

The first was that the Beech schedule specifies initial inspections at either 3000 hours or 5000 hours, depending on past aircraft usage. Service difficulty data available to the FAA does not support the shorter time, but does support the 5000 hour initial inspection time. The second comment was that extension of compliance time per paragraph (e) of the proposed AD could result in excessive postponements of inspections. The FAA agrees that the wording of paragraph (e) is unclear. The intent of the FAA was to set an upper limit on the amount of extension permitted to achieve coincidence with the next wing bolt inspection per AD 85-22-05 and consequently paragraph (e) will be clarified by inserting the phrase—"up to ten percent" after the word "extended".

The third comment regards the fact that Note 2 of the proposed AD only recommends (does not require) wing bolt inspections and outboard wing corrosion inspections. In rebuttal, wing bolt inspections are already required by AD 85-22-05, so it would be redundant to require them again in the proposed AD. The FAA has not received reports of outboard wing corrosion which would warrant mandatory inspections for corrosion.

The fourth comment was that the proposed one-time inspection is not sufficient, that repetitive inspections should be required. As expressed in answer to an earlier comment, the FAA plans to closely monitor the results of this one-time inspection and will broaden the scope of the AD if such becomes warranted.

The fourth commentor feels that the inspector should be permitted to use the eddy current method on the wing attach fittings in place of the fluorescent penetrant method as specified in the BSIR Manual. Extensive experimental and developmental testing went into the selection of the non-destructive testing (NDT) techniques employed in the BSIR Manual. After considering both methods, fluorescent penetrant was found to be the more practical method and would eliminate much of the misleading or false indications which can accompany use of eddy current inspection on the relatively large, irregular surfaces of the attach fittings and spar cap. To date, ten fatigue cracks have been found, and all but one of them are at fastener holes where eddy current is required. The FAA is satisfied that the proper NDT methods have been chosen with regard to criticality of the inspection site as well as the practicality of the method. If the results of this one-time inspection indicate a need for mandatory repetitive inspections, there will be another opportunity to review the inspection methods.

No comments were received on the cost determination.

Accordingly, a final rule is being issued in accordance with the proposed notice except for the clarifying language being added to paragraph (e).

The FAA has determined that this regulation only involves 1569 airplanes at an approximate cost of $1,500.00 for each aircraft or a total one-time fleet cost of $2,353,500.00.

The cost per airplane is less than the significant cost amount for those small entities operating one airplane. The FAA has determined, on the basis of the aircraft registration records, that less than 1% of the owners of the affected airplanes own more than one of the affected airplanes, which is less than the threshold for a substantial number of small entities.

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) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

2. By adding the following new AD:

§ 39.13 [Amended]

Beech

Applies to Models 65-90 and 65-A90 (S/N LJ-68 thru LJ-317); 65-A90-1, 65-A90-2, 65-A90-3, 65-A90-4, B90, C90 (all S/N); C90A (S/N LJ-1063 thru LJ-1087, except LJ-1085); E90, 100, A100, and B100 (all S/N) airplanes, certified in any category, including those airplanes equipped with spar reinforcing straps, incorporated by Supplemental or original Type Certificates.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To detect possible fatigue cracking of the wing main spar lower cap and associated structure, accomplish the following:

(a) On all airplanes with more than 5,000 hours time-in-service (TIS), within the next 200 hours TIS, or within one calendar year, whichever occurs first, inspection the wing attach fittings, center section and outboard wing spar caps by visual, fluorescent penetrant and eddy current methods as specified in the applicable section of Beech Structural Inspection and Repair Manual, Part No. 98-39006, revised December 20, 1984, or later revision (BSIR Manual).

The inspection must be performed by personnel specifically trained by Beech Aircraft Corporation.

Note 1.—A listing of approved maintenance facilities may be obtained from the sources listed in paragraph (f) of this AD.

(b) If any crack is found in a main spar lower cap or fitting, prior to further flight replace the defective part using the procedures specified in the BSIR Manual or with other instructions provided by Beech Aircraft Corporation.

(c) If a crack is found, a report must be submitted within one week to the FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. (Reporting approved by the Office of Management and Budget under OMB No. 2120-0056.)

(d) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(e) The compliance time for the inspections specified in this AD may be extended up to ten percent to coincide with the next wing bolt inspection per AD 85-22-05 if applicable.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209; Telephone (316) 946-4400.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Beech Aircraft Corporation, Wichita, Kansas 67201 or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Note 2.—The wing bolt inspection and outboard wing corrosion inspections specified in the BSIR Manual are recommended but not required by this AD.

This amendment becomes effective on September 26, 1986.

Issued in Kansas City, Missouri, on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-18829 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-39-AD, Amdt. 39-5398]

Airworthiness Directives; DeHavilland Model DHC-7 Airplanes.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to DeHavilland Model DHC-7 series airplanes that requires conductivity surveys, modification, and repair, if necessary, of the upper wing surface structure behind the engine. This action is prompted by reports of "wet starts" of the engine, resulting in external combustion of fuel. This condition, if not corrected, could result in damage and weakening of the wing upper surface structure.

DATES: Effective September 26, 1986.

ADDRESSES: The applicable service information may be obtained from The DeHavilland Aircraft Company of Canada, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Mr. Vito Pulera, Aerospace Engineer, Airframe Branch, ANE-172, New York Aircraft Certification Office, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791-6620.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires conductivity surveys, modification, and repair, if necessary, of the upper wing surface structure behind the engine, was published in the **Federal Register** on May 14, 1986 (51 FR 17644).

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

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

The reporting requirements of this AD have been approved under the Paperwork Reduction Act by the Office of Management and Budget under OMB No. 2120-0056.

It is estimated that 44 airplanes of U.S. registry will be affected by this AD, that it will take approximately 810 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $1,425,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any, Model DHC-7 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

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

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

§39.13 [Amended]

2. By adding the following new airworthiness directive:

De Havilland:

Applies to all Model DHC-7 series airplanes, certificated in any category. Compliance is required as indicated, unless already accomplished. To ensure detection of heat-damaged wing upper surface structure behind the engine, and protection against wet starts of the engine resulting in external combustion of fuel, accomplish the following:

A. Within three months after the effective date of this AD, perform an external conductivity survey and, as necessary, an internal conductivity survey, and make repairs as necessary, of the upper wing skin behind each engine nacelle, in accordance with the Accomplishment Instructions of DeHavilland Service Bulletin No. 7-57-25, Revision B, dated November 22, 1985. Details of any damage discovered and data obtained from conductivity surveys must be transmitted immediately to DeHavilland Aircraft Company of Canada for processing.

B. For airplanes on which the mid fuel tank access cover located aft of an outboard nacelle has been replaced, within three months after the effective date of this AD, perform an internal conductivity survey of the wing structure in this area and make repairs, as necessary, in accordance with the Accomplishment Instructions of DeHavilland Service Bulletin No. 7-57-25, Revision B, dated November 22, 1985. Following an internal conductivity survey, the removed fuel tank access covers must be inspected before replacement to ensure serviceability, and repaired, if necessary. Details of any damage discovered and data obtained from conductivity surveys must be transmitted immediately to DeHavilland Aircraft Company of Canada for processing.

C. Within 1 year after the effective date of this AD, accomplish DeHavilland Modification No. 7/2414—"Wing-Upper Skin Structure—Special Inspection and Installation of Heat Shields, "described in DeHavilland Service Bulletin No. 7-57-25. The external conductivity survey and, as necessary, the internal conductivity survey detailed in paragraph A, above, must be accomplished immediately prior to installation of Modification 7/2414. For airplanes, serial numbers 1 through 27, Modification Nos. 7/2377 and 7/2378—"Fuel Tank Access Panel Replacement," desbcribed in DeHavilland Service Bulletin No. 7-57-17, must be accomplished prior to the incorporation of Modification No. 7/2414.

D. An alternate means of compliance, which provides an acceptable level of safety, may be used when approved by the Manager, New York Aircraft Certification Office, FAA, New England Region.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to DeHavilland Aircraft Company of Canada, Downsview, Ontario M3K 1Y5, Canada. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle,

Washington, or FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Room 202, Valley Stream, New York.

This Amendment becomes effective September 26, 1986.

Issued in Seattle, Washington, on August 13, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-18831 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-23-AD; Amdt. 39-5397]

Airworthiness Directives; HTL Advanced Technology Fire Extinguisher Discharge Outlets Installed on Boeing Models 707, 727, 737, 747, 757, and 767 Series Airplanes, and on Airbus Industrie Model A300 and A310 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires physical and x-ray inspections of certain HTL Advanced Technology fire extinguisher discharge outlets. The action is prompted by an incident during which a fire bottle discharge head separated from the bottle during a ground discharge operation. This action is necessary to ensure that extinguishing agent is directed to the intended location during a fire.

DATE: Effective September 26, 1986.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from HTL Advanced Technology, 1800 Highland Avenue, Duarte, California 91010, Attention: John Hansen, Director of Quality Assurance. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Roy A. McKinnon, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6327.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) to require physical and x-ray inspections of certain HTL Advanced Technology fire extinguisher discharge outlets, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on March 26, 1985 (50 FR 11892). The comment period for the proposal closed April 8, 1985. An amended proposal was published in the **Federal Register** on November 13, 1985 (50 FR 46675). The comment period for the amended proposal closed January 3, 1986. A second amended proposal was published in the **Federal Register** on May 14, 1986 (51 FR 17645). The comment period for the second amended proposal closed June 5, 1986.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received. Comments were received from nine sources, including four domestic operators, two airplane manufacturers, a foreign embassy, and two associations.

One U.S. manufacturer offered several comments involving minor wording changes; additional service bulletin numbers, effectivity, and applicability; and additional description of the required changes. The FAA concurs with these recommended changes and has revised the rule accordingly. This commenter also stated that the comment period (for the originally issued NPRM) was too short; the FAA concurred with this comment and extended the comment period when the amended NPRM was issued on November 13, 1985.

One foreign manufacturer noted that Airbus Model A300 airplanes were involved as well as the Model A310 airplanes noted in the original proposal. The FAA concurred, and the amended proposal, issued on November 13, 1985, included Model A300 airplanes and reference to the applicable service bulletin numbers.

Of the four domestic airline operators, one stated that the number of bottles listed in the economic analysis of the original proposal did not include spares. The FAA disagrees; after consulting with the bottle manufacturer, the FAA has determined that the information contained in the economic analysis was correct. The same operator noted that, on the Boeing 767 airplane, replacement of the cargo bottle discharge outlets with later design outlets in accordance with HTL Service Bulletin (S/B) 34600010-26-2 and HTL S/B 34900004-7-26-2 should constitute compliance with this AD. The FAA agrees; however, the AD does not apply to the outlets referenced in the comment.

The other three domestic operators requested eighteen months for compliance. The FAA has determined that twelve months is an adequate time for compliance.

Two of the three domestic operators stated they had experienced no problems with the discharge outlets to date; one stated that AD action was unnecessary; and another stated that the problem and inspection methods were not adequately identified. Even though some operators have encountered no problems, the FAA has determined that regulatory action is required to assure an adequate level of safety. The FAA has modified the explanation in the AD and, in reviewing the service bulletins, has determined the explanation is adequate.

Of the two associations, one strongly concurs with the AD and the other made no substantive comment.

Following the amended proposal issued on November 13, 1985, the foreign airplane manufacturer requested additional clarification of service bulletin cross references, which has been accomplished in the final rule.

One comment was received from a domestic operator following the second amended NPRM, issued on May 14, 1986, which requested eighteen (18) months to comply. The FAA does not concur and has determined that a compliance time of twelve (12) months after the effective date of this AD is adequate.

Another comment suggested deleting the note in paragraph A. of the proposed AD because it could lead to confusion in the field. The FAA concurs and the note has been deleted from the final rule.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the following rule with the changes previously noted.

It is estimated that approximately 5,000 fire extinguisher discharge outlets installed on U.S. registered airplanes, or in inventory as spares, would be affected by this AD. It is estimated that 2 man-hours per fire extinguisher discharge outlet are needed to accomplish the required inspections, at an average labor cost of $40 per man-hour. Based on these figures, the total cost impact of this AD to U.S. registered owners is estimated to be $400,000.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act

that this rule will not have a significant economic effect on a substantial number of small entities, because few, if any of the affected airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

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

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

2. By adding the following new AD:

§ 39.13 [Amended]

HTL Advanced Technology: Applies to HTL Advanced Technology fire extinguisher discharge outlets as listed in the service bulletins and installed on Boeing Model 707, 727, 737, 747, 757 and 767 series airplanes and on Airbus Industrie Model A300 and A310 series airplanes.

To preclude the potential for separation of the fire extinguisher discharge outlet and misdirection of the fire extinguishing agent, accomplish the following within twelve (12) months after the effective date of the AD, unless already accomplished:

A. Complete the physical and top view x-ray inspections of the fire extinguisher discharge outlets specified in HTL Advanced Technology Service Bulletins listed below, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region:

HTL Service Bulletins—Mfrs. S/B

35203000-26-A-3 Rev. C 6-15-85 747 ENG/APU—747-26A2108
35203000-26-A-3 Rev. C 6-15-85 767 ENG/APU—767-26A0019
35203010-26-A-1 Rev. A 6-15-85 707 ENG—707-A3441
35203016-26-A-2 Rev. B 6-15-85 737 ENG—737-26A1029
35203018-26-A-2 Rev. B 6-15-85 727 ENG—727-26A0034
35203021-26-A-2 Rev. B 6-15-85 737 APU—737-26A1029
35203022-26-A-2 Rev. B 6-15-85 727 APU—727-26A0034
35203037-26-A-3 Rev. C 6-15-85 767 ENG/APU—767-26A0019
35203038-26-A-1 Rev. A 6-15-85 767 Cargo—767-26A0021
35203039-26-A-1 Rev. A 6-15-85 767 ENG/APU—767-26A0019
35203040-26-A-1 Rev. A 6-15-85 767 ENG/APU—767-26A0019
35289950-26-A-1 Rev. A 6-15-85 747 ENG/APU—747-26A2110
35289950-26-A-1 Rev. A 6-15-85 757 Cargo—757-26A0010
35289950-26-A-1 Rev. A 6-15-85 767 Cargo—767-26A0021
35290250-26-A-2 Rev. B 6-15-85 747 APU—747-26A2108

B. If a discharge outlet does not meet the criterion for acceptability specified in the above bulletins, replace with a serviceable unit before further flight.

C. For discharge outlets that meet the criterion for acceptance specified in the above service bulletins, accomplish the reidentification in accordance with the accomplishment instructions therein.

D. Remove and replace the fire extinguisher discharge outlets specified in the HTL Advanced Technology Service Bulletins listed below, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region:

HTL Service Bulletins—Mfrs. S/B

33600005-1-26-1 Rev. 10-15-84 A300/APU—A300-26-048
33600005-1-26-1 Rev. 10-15-84 A310/APU—A310-26-2004
33600005-2-26-2 Rev. 10-15-84 A310/APU—A310-26-2004
35203030-26-A-1 Rev. 8-31-84 A310/ENG—A310-26-2003

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

F. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to HTL Advanced Technology, 1800 Highland Avenue, Duarte, California 91010, Attention: John Hansen, Director of Quality Assurance. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective September 26, 1986.

Issued in Seattle, Washington, on August 13, 1986.

Joseph W. Harrell,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-18830 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

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

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for A. L. Laboratories, Inc.

EFFECTIVE DATE: August 21, 1986.

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

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., One Executive Drive, P.O. Box 1399, Fort Lee, NJ 07024, sponsor of several approved NADA's, has informed FDA of a change of address. The agency is amending the regulations to reflect the change.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a)); 21 CFR 5.10 and 5.83.

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in paragraph (c)(1) in the entry for "A. L. Laboratories, Inc.," and in paragraph (c)(2) in the entry for "046573" by amending the sponsor address to read "One Executive Drive, P.O. Box 1399, Fort Lee, NJ 07024."

Dated: August 13, 1986.

Marvin A. Norcross,

Associate Director for New Animal Drug Evaluation.

[FR Doc. 86-18847 Filed 8-20-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1956

Certification of Completion of Developmental Steps for Connecticut Public Employee Only State Plan

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: State plan certification.

SUMMARY: The State of Connecticut Department of Labor on or before October 2, 1979, submitted documentation attesting to the completion of all structural and developmental aspects of its approved public employee (State and local government) only State plan. After extensive review of those documents and subsequent revisions, and opportunity for State correction, all developmental plan supplements have now been approved. This notice certifies this completion. This certification attests only to the fact that Connecticut now has in place those structural components necessary for an effective program. It renders no judgment as to the adequacy of the State's actual performance. (Enforcement of occupational safety and health standards with regard to private sector employers and employees remains the responsibility of the U.S. Department of Labor, Occupational Safety and Health Administration.)

EFFECTIVE DATE: August 19, 1986.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3637, 200 Constitution Avenue NW., Washington, DC 20210, telephone (202) 523–8148.

SUPPLEMENTARY INFORMATION:

Background

Section 18 of the Occupational Safety and Health Act of 1970 (the "Act," 29 U.S.C. 667) provides that States which desire to assume responsibility for the development and enforcement of occupational safety and health standards shall submit for Federal approval a State plan for such development and enforcement. Regulations promulgated pursuant to section 18 of the Act and found at 29 CFR Part 1956 provide that a State may submit a State plan for the development and enforcement of occupational safety and health standards applicable only to employees of the State and its political subdivisions ("public employees"). Part 1956 additionally sets forth procedures under which the Assistant Secretary of Labor for Occupational Safety and Health ("Assistant Secretary") shall approve such plans. The regulations require that a State must first submit its plan for an initial determination under section 18(b) of the Act. If the Assistant Secretary, after reviewing the State submission, determines that the plan satisfies or will satisfy, within a maximum three year developmental period, the criteria set forth in section 18(c) of the Act, a decision of "initial approval" is issued. Following initial approval, the State may begin enforcement of its safety and health standards in the public sector and receive up to 50 percent Federal reimbursement for the cost of plan operations.

A State public employee only plan may receive initial approval even though at the time of submission not all essential components of the plan are in place. Pursuant to 29 CFR 1956.2(b), the Assistant Secretary may initially approve the submission as a "developmental plan," and a schedule within which the State must complete specified "developmental steps" is issued as part of the initial approval decision.

When the Assistant Secretary finds that the State has completed all developmental steps specified in the initial approval decision, a notice recognizing such completion is published in the **Federal Register** (see 29 CFR 1956.23, 1902.34 and 1902.35). Certification of completion of developmental steps initiates a thorough evaluation of the State plan by the Assistant Secretary to determine on the basis of actual operations, whether the State is fully applying the criteria set forth at 29 CFR 1956.10 and the plan is adequately providing safety and health protection to the public employees in the State. Certification attests to the structural completeness of the plan but does not render judgment as to the adequacy of State performance.

The Assistant Secretary must monitor the continuing development of the State program applying criteria which assure that the State will have at least as effective program for achieving the goals of the Act, except with respect to staffing and funding levels, which must reflect a fully effective program pursuant to *AFL–CIO* v. *Marshall*, 570 F. 2d 1030 (D.C. Cir. 1978).

Under Part 1902 of Title 29, Code of Federal Regulations, a State plan for the enforcement of occupational safety and health standards in Connecticut was approved by the Assistant Secretary on December 28, 1973, and published on January 4, 1974 (39 FR 1013; 29 CFR 1952.300 et seq.). This plan covered private workplaces as well as public employees. By an Act of the Connecticut General Assembly, effective July 1, 1978 (P.A. 77–610), the Connecticut Occupational Safety and Health Act was amended to exclude coverage of private sector employees. This change in the scope of State safety and health coverage resulted in withdrawal of the prior 18(b) plan. Connecticut then submitted for the Assistant Secretary's approval, a State plan covering public employees only under Part 1956 of Title 29, Code of Federal Regulations.

On November 3, 1978, a notice was published in the **Federal Register** (43 FR 51389) initially approving the Connecticut public employee only developmental plan and adopting Subpart E of Part 1956 containing the initial approval decision, a description of the plan and the developmental schedule. 29 CFR 1956.2(b)(3) provides that where a State plan approved under Part 1902 (see 29 FR 1013; 29 CFR 1952.300 et seq.) of this Chapter is discontinued, except for its public employee component, the developmental period applicable to the public employee component of the earlier plan will be controlling unless an additional period of time is required to make adjustments from one type of plan to another. The State of Connecticut Public Employee Only plan was approved with a one year developmental period. During the one year developmental period ending October 2, 1979, the Connecticut Department of Labor, the agency designated as responsible for the administration of the approved State program, submitted documentation attesting to the completion of each State developmental commitment for review and approval (see 29 CFR 1956.21 and Part 1953). Following agency review and subsequent modification of the State's submission in response to Federal comment, the Assistant Secretary has approved completion of all individual developmental steps.

Completion of Developmental Steps

All developmental steps specified in the November 3, 1978, notice of initial approval of the Connecticut Public Employee Only plan and other relevant steps not explicitly referred to have been completed as follows:

(a) In accordance with the requirements of 29 CFR 1956.43(a), Connecticut's safety and health poster was approved by the Assistant

Secretary on August 3, 1983 [48 FR 37025, August 16, 1983].

(b) In accordance with the requirements of 29 CFR 1956.43(b), Connecticut standards as effective as Federal standards have been promulgated and subsequently amended to reflect changes in and additions to Federal standards and approved by the Regional Administrator on February 5, 1982 (47 FR 30326). The State has continued to adopt Federal standards, amendments and corrections as noted in separate standards approval notices. Connecticut has appropriately responded to Federal standards actions, either by adoption of identical standards, or explanation that the scope of its plan makes adoption unnecessary, through December 9, 1985. The State is now within six months currency in responding to all Federal standards.

(c) In accordance with the requirement of 29 CFR 1956.43(c), Connecticut's regulations for Inspections, Citations, and Proposed Penalties; Recording and Reporting Occupational Injuries and Illness; Variances; Review Commission Procedures; and Field Operations and Industrial Hygiene Manuals were approved by the Assistant Secretary on August 3, 1983 [48 FR 37025, August 16, 1983].

(d) In accordance with the requirements of 29 CFR 1956.43(d), Connecticut's employee discrimination procedures were approved by the Assistant Secretary on August 3, 1983 [48 FR 37025, August 16, 1983].

(e) In accordance with the requirements of 29 CFR 1956.43(e), Connecticut's comprehensive governmental identification list was approved by the Assistant Secretary on August 3, 1983 [48 FR 37025, August 16, 1983].

(f) In accordance with the requirements of 29 CFR 1956.43(f), Connecticut's revised and reformatted occupational safety and health public employee only plan including a narrative description and other background information on program operation; and enacted legislation, Attorney General's legal opinion; Governor's letter of designation; inspection scheduling system; procedures for on-site consultation; agreement with the Health Department for laboratory services; recordkeeping instructions; organization chart; job descriptions; State Personnel Act; affirmative action plan; and budget were approved by the Assistant Secretary on August 3, 1983 [48 FR 37025, August 16, 1983].

(g) In accordance with 29 CFR 1956.10(g), a State is required to have a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan. The Connecticut Public Employee Only State plan provides for three (3) safety compliance officers and one (1) health compliance officer as set forth in the Connecticut Fiscal Year 1986 grant. This staffing level meets the "fully effective" benchmarks established for Connecticut for both safety and health.

This certification covers all safety and health issues applicable to State and local government employees (public employees). Federal enforcement of all occupational safety and health issues will continue to be exercised in the private sector.

Location of the Plan and Its Supplements for Inspection and Copying

Copies of the supplements along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, U.S. Department of Labor-OSHA, 16–18 North Street, One Dock Square Building, Boston, Massachusetts 02109; Commissioner, Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06190; and, Director, Federal-State Operations, Room N3476, 200 Constitution Avenue NW., Washington, DC 20210.

Public Participation

Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any good cause which may be consistent with applicable law. The Assistant Secretary finds that all of the Connecticut Public Employee Only plan supplements described above are consistent with commitments contained in the approved plan, which was previously made available for public comment. Moreover, the supplements have been adopted by the State in accordance with State administrative procedures which provide for public participation and have all been approved by the Assistant Secretary in earlier notices. Accordingly, it is found that further notice and public comment is unnecessary for certification of the completion of the Connecticut Public Employee Only State plan's developmental steps.

Effect of Certification

The Connecticut Public Employee Only plan is certified effective August 19, 1986, as having completed all developmental steps on or before October 2, 1979. This certification attests to structural completion, but does not render judgment on adequacy of performance. The Connecticut occupational safety and health public employee only program will be monitored and evaluated for a period of not less than one year after publication of this certification to determine operational effectiveness.

Level of Federal Enforcement

In accordance with section 18(c) of the Act and 29 CFR Part 1956, the Connecticut occupational safety and health State plan is applicable only to employees of the State and its political subdivisions (public employees). Federal OSHA has jurisdiction and provides full enforcement coverage of all occupational safety and health standards with regard to employers and employees in the private sector.

List of Subjects in 29 CFR Part 1956

Intergovernmental relations, Law enforcement, Occupational safety and health.

Decision

In accordance with 29 CFR 1956.23, the Connecticut State plan is hereby certified as having successfully completed all developmental steps, and Subpart E of 29 CFR Part 1956 is amended to reflect this certification.

Signed at Washington, DC, this 19th day of August 1986.

John A. Pendergrass,

Assistant Secretary of Labor.

PART 1956—[AMENDED]

In accordance with this certification, 29 CFR Part 1956 is hereby amended as follows:

1. The authority citation for Part 1956 continues to read as follows:

Authority: Secs. 8, 18, Occupational Safety and Health Act of 1970 (20 U.S.C. 657, 667); Secretary of Labor's Order No. 12–71, (36 FR 8754), 8–76 (41 FR 25059) or 9–83 (48 FR 35736), as applicable.

2. 29 CFR 1956.44 is amended to reflect successful completion of the developmental steps by revising the title of the section and by adding a new paragraph (h) as follows:

§ 1956.44 Completion of development steps and certification.

(h) In accordance with § 1956.23 of this chapter, the Connecticut occupational safety and health public employee only plan was certified effective August 19, 1986 as having completed all developmental steps specified in the plan as approved

October 2, 1978, on or before October 2, 1979. This certification attests to the structural completeness of the plan, but does not render judgment on adequacy of performance.

[FR Doc. 86-18928 Filed 8-19-86; 12:08 pm]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Permanent Program Amendments From the Commonwealth of Kentucky Under the Surface Mining Control and Reclamation Act of 1977

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule concerning permanent program amendments from the Commonwealth of Kentucky under the Surface Mining Control and Reclamation Act of 1977, at 30 CFR Part 917.17(c) disapproving Kentucky House Bill 869. The rule was published July 18, 1986 (51 FR 26002) and incorrectly listed the disapproved bill as *Senate* Bill 869.

FOR FURTHER INFORMATION CONTACT: W. Hord Tipton, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky, 40504 Telephone: (606) 233-7327.

Dated: August 15, 1986.

Arthur W. Abbs,

Acting Assistant Director, Program Operations, Office of Surface Mining Reclamation and Enforcement.

Accordingly, the Office of Surface Mining Reclamation and Enforcement is correctly adding 30 CFR Part 917.17(c) to read as follows:

PART 917—[AMENDED]

§ 917.17 State program provisions disapproved.

* * * * *

(c) The amendment contained in House Bill 869, submitted to OSMRE on April 29, 1986, to amend the Kentucky Revised Statute at KRS 350.032 is hereby disapproved effective July 15, 1986.

[FR Doc. 86-18856 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD11 86-13]

Marine Event: NJBA Regatta, Parker, AZ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA Regatta.This event will be held on 23 and 24 August 1986 at Parker, Arizona. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective from 6:00 a.m. to 8 p.m. on 23 August 1986 and terminate on 24 August 1986.

FOR FURTHER INFORMATION CONTACT: LT Kathryn S. Gregory, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822-5399, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until 6 August 1986, and there was not sufficient time to publish proposed rules in advance of the event or to provide for a delayed effective date.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice (CGD11 86-13) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are Lt. Kathryn S. Gregory, Project Officer, Boating Affairs Office, Eleventh Coast Guard District, and Lt David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The National Jet Boat Association's "NJBA Regatta" will be conducted on 23 and 24 August 1986 on the Colorado River in front of the Bluewater Marina in Parker, Arizona. This event will have approximately 200 inboard high speed ski boats, 18 to 20 feet in length that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water)

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulation

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 USC 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. 33 CFR 100 is amended by adding a temporary § 100.35 11-86-13 to read as follows:

§ 100.35 11-86-13-NJBA Regatta, Parker, Arizona.

(a) *Regulated Area:* The following area will be closed intermittently to all vessel traffic: that portion of the Arizona side of the Colorado River, from Headgate Rock Dam thence 1.5 miles North. The area will be open for ten minutes, on the hour, to allow the transit of spectators.

(b) *Special Local Regulations:* All persons and/or vessels not registered with the sponsor as participants or official vessels are considered spectators. An "official vessel" consists of any Coast Guard, public, state or local law enforcement and/or sponsor-provided vessels assigned to each event.

(1) Spectators shall not anchor, block, loiter in, or impede the through transit of participants or official vessels in the regulated area during the effective dates and times, unless cleared for such entry by an official vessel.

(2) When hailed and/or signaled by an official vessel, a spectator shall come to an immediate stop and comply with all directions given. Failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. He may terminate the event at any time it is deemed necessary for the protection of life and property. The Patrol Commander is the person designated to be in charge of all official vessels assigned to the event. He may

be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

(c) *Effective Dates:* These regulations will be effective from 6:00 am to 8:00 pm on 23 and 24 August 1986.

Dated: August 13, 1986.

A. Bruce Beran,

Rear Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 86-18893 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 668

Postsecondary Education; Student Assistance General Provisions

Correction

In FR Doc. 86-18319 beginning on page 29396 in the issue of Friday, August 15, 1986, make the following correction: On page 29398, in the third column, in § 668.58 (d)(2), in the fifth line, "can" should read "cannot".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 2

[Docket No. 60729-6129]

Trademark Applications

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending the rules of practice in trademark cases to revise and clarify the requirements for drawings, to revise the requirements that an application must meet to receive a filing date, to revise the requirements for specimens submitted in connection with applications for service marks not used in printed or written form, and to abolish the practice of accepting informal drawings. The amendments are needed to reduce the computer system storage space required for drawings; to insure that all applications which are filed can be searched under the automated search system; to insure that drawings can be faithfully reproduced by photocomposition techniques; and to codify the existing practice in accepting audio cassette tape recordings as specimens in connection with sound mark applications.

EFFECTIVE DATE: September 22, 1986.

FOR FURTHER INFORMATION CONTACT: Ellen J. Seeherman by telephone at (703) 557-7464 or by mail marked to her attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: Amendments to §§ 2.21, 2.52 and 2.58 and the removal of § 2.54 were proposed in a rulemaking notice published in the **Federal Register** on August 1, 1984 at 49 FR 30749 and in the *Official Gazette* of September 4, 1984 at 1046 TM O.G. 5. Interested parties were requested to submit written comments on or before October 30, 1984. Written comments were submitted by four individuals, one company and two organizations.

Section 2.21(a)(3) is being amended to ensure that only applications which include a drawing of satisfactory reproduction characteristics, as defined in § 2.52, will be accorded a serial number and filing date.

Section 2.52 (a) and (b) are being amended to add clarifying language, but the reproduction standards of these sections have not been changed. Section 2.52 (c) is being amended to limit the size of drawings to ensure that drawings submitted by applicants can be reproduced in the Official Gazette, on the certificate of registration and in the automated search system without the loss of detail that would occur if the drawings had to be reduced by the Patent and Trademark Office. Section 2.52 (e) is being amended merely to reinforce the requirement of § 2.52 (a) that lines must not be fine or crowded.

Section 2.54 is being removed to abolish the practice of accepting informal drawings and thereby ensure that only applications with drawings of satisfactory reproduction characteristics for viewing on computer terminal display screens will be accorded a serial number and filing date.

Section 2.58 (b) is being amended to reflect the current practice of the Office to accept audio cassette tapes as specimens of service marks not used in printed or written form.

Two commenters expressed unequivocal support for the proposed amendment to Rule 2.58, which the other commenters did not refer to this particular revision.

One commenter approved the proposed amendment to Rule 2.52, while two others questioned the clarity of the rule. One of these inquired whether Bristol board paper would still be considered acceptable for drawings. While Bristol board would be acceptable, it was not considered necessary to modify the rule to specifically refer to this type of paper since it is accepted under the current practice even though it is not specifically mentioned in the current rule. The second commenter indicated that clarification was necessary as to whether stippling or lining for shading is permitted. This suggestion has not been adopted because the proposed amendment specifically refers to color lining and lines used for shading. This same commenter also objected to the size limitation because detail may be lost. The commenter has suggested that the size of the drawing be increased to the maximum size compatible with the Patent and Trademark Office's automated equipment. This suggestion has not been adopted because the drawings must be of a reduced size in order to appear in the Official Gazette and on the certificate of registration. As the commenter has pointed out, reduction of a drawing may result in loss of detail, and it is thought preferable for the applicant to determine which detail should be eliminated and still retain the commercial impression of the trademark rather than having the Patent and Trademark Office arbitrarily reduce the drawing and perhaps eliminate detail important to the applicant.

All of the commenters expressed concern with the proposed revision to Rule 2.21. Several referred to the loss of rights under section 44(d) of the Lanham Act if a filing date were to be denied because of an unacceptable drawing. Another commenter stated that U.S. applicants wished to get their applications on file as quickly as possible, and to do this preferred to send a photograph of their mark rather than take the time to have a drawing prepared. In connection with these objections, the commenters expressed concern about the uncertainty about whether a filing date would be awarded, and long delays before applicants would be notified about rejections of informal drawings.

The Office's experience with examining applications as to whether they meet the requirements for receiving a filing date should alleviate these concerns. Under the current practice, Rule 2.21(c) provides that papers which do not satisfy the requirements of 2.21(a) are returned to the applicant. Office experience over the past three years, the period this rule has been in effect, shows that a determination that the papers are informal and the return of the papers occurs between 2 and 5 days of the date the papers are submitted. It is believed that this procedure will not harm applicants filing pursuant to the provisions of Section 44(d) or domestic

applications. Section 44(d) applicants have six months from the filing of their foreign application to file a formal U.S. application. In order to ensure that their drawings are acceptable under the proposed rule, they need file them only a few weeks before the six month period expires. Since the right of priority provides an effective filing date as of the filing of the foreign application, even if the application had to be resubmitted because of a defective drawing the effective filing date would remain the same. As for domestic applicants, it is recognized that the Office examines applications in the order in which they are received; that where there are conflicting applications, it is the application with the earliest effective filing date which is allowed; and that a registration on the Principal Register is prima facie evidence of registrant's use of the mark shown therein for the goods or services specified in the registration from the filing date of the application which matured into the registration. However, it is believed that any disdvantages faced by a particular applicant whose filing date is delayed as a result of the rule amendments are outweighed by the benefits to the trademark system, the public and the Patent and Trademark Office in having a system where all marks can be searched.

Several commenters suggested an alternative procedure to the proposed rule, whereby applications with defective drawings would be given a filing date, but the applicant would have 30 days from the notification of the defect, or 60 days from the filing of the application, whichever is longer, to submit an acceptable drawing. This suggestion cannot be implemented because such marks would be unavailable in the automated search system when examining attorneys and the public require this information for searches. Currently, examining attorneys are performing searches on applications in less than 60 days, and the expectation is that this time will be further reduced. If these defective special form drawings are not available on the automated search system, examining attorneys will be unable to cite them as prior pending applications. The suggested alternative would also cause a disservice to the public, for even if copies of the defective drawings were placed in a paper file for searching, it would be a burden to hunt through a 60-day accumulation of these papers which personnel cost considerations would prevent being separated by subject matter and class.

Several commenters stated a fear of overzealous enforcement of the amended rules, with marks being excluded from the trademark registration system because of technicalities. One commenter suggested that the test for holding the application informal be whether or not the applicant had made a bona fide attempt to comply with the rule. To allay these concerns the rule is being amended to require "substantial" compliance with § 2.52. The Office will make every effort to interpret the rule sensibly, and will accord an application a filing date as long as the drawing meets the size restrictions and consists of black lines on white paper, without gray or half tones. Detailed procedures and guidelines for the Office's clerical personnel should ensure a reasonable and evenhanded approach. The implementation of the rules will be monitored carefully for the first several months.

One commenter inquired about the fate of applications which had acceptable drawings when filed but the drawings were damaged by Patent and Trademark Office personnel. As in the case of other applications which are improperly returned, a filing date which is erroneously cancelled will be reinstated.

Environmental, energy, and other considerations:

The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act. Pub. L. 96–354) since any additional burden would be minimal and not disproportionate in effect.

This rule contains no new information collection requirement for the purpose of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. The existing application requirements referenced in this rule have been approved by OMB (Approval No. 0651–0009).

The Patent and Trademark Office has determined that these changes do not constitute major rules as defined in section 1(b) of Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, federal, state or local government agenices or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 37 CFR Part 2

Administrative practice and procedures, Courts, Lawyers, Trademarks.

After consideration of the comments received and pursuant to the authority contained in section 41 of the Trademark Act of July 5, 1946, as amended, and 35 U.S.C. 6, Part 2 of Title 37 of The Code of Federal Regulations is amended as set forth below.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

1. The authority citation for 37 CFR Part 2 continues to read as follows:

Authority: 15 U.S.C. 1123, 35 U.S.C. 6, unless otherwise noted.

2. In § 2.21 paragraph (a) introductory text is republished and paragraph (a)(3) is revised to read as follows:

§ 2.21 Requirements for receiving a filing date.

(a) Materials submitted as an application for registration of a mark will not be accorded a filing date as an application until all of the following elements are received:

* * * * *

(3) A drawing of the mark sought to be registered substantially meeting all the requirements of §2.52;

* * * * *

3. Section 2.52 is revised to read as follows:

§ 2.52 Requirements for drawings.

(a) *Character of drawing.* All drawings, except as otherwise provided, must be made with the pen or by a process which will provide high definition upon reproduction. A photolithographic reproduction or printer's proof copy may be used if otherwise suitable. Every line and letter, including color lining and lines used for shading, must be black. All lines must

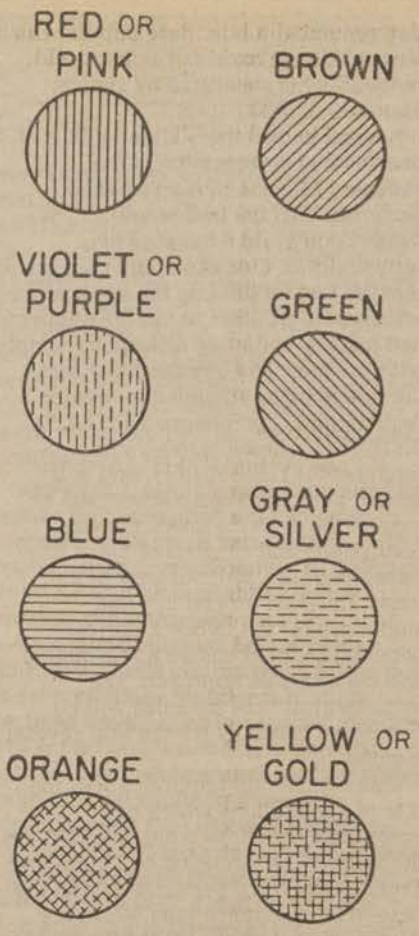
be clean, sharp, and solid, and must not be fine or crowded. Gray tones or tints may not be used for surface shading or any other purpose. The requirements of this paragraph are not necessary in the case of drawings permitted and filed in accordance with paragraph (d) of § 2.51.

(b) *Paper and ink.* The drawing must be made upon paper which is flexible, strong, smooth, nonshiny, white and durable. A good grade of bond paper is suitable; however, water marks should not be prominent. India ink or its equivalent in quality must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

(c) *Size of paper and margins.* The size of the sheet on which a drawing is made must be 8 to 8½ inches (20.3 to 21.6 cm.) wide and 11 inches (27.9 cm.) long. One of the shorter sides of the sheet should be regarded as its top. It is preferable that the drawing be 2.5 inches (6.1 cm.) high and/or wide, but in no case may it be larger than 4 inches (10.3 cm.) high and 4 inches (10.3 cm) wide. If the amount of detail in the mark precludes a reduction to this size, such detail may be verbally described in the body of the application. There must be a margin of at least 1 inch (2.5 cm.) on the sides and bottom of the paper and at least 1 inch (2.5 cm.) between the drawing and the heading.

(d) *Heading.* Across the top of the drawing, beginning one inch (2.5 cm.) from the top edge and not exceeding one fourth of the sheet, there must be placed a heading, listing in separate lines, applicant's complete name, applicant's post office address, the dates of first use of the mark and first use of the mark in commerce (except for an application filed under section 44 of the Trademark Act), and the goods or services recited in the application or a typical item of the goods or services if a number of items are recited in the application. This heading should be typewritten.

(e) *Linings for color.* Where color is a feature of a mark, the color or colors employed may be designated by means of conventional linings as shown in the following color chart:



§ 2.54 [Removed]

4. Section 2.54 is removed.

5. Section 2.58(b) is revised to read as follows:

§ 2.58 Specimens or facsimiles in the case of a service mark.

* * * * *

(b) In the case of service marks not used in printed or written form, three audio cassette tape recordings will be accepted.

Dated: July 3, 1986.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 86-18864 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-16-M

POSTAL SERVICE

39 CFR Part 111

Extension of Time for Filing Comments on Eligibility of Separate Publications To Mail at Second-Class Rates

AGENCY: Postal Service.

ACTION: Interim rule; extension of time.

SUMMARY: On July 15, 1986, the Postal Service published an interim rule establishing criteria for determining whether an "issue" of a second-class publication that is not regularly published on the same day as another "issue" of the same publication will be considered a separate publication for postal purposes. The interim rule was intended to make it explicit that "issues" having the characteristics of Plus products must be considered separate publications even though they are not published on the same day as another regular issue of the parent second-class periodical. Plus products are characterized in the Postal Rate Commission's Opinion and Recommended Decision on the Complaint of Advo-System, Inc., which was approved by the Governors of the Postal Service on March 3, 1986. The Postal Service requested comments on the interim rule on or before August 14, 1986.

Several mailers have asked that the deadline for comments be extended so that they may make a more complete assessment of the rule and its potential impact.

The Postal Service believes that comments generated by such assessments will provide valuable information in formulating a final rule that accomplishes the intent of the Commission and the Governors.

DATE: Comments on the interim rule must now be received on or before August 28, 1986.

ADDRESS: Written comments should be directed to Mr. Donald Dillman, Director, Office of Classification and Rates Administration, U.S. Postal

Service Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, U.S. Postal Service Headquarters, 475 L'Enfant Plaza W., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ms. Cheryl Beller, (202) 268–5166.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 86–18889 Filed 8–20–86; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–9–FRL–3065–8]

Approval and Promulgation of Implementation Plans; Nevada; Las Vegas Valley Post-82 Ozone Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the Nevada post 1982 State Implementation Plan (SIP) revision for the Las Vegas Valley ozone (O_3) nonattainment area. The revision has been evaluated against the Clean Air Act and EPA policy for areas with federally approved 1979 SIPs that did not attain the National Ambient Air Quality Standards (NAAQS) by December 1982 and thus were required to revise their SIPS. EPA has found that the SIP revision for the Las Vegas Valley successfully meet Clean Air Act and EPA requirements.

EFFECTIVE DATE: September 22, 1986.

ADDRESSES: A copy of today's revision to the Nevada SIP is located at:

Public Information Reference Unit, EPA Library, 401 M Street, Washington, DC

The Office of the Federal Register, 1100 "L" Street, NW., Room 8401, Washington DC

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105. Att: Wallace Woo (415) 974–7634.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act (CAA) Amendments of 1977 required states to revise their SIPs by January 1979 for all areas that had not attained the NAAQS. These "1979 SIP revisions" were to provide for attainment of the NAAQS by December 31, 1982. However, EPA determined at a later date that the Las Vegas Valley would not attain the O_3 NAAQS by December 1982 and on February 3, 1983 (48 FR 49721), EPA proposed to find the SIP inadequate and proposed to impose sanctions. On February 24, 1984 EPA notified the Governor of Nevada that the SIP for Clark County did not adequately provide for attainment of the O_3 standard and called for a revised SIP. On January 11, 1985, the Governor of Nevada submitted the post 1982 Ozone Update of the Las Vegas Valley Air Quality Implementation Plan.

Plan Evaluation

EPA has evaluated this plan submittal and has determined that it satisfied the requirements for a demonstration of the standard by December 31, 1987, and the adoption of all necessary control measures. To address the reasonable further progress requirements, the state has demonstrated that sufficient reductions have occurred to provide for attainment of the O_3 standard. In addition the plan satisfied the following requirements: (1) Adequate evidence of public and governmental involvement; (2) A contingency provision which describes the process for correcting failures to meet reasonable further progress; (3) Procedures to ensure conformance with the SIP for transportation plans, programs, and projects which are approved by the metropolitan planning organization; (4) A commitment to developing, expanding or improving public transportation needs; (5) Enforcement of the existing SIP. EPA has received the projected emissions inventories beyond 1987 submitted by the Clark County Health District, and it has determined that it is consistent with the attainment strategy of the plan. A complete discussion of EPA's evaluation of the plan can be found in the September 9, 1985 FR notice (50 FR 36635).

Public Comment

There were no comments received.

EPA Action

EPA is fully approving the post 1982 Nevada SIP update for the Las Vegas portion of Clark County. The Plan update satisfactorily meets all section 110 and Part D requirements of the Clean Air Act and EPA policy.

Regulatory Process

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 appropriate circuit by October 20, 1986. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

Incorporation by reference of the State Implementation Plan for the State of Nevada was approved by the Director of the **Federal Register** on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Carbon Monoxide.

Dated: August 8, 1986.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 (40 CFR Part 52) is amended as follows:

Subpart DD—Nevada

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1470 is amended by adding paragraph (c)(33) as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) * * *

(33) On January 11, 1985, the following amendments to the plan were submitted by the State.

(i) Incorporation by reference.

(A) Las Vegas Valley Air Quality Implementation Plan, Post 1982 Update for Ozone adopted on October 16, 1984.

(ii) Additional Material.

(A) Emissions Inventory for 1995, transmitted by a letter dated March 14, 1986.

[FR Doc 86–18452 Filed 8–20–86; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 228

[OW–10–FRL–3067–6]

Ocean Dumping; Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates four existing dredged material disposal sites located offshore of the mouth of the Columbia River, Oregon-Washington, as EPA approved ocean dumping sites for the dumping of dredged material removed from the entrance channel to the Columbia River and other small harbors and channels bordering the lower river. These final site designations are for an indefinite period of time but are subject to continued monitoring in order to insure that adverse environmental impacts do not occur. This action is necessary to provide

acceptable ocean dumping sites for the current and future disposal of this material.

EFFECTIVE DATE: These site designations shall become effective on September 22, 1986.

ADDRESSES: The file supporting this final designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC

EPA Region X, 1200 Sixth Avenue, Seattle, Washington

U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine Street, Portland, Oregon

FOR FURTHER INFORMATION CONTACT: Paul Pan, 202/475-7131.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, section 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was last extended on August 19, 1985 (50 FR 33338 *et seq.*). That list established these sites as interim sites.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this. 39 FR 16186 (May 7, 1974).

EPA has prepared a draft and final EIS entitled "Environmental Impact Statement (EIS) for the Mouth of Columbia River Dredged Material Disposal Site Designation." On October 15, 1982, a notice of availability of the draft EIS for public review and comment was published in the **Federal Register** (47 FR 46135). The public comment period on this draft EIS closed November 29, 1982. Twelve reviewers submitted comments on the draft EIS, which the Agency assessed and responded to in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS, following the letters of comment.

On April 29, 1983, a notice of availability of the final EIS for public review and comment was published in the **Federal Register** (48 FR 19465). The public comment period on the final EIS closed May 30, 1983. One comment was received on the final EIS which requested a consistency determination under the Coastal Zone Management Act. The states of Washington and Oregon have concurred with EPA's consistency determination. Anyone desiring a copy of the EIS may obtain one from the address given above.

The Fish and Wildlife Service and the National Marine Fisheries Service have concurred with EPA's conclusion that the designation of these disposal areas will not affect the endangered species under their jurisdictions.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Designation

On October 2, 1985, EPA proposed designation of these sites for the continuing disposal of dredged materials from the entrance channel to the Columbia River and other small harbors bordering the lower river (50 FR 40274). The public comment period expired on November 18, 1985.

Three letters of comment were received in response to the proposed rule. The Corps of Engineers made several comments correcting facts which have been incorporated into this final rulemaking. Two commentors expressed concern that the use of Site E might adversely affect potential black sand mining operations thus having the effect of curtailing future production of strategic metals. However, the Corps of Engineers in their comments stated that dredged material disposed of at the site would not be likely to cause a significant increase in the sand overburden at the potential mining site due to the distance between Site E and the potential mining operation. The final EIS indicates that the black sand mining operation is four nautical miles north of Site E. Dredged sediments are typically transported in a northeastward direction onto Peacock Spit, parallel to the beach, although a portion may be transported into the embayments north of the entrance channel but seaward of the main part of the estuary. Based on these findings, it is unlikely that the dredged material disposal would cause a significant increase in sand overburden at the mining site.

All four sites are located between one and six nautical miles from shore near the Columbia River at water depths ranging from 14 to 42 meters. Currently approximately six million cubic yards is dredged annually to maintain the 17-meter channel depths. These ocean sites receive the material dredged from the channel.

Because of the severity of weather conditions in the region, dredging can be conducted only from mid-April to mid-October. The four sites available for dredged material disposal would allow full advantage of the short dredging season and enable greater flexibility for site selection and use when considering the weather conditions, sediment accumulation, vessel traffic and number of hopper dredges operating at the mouth of the river.

The sites are named A, B, E, and F for identification. Site A is located approximately four nautical miles from shore and occupies an area of about 0.27 square nautical miles. Corner coordinates are as follows:

46d 13' 03" N., 124d 06' 17" W.;
46d 12' 50" N., 124d 05' 55" W.;
46d 12' 13" N., 124d 06' 43" W.;
46d 12' 26" N., 124d 07' 05" W.

Site B is located approximately four nautical miles from shore and occupies an area of about 0.25 square nautical miles. Corner coordinates are as follows:

46d 14' 37" N., 124d 10' 34" W.;
46d 13' 53" N., 124d 10' 01" W.;
46d 13' 43" N., 124d 10' 26" W.;
46d 14' 28" N., 124d 10' 59" W.

Site E is located approximately one nautical mile from shore and occupies an area of about 0.08 square nautical miles. Corner coordinates are as follows:

46d 15' 43" N., 124d 05' 21" W.;
46d 15' 36" N., 124d 05' 11" W.;
46d 15' 11" N., 124d 05' 53" W.;
46d 15' 18" N., 124d 06' 03" W.

Site F is located approximately five nautical miles from shore and occupies an area of about 0.08 square nautical miles. Corner coordinates are as follows:

46d 12' 12" N., 124d 09' 00" W.;
46d 12' 00" N., 124d 08' 42" W.;
46d 11' 48" N., 124d 09' 00" W.;
46d 12' 00" N., 124d 09' 18" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. These general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations, and Section 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The existing sites, as discussed below under the eleven specific factors, are acceptable under these five general criteria except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the EIS, that no environmental benefit would be obtained by selecting sites off the Continental Shelf instead of those sites in this action. In addition, the increased transit distance and time required for disposal farther offshore would further reduce the effective dredging season already restricted by weather conditions. Historical use of the existing sites has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The characteristics of the existing sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1)]

Geographical positions and distances from the coast for each existing site are given above. Water depths of sites range from 14 to 42 meters. The bottom topography of the nearshore mouth of the Columbia River region is characterized by a westward trending tidal delta and an elongation of the sand spit caused mainly by disposal at Site B, in the south half of Site B and just offshore from it.

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases* [40 CFR 228.6(a)(2)]

Breeding, spawning, nursery and/or passage activities of commercially important finfish and shellfish species all occur on a seasonal basis close to the mouth of the Columbia River. The spawning season of the dungeness crab is from December to April. With few crab larvae evident in the plankton after March, the probability that dredged material disposal at the mouth of the Columbia River will interfere with larval survival is small. Similarly, there is small likelihood of interference with the larval and juvenile crab populations on the ocean floor. Due to the mobility of finfish, it is unlikely that disposal operations will interfere with the migrations of commercially important anadromous species.

Twenty years of dumping at the sites has not caused significant or irreversible impacts on living resources. The effects of disposal on demersal fish are apparent temporary decreases in abundance, numbers of species, mean size, and a change in food preference; deposition at the sites in prior years revealed no apparent lasting effect on the diversity and number of finfish. The feeding, breeding, and migratory activities of marine mammals are not significantly affected by dredged material disposal in the area.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3)]

All of the interim sites are close to shore, but only sediment dumped at Site E is likely to reach adjacent beaches. Sediments with median diameters of 0.18 millimeters (e.q., dredged sediments from the entrance channel) may be transported as bedload during winter storms. However, net sediment transport from Sites A, B, and F is northward and generally parallel to the isobaths, at rates of 0.25 nautical miles per year. Therefore, sediments dumped at Sites A, B, or F are not likely to be transported onto adjacent beaches. Dredged material released at Site E is dispersed, and no sediment accumulation has been detected. Previous studies have indicated a probable northeasterly transport of sediments onto Peacock Spit and adjacent beaches, although portions of the material dumped at Site E may move into the embayments north of the entrance channel but seaward of the main portion of the estuary. The material is predominantly clean sand which is suitable for beach nourishment; consequently, transport of dredged materials from Site E should have beneficial effects on local beaches. Furthermore, Washington State Parks Department has requested preferential use of Site E to retard erosion of the coastal beaches.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* [40 CFR 228.6(a)(4)]

Dredged sediments from the main entrance and from entrance channels to other small harbors west of Astoria Bridge are the only materials presently dumped at the sites. Dredged materials are 95 to 98 percent sand and comply with the requirements of § 227.13(b) of the Ocean Dumping Regulations. Sediments are transported by a hopper dredge equipped with a subsurface release mechanism and are not packaged in any manner. Disposal volumes average six million cubic yards during each six-month dredging season. The interim sites are close to the dredging sites, and their use will minimize transport time and facilitate a coordinated controlled dumping schedule.

In 1979 approximately 95 percent of the dredged material disposed was released at Site E. However, since deepening the channel to 17 meters in 1984, Site A has received 15–25 percent of the total material dredged; Site B has received 60–65 percent, and Site E has received 15–25 percent. Site F has not been used recently. Other sites can be used to control shoaling caused by eastward transport of sediment from Site E. The quantity of dredged material to be disposed at each site will be determined based upon the physical characteristics of the material and its potential for impact.

Future dredged material volumes may exceed present volumes if the navigational safety of the entrance channel necessitates expanded dredging efforts or if other dredged material is disposed at the site. Any dredged material disposed at the sites must comply with EPA's permit application evaluation criteria for dredged materials in § 227.13 of the Ocean Dumping Regulations (Ocean Dumping Criteria).

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5)]

The U.S. Coast Guard is not currently carrying out surveillance at the interim sites. However, due to the proximity of the sites to shore, surveillance would not be difficult. Monitoring is not a problem because the sites are close to shore and in shallow water. Prior to and during annual dredging, the Corps of Engineers surveys the entrance channel and bottom topography within the site boundaries and identifies shoaling or mounding areas.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the site is

used. Annual bathymetry surveys will be conducted with additional surveys scheduled as needed. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site. For example, if movement of material appears likely to impact a known resource, analysis of the benthic community or the specific resource will be undertaken.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(6)]

Dredged material is primarily medium to fine grained sand, thus rapid settling of the released sediments occurs with slight horizontal mixing or vertical stratification. Rapid settling precludes persistent changes in the postdisposal suspended sediment concentration. Large waves and tidal currents at Site E may result in a significantly greater horizontal dispersion of released sediments relative to Sites A, B, and F.

Previous studies have demonstrated the relative immobility of dredged sediments dumped at Sites A, B, and F. Large percentages of the dredged sediments released at these sites will remain within the boundaries of the sites; smaller proportions of dredged material move slowly northwards (0.25 nautical miles per year). Dredged materials dumped at Site E during summer are completely eroded during the following winter. Previous studies have indicated a probable northeasterly transport of sediments onto Peacock Spit and adjacent beaches, although portions of the material dumped at Site E may move into the embayments north of the entrance channel but seaward of the main portion of the estuary.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)[7)]

Studies indicate that disposal of dredged material at the interim sites causes only minor impacts: temporary localized mounding, slight changes in sediment texture, and temporary disturbance of benthic infauna and demersal finfish assemblages. Clean sands dredged from the high-energy entrance channel have not produced any changes in water or sediment quality at the disposal sites.

Although there has been no significant mounding at any site, sediment has accumulated within Site B at a shoaling rate of approximately 3 meters in 20 years. Present water depths range from 22 to 39 meters; therefore, shoaling does not currently present a problem to navigation. Mounds of accumulated dredged sediments at Site B tend to spread laterally and flatten under the influence of bottom current and wave-induced turbulence.

Disturbances to infauna are caused by direct burial of sessile or slow-moving organisms. Substrate disturbances cause temporary (one to two months) changes in infaunal biomass and diversity. Other benthic species are motile or able to withstand temporary burial. Localized and temporary changes in finfish abundances may result from changes in fish food abundances. Effects on the biota are neither cumulative nor irreversible.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8)]

Extensive shipping, fishing, and recreational activities, in addition to scientific investigations, take place in the vicinity of the interim sites. Minor interferences with these activities may occur; however, dredging personnel can shift disposal operations to another site or temporarily suspend dredging during periods of conflict. Mineral extraction, desalination, and aquaculture activities do not presently occur in the vicinity of the mouth of the Columbia River. A black sand mining operation has been mentioned for a nearshore area four nautical miles north of the North Jetty. Because of the distance between the mining site and Site E, the fact that the dredged material previously released at Site E has not been shown to accumulate, it is unlikely that dredged material disposal would cause a significant increase in the sand overburden at the mining site.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* 40 CFR 228.6(a)(9)]

Investigations suggest that the disposal of clean sands, dredged from the entrance channel, will have minimal adverse impacts on the water quality or ecology at the sites.

The mouth of the Columbia River is a dynamic, high-energy environment; and water quality parameters (concentrations of dissolved nutrients, trace metals, dissolved oxygen, pH, or turbidity) are influenced by river discharge volumes, tidal cycles, wave conditions, and biological activity.

The distribution of nearshore planktonic communities is both temporally and spatially variable. Phytoplankton communities consist of a diverse assemblage of diatoms and dinoflagellates, with seasonally variable productivities and standing crop. Zooplankton are dominated by calanoid copepods, gammarid amphipods, cumaceans, and mysids. Smelt, anchovy, right eye flounder, and codfish, which are part of the ichthyoplankton community at certain stages of their life cycle, are dominant.

Releases of dredged material do not produce a persistent turbidity plume, thus decreased light transmission with a concomitant decrease in phytoplankton primary productivity is not expected to occur. In addition, no detectable changes in dissolved nutrients or trace metal concentrations accompany disposal; therefore, no significant adverse impacts on phytoplankton productivity are expected.

Benthic assemblages at the mouth of the Columbia River are abundant, diverse and adapted by sediment type and depth. Polychaetes, crustaceans, and molluscs are the dominant benthic organisms. These benthic organisms could be affected by dredged material disposal, by temporary burial and slight changes in sediment texture. Disposal-related turbidity impacts are improbable because post-disposal, suspended particulate concentrations are not significantly different from pre-disposal concentrations. Subsequent to disposal activities, the sites are repopulated by benthic organisms which either burrow up through the substrate or migrate into the site from adjacent areas. Therefore, effects of dredged material disposal are temporary and do not extend beyond the boundaries of the disposal sites.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10)]

Previous surveys at the interim sites did not detect the development or recruitment of nuisance species.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11)]

The Washington State Department of Archaeology is compiling an inventory of cultural and historic resources for the mouth of the Columbia River. Although density of known shipwrecks is high, information about the exact location, historical value, and accessibility of individual wrecks must be compiled. Previous dredged material disposal has reduced the potential for locating or recovering cultural features of historical importance at the interim sites.

By letter of December 15, 1982, the State Office of Archaeology acknowledged that the EIS adequately considered any potential impact on cultural resources, and the precautions to be taken to avoid or mitigate anticipated impacts to identified or

unidentified cultural resources are adequate.

E. Action.

The EIS concludes that the existing sites may appropriately be designated for continuing use. The existing sites are compatible with the criteria used for site selection; designating sites other than the existing sites offers no clear economic advantage or environmental benefit; the existing sites have been historically used without apparent significant adverse environmental effects.

Based on the information reported in the EIS, EPA is designating the four existing mouth of the Columbia River dredged material disposal sites as EPA approved ocean dumping sites for continuing use for the ocean disposal of dredged material where the applicant has demonstrated compliance with EPA's ocean dumping criteria. The EIS is available for inspection at the addresses given above.

The designation of the four existing mouth of the Columbia River dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X.

One previously interim-designated ocean site, Site G, is not included in this final site designation. Site G was an experimental site where material was dumped in 1974 as part of the Corps of Engineers Dredged Material Research Program study conducted at the mouth of the Columbia River. No material has been deposited there since, and there are no plans to use the site in the future.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with EPA's ocean dumping criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: August 7, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(ii)(E), and adding paragraphs (b) (23), (24), (25), and (26) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(23) Mouth of Columbia River Dredged Material Site A—Region X. Location: 46d 13' 03" N., 124d 06' 17" W.; 46d 12' 50" N., 124d 05' 55" W.; 46d 12' 13" N., 124d 06' 43" W.; 46d 12' 26" N, 124d 07' 05" W.

Size: 0.27 square nautical miles.

Depth: Ranges from 14–25 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(24) Mouth of Columbia River Dredged Material Site B—Region X. Location: 46d 14' 37" N., 124d 10' 34" W.; 46d 13' 53" N., 124d 10' 01" W.; 46d 13' 43" N., 124d 10' 26" W.; 46d 14' 28" N., 124d 10' 59" W.

Size: 0.25 square nautical miles.

Depth: Ranges from 24–39 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(25) Mouth of Columbia River Dredged Material Site E—Region X. Location: 46d 15' 43" N., 124d 05' 21" W.; 46d 15' 36" N., 124d 05' 11" W.; 46d 15' 11" N., 124d 05' 53" W.; 46d 15' 18" N., 124d 06' 03" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 16–21 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

(26) Mouth of Columbia River Dredged Material Site F—Region X. Location: 46d 12' 12" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 08' 42" W.; 46d 11' 48" N., 124d 09' 00" W.; 46d 12' 00" N., 124d 09' 18" W.

Size: 0.08 square nautical miles.

Depth: Ranges from 38–42 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the Columbia River entrance channel and adjacent areas.

[FR Doc 86–18753 Filed 8–19–86; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 228

[OW-10-FRL-3067-5]

Ocean Dumping; Final Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates two existing dredged material disposal sites and one new dredged material disposal site located in the Pacific Ocean offshore of Coos Bay, Oregon, as EPA approved ocean dumping sites for the dumping of material dredged from the bay to maintain navigation channels. These final site designations are for an indefinite period of time but are subject to continued monitoring in order to insure that adverse environmental impact do not occur. The two existing sites (Sites E and F) will be used for disposal of larger grained dredged material, while the new site (Site H) farther offshore will be used for disposal of finer sediments more compatible with sediments of that area. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material.

EFFECTIVE DATE: These site designations shall become effective on September 22, 1986.

ADDRESSES: The file supporting this designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2904 (rear), 401 M Street Southwest, Washington, DC
EPA Region X, 1200 Sixth Avenue, Seattle, Washington
U.S. Army Corps of Engineers Library, Portland District, 319 Southwest Pine, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Paul Pan, 202/475-7131.

SUPPLEMENTARY INFORMATION: .

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*) and was extended on February 7, 1983 (48 FR 5557 *et seq.*). That list established two of the Coos Bay sites as interim sites and extended the sites' period of use until January 31, 1985. The interim designation of these two sites was further extended to December 31, 1988, on February 19, 1985 (50 FR 6942 *et seq.)* in order to provide sites necessary for the disposal of dredged material from Coos Bay until such time as rulemaking for ocean disposal sites for continuing use is completed.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into agency decision-making processes careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designation such as this. 39 FR 16186 (May 7, 1974).

The Corps of Engineers and EPA have prepared a draft and final EIS entitled "Coos Bay Dredged Material Ocean Disposal Site Designation Environmental Impact Statement." On September 7, 1984, a notice of availability of the draft EIS for public review and comment was published in the **Federal Register** (49 FR 35413). The draft EIS presented information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use and was based on a series of disposal site environmental studies. In the draft EIS, EPA determined that the existing sites and the new site were compatible with the general criteria and specific factors and that the sites were the preferable locations for the disposal of dredged material. The public comment period on this draft EIS closed October 22, 1984. Eight reviewers submitted comments on the draft EIS, which the Agency assessed and responded to in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS, following the letters of comment.

On February 7, 1986, a notice of availability of the final EIS for public review and comment was published in the **Federal Register** (51 FR 4803). The public comment period on the final EIS closed March 10, 1986. Two comments were received on the final EIS. The Department of Health and Human Services, Public Health Service, stated that their comments on the draft EIS had been adequately addressed, and the Coos-Curry Council of Governments strongly supported the final designation of the three sites. The State of Oregon has concurred with EPA's consistency determination. Anyone desiring a copy of the final EIS may obtain one from the address given above.

The action discussed in the EIS is the designation for continuing use of two ocean dredged material disposal sites offshore of Coos Bay, Oregon and the designation of a third new site. The purpose of the designation is to provide an environmentally acceptable location for the ocean disposal of materials dredged from the Coos Bay Channel System when ocean disposal is found to be necessary for dredged material. The need for ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. An evaluation of alternatives for land-based disposal was updated in a memorandum to the Record (9/5/85) by Eric Braun and is available for inspection at the above addresses.

The memorandum states that the only upland disposal site currently in use, known as the Eastside Site, is between river mile 12 and 15. The current dikes are inadequate as shown by recent failures. Extensive dike rehabilitation would be required prior to any use at this site. Thus, it is expected to have limited capacity for future disposal. Two disposal islands have been created in the past, and these sites could possibly be used for some material by raising the dikes. However, raising the dikes on these disposal islands is not considered appropriate at this time due to concerns related to engineering considerations and potential impacts to the surrounding tidal area. Therefore, their remaining capacity is also very limited.

Two other potential sites have been considered near the navigation channel. The site consisting of a diked marsh was rejected because filling of wetlands was not considered environmentally preferable. The other site presently has no capacity with the existing dike configuration, and raising the dikes is not considered feasible from an engineering point of view. Most other sites within reasonable pumping distance from the channel have been considered in the past. Locating sites farther from the channel would require the use of booster pumps and increase costs.

This final rulemaking notice fills the same role as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Designation

On January 27, 1986, EPA proposed designation of these sites for the continuing disposal of dredged materials from the Coos Bay area (51 FR 3348). The public comment period expired on March 13, 1986.

One letter of comment was received on the proposed rule. The Department of Commerce had no objection to the designations but reserved the right to comment on any permit applications received for these sites.

The two existing interim designated sites, termed E and F, have been used since at least 1951 for the ocean disposal of about 975,000 cubic yards of dredged material annually. Dredging is intermittent, for several months in each year. The new Site H was used for a test disposal of dredged material in August 1981.

Site E is located approximately 1.3 nautical miles offshore of the entrance

to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 17 meters. It is approximately rectangular with coordinates as follows:

43d 21' 59" N., 124d 22' 45" W.; 43d 21' 48" N., 124d 21' 59" W.; 43d 21' 35" N., 124d 22' 05" W.; 43d 21' 46" N., 124d 22' 51" W.

Site F is located approximately 1.3 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 24 meters. It is approximately rectangular with coordinates as follows:

43d 22' 44" N., 124d 22' 18" W.; 43d 22' 29" N., 124d 21' 34" W.; 43d 22' 16" N., 124d 21' 42" W.; 43d 22' 31" N., 124d 22' 26" W.

Site H is located approximately 3.7 nautical miles offshore of the entrance to Coos Bay and occupies an area of about 0.13 square nautical miles. Water depths within the area average 55 meters (30 fathoms). It is approximately rectangular with coordinates as follows:

43d 23' 53" N., 124d 22' 48" W.; 43d 23' 42" N., 124d 23' 01" W.; 43d 24' 16" N., 124d 23' 26" W.; 443d 24' 05" N., 124d 23' 38" W.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping for causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. All three of the sites conform to the five general criteria except for the preference for sites located off the Continental Shelf. EPA has determined, based on the information presented in the EIS, that no environmental benefit would be obtained by selecting sites off the Continental Shelf instead of those sites in this action. Historical use of the existing sites, and a test dump at the new site, have not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations; the specific eleven factors are given in Section 228.6 and are used in evaluating a proposed disposal site to assure that the general criteria are met. EPA established these eleven specific factors to constitute an environmental assessment of the impact of the site for disposal. The criteria are used to make critical comparisons between the alternative sites and are the bases for final site selection. The characteristics of the two existing sites and one new site are reviewed below in terms of these eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* [40 CFR 228.6(a)(1).]

The two existing sites are termed E and F. The new site is termed H. Corner coordinates, size, depth of water, and distance from coast for the three sites are given above.

The bottom topography of Sites E and F is generally flat with some gentle sand swells. The bottom topography of Site H is generally flat with some gentle silty-sand swells (wave forms).

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.* [40 CFR 228.6(a)(2).]

Breeding, spawning, nursery and/or passage of commercially and recreationally important finfish and shellfish species occur throughout the ocean area offshore of Coos Bay. There may be some minor interference with the biological activities during the actual dredged material disposal operations. However, the disposal area would be quite limited at any one time and can be easily avoided by motile living organisms. Benthic habitat and community would be altered by disposal activity with possible temporary perturbations to the food chain. Long-term impacts on the benthic community is unlikely due to the high species diversity, large natural seasonal variation in abundance, rapid recolonization, and the fact that previous disposal has not caused significant or irreversible impacts. The disposal sites are extremely small in comparison with the overall area available for breeding, spawning, nursery, and passage purposes.

The only resource that might be considered to be limited is an area between the 40- and 52-fathom contour where scallops were found in densities high enough to support a fishery. Sites E and F are located in the vicinity of the 10- and 12-fathom contour, well shoreward of the scallop bed, while Site H is located in the vicinity of the 29- to 36-fathom contour, south of the scallop bed. Morever, since the sediments are transported from Site H predominantly in the southerly direction and downslope during the dumping season, they are highly unlikely to move toward the scallop bed. In addition, recent information indicates that the scallop beds have been fished out; thus, adverse impacts are unlikely.

3. *Location in relation to beaches and other amenity areas.* [40 CFR 228.6(a)(3).]

Sites E and F are each located within 1.6 nautical mile of a beach. The proximity of Sites E and F to the beaches, coupled with the frequency of onshore transport and seasonal ocean currents parallel to the coast, contributes to a potential for onshore transport from those two sites. Any material transported toward the beaches would be a combination of the naturally occurring sands in the vicinity of Sites E and F and the marine sands planned for disposal at these sites. These materials would have no significant effect on the beaches should onshore transport occur. Site H is located about 3.7 nautical miles from the nearest beach. Because of the depth and distance from shore of Site H and the predominance of north-south alongshore currents, there is also little likelihood of dredged material disposed of at Site H reaching any beach.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.* [40 CFR 228.6(a)(4).]

Approximately 1.3 million cubic yards of predominantly clean sand of marine origin (Type 1) will be disposed of at Sites E and F during several months of each year. The grain size of this material is relatively constant at 0.2 to 0.3 mm, and volatile solids content ranges between 0.1 and 2.0 percent. Type 1 material is found between the channel entrance and river mile 12.

Approximately 400,000 cubic yards of fine-grained sand with high organic solids content (Type 2 and 3) will be disposed of at Site H on a two- to four-year cycle. The median grain size of this material varies from 0.2 to 0.006 mm, and volatile solids content ranges from 2.0 to 20 percent. Type 2 material is found between river mile 12 and river mile 14, and Type 3 material is found above river mile 14. Type 3 material contains increased levels of total sulfides, ammonia-nitrogen, oil and grease, petroleum hydrocarbons, and trace metals compared to materials from below river mile 14.

The dredged materials will be transported to the disposal sites by hopper dredges and ocean-going barges, and the material will be released at the sites through subsurface release mechanisms. None of the dredged material will be packaged in any way.

Any dredged material disposed at the sites must comply with EPA's permit application evaluation criteria for dredged materials in § 227.13 of the

Ocean Dumping Regulations (Ocean Dumping Criteria).

5. *Feasibility of surveillance and monitoring.* [40 CFR 228.6(a)(5).]

Surveillance and monitoring are both feasible; both dredging and disposal operations can be observed from shore or from vessels. The sites are near to shore and relatively shallow which facilitates routine monitoring.

Monitoring by EPA, the Corps of Engineers, and permittees, as required, will continue for as long as the sites are used. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at that site.

Monitoring will be conducted at Site H to determine if post-disposal movement of dredged material will have any impacts on adjacent resources of importance. Pre- and post-disposal bathymetry surveys will be conducted with additional surveys scheduled as needed. Representative sediment samples will also be collected periodically in and around the disposal site and analyzed for parameters of interest. These samples will be compared with pre-disposal samples and samples from the dredging area to allow detection of movement and comparison with theoretical transport. If movement of material appears likely to impact a known resource, additional analyses of the benthic community or specific resource will be undertaken. Analysis of the dredged material will be used to identify chemical or other contaminants which would require monitoring. The monitoring program will be finalized as part of the permit development process.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* [40 CFR 228.6(a)(6).]

Average currents in the region generally flow parallel to bathymetric contours with downslope components predominating over upslope components near the bottom. Local current speed and direction, however, reflect the variability of local winds. Since ocean disposal operations are generally restricted to April through November, the predominant direction of transport of the dredged material during dumping will be southward at 10 to 30 cm/s. Northerly transport may occur during the late fall.

Dredged material disposed at Sites E and F will be rapidly reworked by strong tidal and surface wave generated currents. Winter reworking will be especially intense, and will result in the erasure of any mounding and the distribution of coarser size fractions of the dredged material over the tidal delta. Finer size fractions will be transported with the net or prevailing currents.

Coarse grain dredged material will remain generally stable at Site H, gradually speading over the bottom of the site. Finer grained material will be more mobile and tend to be spread in the direction of the prevailing currents. Both the coarser grained and finer grained sediments would probably be mobilized during winter storm events and spread in thin layers over and around the site. There may be slight mounding in Site H over a number of years due to the increased depth and associated slower currents in the vicinity.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* [40 CFR 228.6(a)(7).]

Previous disposal at Sites E and F has averaged 975,000 cubic yards annually of coarse grained marine sands. This disposal has produced a seaward extension of the tidal delta as evidenced by noticeable seaward bulges in the bathymetric contours of the tidal delta in the vicinity of the sites. No topographic mounding has occurred at either of the sites. Short-term increases in the turbidity of the water column have occurred, but the impact of these has been minor due to the coarse-grained nature of the material disposed at the sites. No significant biological impacts have been associated with the past disposal at Sites E and F.

The test dump of type 3 material (finer grained dredged material with higher volatile solids and inorganic material content) made at Site H indicates that no significant mounding occurred. A short-term impact on turbidity occurred; however, it was comparable to natural events. The benthic community was impacted in the area of disposal immediately after disposal; however, a steady recovery to pre-disposal conditions was observed, suggesting that disposal impacts on the benthos were of short duration. Due to the erasure or mixing of the test disposal mound and the high benthic species diversity and large natural seasonal variation in abundance, it is unlikely that there would be long-term biological impacts at Site H.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* [40 CFR 228.6(a)(8).]

Except for marine navigation, commercial or recreational use of the sites is minimal if at all. Disposal of dredged material at the sites will have little if any effect on marine navigation.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* [40 CFR 228.6(a)(9).]

Water quality analyses for surface and bottom water indicate that the water at all the sites is typical of seawater of the Pacific Northwest. As discussed above, there is great variation in sediment movement during the seasonal current shifts along with major reworking during the winter storm period. Upwelling during the spring and summer brings subsurface water to the surface. Although the scale and duration of these events are extremely variable, upwelling keeps surface waters relatively cool through the summer. Turbidity within the water column maximizes near the bottom, the top of the transition zone between high density bottom water and low density surface water, and in surface waters. The Coos Bay water mass would also contribute turbid waters to surface layers during periods of high runoff.

The ecology of the area is typical of the Oregon coast. Distribution and abundance of pelagic fish are closely tied to the influence of the ocean currents; and the abundance, diversity, and species composition of the benthic community are tied to the character of bottom conditions. As water depth increases, sea floor currents and sediment grain size decrease while organic, chemical constituents, and biological abundance tend to increase. The benthic community in the nearshore region (Sites E and F) has the lowest abundance and diversity. In addition, it is dominated by burrowing species and deposit or opportunistic feeders.

The region seaward of Site H is characterized by the most abundant and diverse benthic community. The community is dominated by filter and surface feeders. The zone between the nearshore and the outer area (vicinity of Site H) can be classified as a physical and biological transition zone. Species composition in the shallow portion is most similar to that of the nearshore region; species composition of the deeper portion is more similar to the outer region. Seasonal variation in abundance is high.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* [40 CFR 228.6(a)(10).]

There are no known components in type 1 dredged material or its method of disposal that would attract or result in recruitment of nuisance species. Surveys at Sites E and F (previously used) did not detect the development or

recruitment of nuisance species. Although the increased organic content of types 2 and 3 material has some potential for recruitment of nuisance species, no major shifts in benthic community composition were observed at Site H after the test dump. Therefore, the development or recruitment of nuisance species at any of these disposal sites is not expected.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* [40 CFR 228.6(a)(11).]

The Oregon State Historic Preservation Office indicated that the area of the project is not of historic significance and, since ground disturbance of previously undisturbed ground is minimal, there will be no likely impact to archeological resources.

E. Action

The existing sites and the new site are compatible with the general criteria and specific factors used for site evaluation. EPA considered whether it would be preferable to designate a deep-water site beyond the edge of the Continental Shelf. For the following reasons, EPA has determined that the existing sites and the new site are the preferable sites for the disposal of dredged material. These factors are discussed in greater detail in the EIS.

The existing sites and the new site are 1.3 nautical miles and 3.7 nautical miles offshore of the entrance to Coos Bay, respectively, whereas the deep-water site considered is more than 24 nautical miles offshore of the entrance to Coos Bay. Disposal costs and energy consumption involved in use of the deep-water site would be significantly greater than for the existing sites and for the new site due to greater transportation demands. In addition, disposal of the relatively clean (predominantly sand) sediments at sites closer to shore is expected to cause no adverse environmental impacts. Dredged material has been dumped at the existing sites (E and F), and the effects of disposal have been localized. Sites E and F will be restricted to the disposal of type 1 material, which is predominantly coarser grained marine sands with low volatile solids content. Short-term impacts on the benthos have occurred due to dredged material disposal with rapid benthic recruitment and recolonization, suggesting limited long-term biological impacts. The new site (H) will be designated for disposal of type 2 and 3 material, which is finer grained dredged material with higher volatile solids content. The high benthic species diversity and large natural seasonal variation in abundance, along with the test dump observations, suggest that benthic recovery subsequent to disposal of type 2 and 3 material at Site H will be rapid. Therefore, long-term biological impacts are not expected.

The designation of the two existing Coos Bay and the one new Coos Bay dredged material disposal sites as EPA Approved Ocean Dumping Sites is being published as final rulemaking. Management authority of these sites will be delegated to the Regional Administrator of EPA Region X.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with EPA's ocean dumping criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this action does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228.

Water pollution control.

Dated: August 7, 1986.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing paragraph (a)(1)(i)(I), and adding paragraphs (b) (27), (28), and (29) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b)* * *

(27) Coos Bay Dredged Material Site E—Region X.

Location: 43d 21' 59" N., 124d 22' 45" W.; 43d 21' 48" N., 124d 21' 59" W.; 43d 21' 35" N., 124d 22' 05" W.; 43d 21' 46" N, 124d 22' 51" W.

Size: 0.13 square nautical mile.

Depth: Averages 17 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(28) Coos Bay Dredged Material Site F—Region X.

Location: 43d 22' 44" N., 124d 22' 18" W.; 43d 22' 29" N., 124d 21' 34" W.; 43d 22' 16" N., 124d 21' 42" W.; 43d 22' 31" N., 124d 22' 26" W.

Size: 0.13 square nautical mile.

Depth: Averages 24 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 1, as defined in the site designation final EIS.

(29) Coos Bay Dredged Material Site H—Region X.

Location: 43d 23' 53" N., 124d 22' 48" W.; 43d 23' 42" N., 124d 23' 01" W.; 43d 24' 16" N., 124d 23' 26" W.; 43d 24' 05" N., 124d 23' 38" W.

Size: 0.13 square nautical mile.

Depth: Averages 55 meters.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material in the Coos Bay area of type 2 and 3, as defined in the site designation final EIS.

[FR Doc. 86-18754 Filed 8-20-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 60477-6077]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon and California

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

ACTION: Notice of commercial fishery closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the commercial salmon fisheries in the fishery conservation zone (FCZ) north of Cape Falcon, Oregon, at midnight, August 18, 1986, to ensure that the coho salmon quota is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Pacific Fishery Management Council, the Oregon Department of Fish and Wildlife (ODFW), and the Washington Department of Fisheries (WDF) that the commercial coho salmon quota for the area has been reached. The closure is necessary to conform to the preseason announcement of 1986 management measures. This action is intended to ensure conservation of coho salmon.

EFFECTIVE DATE: Closure of the FCZ from the U.S.-Canada border to Cape Falcon, Oregon, to commercial salmon fishing is effective at 2400 hours local time, August 18, 1986. Comments on this closure will be received until September 2, 1986.

ADDRESSES: Comments may be mailed to the Northwest Regional Office, NMFS, BIN C15700, 7600 Sand Point Way NE, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Regional Director), 206-526-6150.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the Federal Register under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

The regulations also state at § 661.21(a)(2) that the Secretary will consider reopening a fishery if he finds that the actual catch has been overestimated and that part of the quota remains, provided that the reopening of the fishery is consistent with the management objectives for the affected species and that the additional open period is no less than 24 hours.

Management measures for 1986 were made effective on April 30, 1986 (51 FR 16520, May 5, 1986). The 1986 commercial season for all salmon species was established as August 2-3 and August 7 through the earliest of September 15, coho quota, or chinook quota in two subareas north of Cape Falcon, Oregon. Quotas of 4,000 chinook and 30,000 coho were established for the subarea from the U.S.-Canada border to Carroll Island, Washington (northern subarea), while the subarea from Leadbetter Point, Washington, to Cape Falcon, Oregon (southern subarea), had quotas of 13,300 chinook and 110,600 coho salmon. The chinook quota for the northern subarea was adjusted inseason to 6,000 fish (51 FR 26389, July 23, 1986).

Prior to the scheduled reopening of both subareas on August 7, state and federal fishery managers agreed to a 24-hour delay in the reopening of the northern subarea to better balance the impacts on the remaining quotas in the two subareas of the commercial fishery north of Cape Falcon, Oregon (51 FR 28717, August 11, 1986). Further, the fishery managers agreed that the commercial fisheries in both subareas would be closed by state landing law at midnight on August 9, 1986, but that the FCZ would remain open for assessment of landing data.

Based on the best available information, the total commercial catch in both subareas through August 9, 1986, is projected to be 7,000 chinook and 119,000 coho salmon. By telephone conference on August 14, state and federal fishery managers agreed that the fishery would not reopen since the approximately 12,000 chinook and 21,000 coho remaining in the quotas would be less than an additional 24-hour fishing period.

Therefore, the Secretary issues this notice to close the commercial fisheries in the FCZ from the U.S.-Canada border to Cape Falcon, Oregon, effective midnight, August 18, 1986. The ODFW and WDF Directors have confirmed that Oregon and Washington will manage the commercial fishery in State waters adjacent to this area of the FCZ in concert with this action.

This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

Other Matters

This action is taken under the authority of 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

(16 U.S.C. 1801 *et seq.*)

Dated: August 18, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86-18925 Filed 8-18-86; 5:05 pm]

BILLING CODE 3510-22-M

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50 CFR Part 661

[Docket No. 60477-6077]

Ocean Salmon Fisheries off the Coasts of Washington, Oregon and California

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

ACTION: Notice of recreation fishery closure.

SUMMARY: The Secretary of Commerce (Secretary) announces the closure of the recreational salmon fishery in the fishery conservation zone (FCZ) from the Queets River, Washington, to Klipsan Beach, Washington, at midnight, August 18, 1986, to ensure that the coho salmon quota is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with the Pacific Fishery Management Council, the Oregon Department of Fish and Wildlife, and the Washington Department of Fisheries (WDF) that the recreational fishery quota of 81,700 coho salmon for the subarea will be reached by that time. The closure is necessary to conform to the preseason announcement of 1986 management measures. This action is intended to ensure conservation of coho salmon.

EFFECTIVE DATE: Closure of the FCZ from the Queets River, Washington, to Klipsan Beach, Washington, to recreational salmon fishing is effective at 2400 hours local time, August 18, 1986. Comments on this closure will be received until September 2, 1986.

ADDRESSES: Comments may be mailed to the Northwest Regional Office, NMFS, BIN C15700, 7600 Sand Point Way NE., Seattle, WA 98115-0070.

Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten (Regional Director), 206–526–6150.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register** under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1986 were made effective on April 30, 1986 (51 FR 16520, May 5, 1986). The 1986 recreational fishery for all salmon species in the FCZ from the Queets River to Klipsan Beach was established as June 29 through either the earliest of September 25 or the attainment of a quota of either 76,300 coho salmon or 23,100 chinook salmon. Subarea quotas were modified twice during the season (51 FR 26900, July 23, 1986; 51 FR 29234, August 15, 1986). The current coho quota for the subarea is 81,700 fish.

Based on the best available information, the recreational fishery catch in the subarea is projected to reach the 81,700 coho salmon quota by midnight August 18, 1986.

The Regional Director consulted with the Assistant Director of WDF regarding a closure of the recreational fishery between the Queets River and Klipsan Beach, Washington. The Assistant Director of WDF confirmed that Washington will close the recreational fishery in State waters adjacent to this area of the FCZ effective midnight August 18, 1986.

Therefore, the Secretary issues this notice to close the recreational fishery in the FCZ from the Queets River to Klipsan Beach, Washington, effective midnight August 18, 1986. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

Other Matters

This action is taken under the authority of 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

(16 U.S.C. 1801 *et seq.*)

Dated: August 18, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 86–18926 Filed 8–18–86; 5:06 pm]

BILLING CODE 3510-22-M

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50 CFR Part 663

[Docket No. 60845–6145]

Pacific Coast Groundfish Fishery

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

ACTION: Emergency interim rule.

SUMMARY: The Secretary of Commerce issues this emergency interim rule changing current regulations, promulgated under the Pacific Coast Groundfish Fishery Management Plan, which govern the sablefish fishery off the coasts of Washington, Oregon, and California. This action is necessary to provide a year-round fishery, minimize discards, and allocate the remainder of the sablefish quota equitably between user groups. This action is intended to keep the sablefish quota from being reached before the end of the fishing year which would result in prohibiting all landings of sablefish and forcing discard and waste of sablefish caught incidentally in other fisheries. This could have adverse impacts on fishermen, processors and markets.

EFFECTIVE DATE: The emergency rule is effective at 0001 hours Pacific Daylight Time (PDT) August 22, 1986, until 2400 hours PDT November 19, 1986.

ADDRESSES: Comments on this emergency interim rule should be sent to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115 or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten at 206–526–6150 or E. Charles Fullerton at 213–514–6196.

SUPPLEMENTARY INFORMATION: This action supersedes the regulations at 50 CFR 663.27(b)(3) promulgated under Amendment 1 to the Pacific Coast Groundfish Fishery Management Plan (FMP). These regulations state that, when 90 percent of the sablefish optimum yield quota (OY) is reached: (a) The remaining 10 percent will be divided equally between the two major gear types, trawl and fixed gear (5 percent apiece), and (b) a percentage trip limit (i.e., a limit on the percentage of sablefish allowed to be landed at the end of each trip) will be imposed on trawl landings. The percentage in the trip limit will be based on the annual average amount of sablefish found in trawl landings. This trip limit was meant to discourage targeting on sablefish by the multispecies trawl fishery and thus delay achievement of OY while allowing truly incidental catches of sablefish to be landed. A similar trip limit is not placed on fixed gear, because that fishery targets on sablefish. A trip limit designed to limit the targeted species to an incidental percentage of total catch is obviously inappropriate. If the OY is reached, all further landings by any gear are prohibited and incidentally caught sablefish must be discarded. If the five percent balance for a gear type is reached, further landings by that gear type are prohibited.

In 1985 and 1986, it has become apparent that the current regulations are not having the intended effect. In 1985, landings of sablefish surpassed projected rates (partly because of uncounted illegal landings which were not discovered until late in the year) and 90 percent of OY was exceeded before the trip limit and 5 percent allocations could be imposed. The trip limit and allocations were effective by November 25, 1985, but OY was reached, and by December 6, 1985, further landings were prohibited. Discards of sablefish caught in the Dover sole fishery subsequent to the closure have been estimated at about 500 metric tons (mt). On 1986, 90 percent of OY is expected to be reached between October 8 and 27. The best available scientific data indicate that the trawl trip limit which becomes effective when 90 percent of OY is reached (estimated at 13 percent, as in 1985) would not slow the fishery, and the trawl allocation would be taken between November 4 and 27. If catches follow 1985 patterns, as much as 1,000 mt of sablefish caught incidental to the winter Dover sole trawl fishery would be discarded. Trawl-caught sablefish are not expected to survive.

Additional but unquantified amounts of sablefish also would be discarded as a result of the current formula for trawl trip limits based on the average percentage of sablefish in trawl landings that contained sablefish. The annual average (which was 13 percent in 1985), used in the current formula, does not accommodate the high incidental catches of sablefish encountered in the winter trawl fishery which may be as

high as 46 percent. Thus, the annual average, when applied to this winter fishery, forces fishermen to discard sablefish even before the quota is reached.

Therefore, adjustments to the regulations are needed to minimize discards of sablefish, allow the market to be maintained as long as possible throughout the fishing year, and slow achievement of OY without providing undue advantage to a particular gear type.

At its April 8–11, 1986 meeting in Eureka, California, the Pacific Fishery Management Council (Council) announced its intent to reconsider management of the sablefish resource. At public meetings of the Council's Groundfish Management Team, Scientific and Statistical Committee, and Groundfish Select Group, discussions and public testimony on various methods of managing the sablefish fishery occurred. After hearing the recommendations of these advisory groups and further public discussion at its July 9–10, 1986 meeting in Portland, Oregon, the Council recommended by a majority vote that the Secretary of Commerce implement the following emergency action.

Council Recommendation: As soon as possible (expected between August 15 and September 1, 1986), the unlanded portion of the sablefish OY will be allocated so that 55 percent for trawl landings and 45 percent for fixed gear landings (including but not limited to pot, longline, and set nets), and a limit of 8,000 pounds of sablefish per trip will be imposed on all trawl landings. The tonnage amounts (but not the allocation percentages) will be revised if necessary after reevaluation of the fishery in early October, so that 55:45 percent ratio will be applied to more recent information on the amount of the sablefish OY remaining when the trawl trip limit was put into effect. Similarly, the trawl trip limit may be modified after reevaluation in early October, to enable the trawl allocation to extend as long as possible throughout the fishing year, while minimizing discards of sablefish. If the allocation for a gear type is reached, further landings of sablefish by that gear type will be prohibited. Landings of sablefish by all gear types will be prohibited when OY is reached.

This action will supersede the regulation at § 663.27(b)(3) which divides the last 10 percent of the OY equally between trawl and fixed gears.

Rationale: This emergency rule maintains the basic objectives of the current regulations at § 663.27(b)(3) which are: (1) To reduce discards of incidentally caught fish that inevitably result once OY is reached, by slowing achievement of OY; (2) to slow achievement of OY by imposing a trip limit on trawl gear; and (3) to allocate equitably the remaining portion of OY between trawl and fixed gears at the same time the trip limit is placed on trawl landings. However, the emergency rule would change the following three methods of implementation: (1) The time the allocations and trip limit area assigned would change from the time at which 90 percent of OY is projected to be reached (October 8–27) to as soon as possible (between August 15–September 1); (2) the proportions used to determine the allocations would change from 50 percent each to 55 percent trawl/45 percent fixed gear; and (3) the maximum amount of sablefish allowed by the trawl trip limit would change from a percentage based on the annual average weight of sablefish in trawl landings that contained sablefish to a fixed maximum amount of 8,000 pounds per trip.

The date of implementation of the allocations and trip limit needs to be earlier than under the current regulation in order to minimize the likelihood of reaching OY before the end of the year. Moreover, action is necessary when sufficient amounts of OY remain so that the incidental catch of sablefish in the trawl fishery can be landed before OY is reached, thus avoiding discards, while providing for an equitable amount of the remainder of OY to be taken by the fixed gear fishery.

The 8,000 pound trawl trip limit was selected as an amount which would allow truly incidental sablefish catches to be landed from the Dover sole fishery without resulting in excessive discards which would occur if the limit were too low. In conjunction with implementation between August 15–September 1, this should enable the trawl fishery to continue until the end of the year. This trip limit will be re-evaluated and perhaps modified in early October so that the trawl allocation will last as long as possible and discards will be minimized.

The allocation ratio of trawl to fixed gear landings was changed from 50:50 to 55:45 based on the best available data for landings by these gear types between 1981 and 1985. These allocation proportions will be applied only to the portion of OY remaining at the time the trawl trip limit is imposed, not the total annual catch.

Data available in early July 1986 indicate that 3,450 mt of the 13,600 mt sablefish OY would be remaining on September 1, 1986, the estimated date of implementation of this notice. Of the estimated 3,450 mt, 45 percent (about 1,550 mt) would be available for fixed gear and 55 percent (about 1,900 mt) would be available for trawl landings of sablefish. The actual tonnage amounts were not included in the Council's recommendation and are not announced in this action because more recent catch information will be available by the time this rule becomes effective. Accordingly, the amount of OY available when the trawl trip limit is imposed will be determined using the best scientific data available when this notice is filed with the Office of the Federal Register. The amount of available OY and the allocations which are based on it will be announced by a notice in the **Federal Register** as provided for in the groundfish regulations at § 663.23.

These allocations will be revised again near October 1, if necessary, using the more complete landings data available at that time but maintaining the 55:45 ratio. Also, the trip limit may be modified at the same time so that the trawl allocation will not be reached before the end of the fishing year. Any changes, including closures or reopenings, will be announced in the **Federal Register** as specified in the groundfish regulations at §§ 663.21(b) and 663.23.

Section 305(e) of the Magnuson Fishery Conservation Management Act (Magnuson Act) authorizes the Secretary to promulgate emergency regulations when a Council finds that an emergency exists involving a fishery under its jurisdiction. The Secretary has agreed with the Council's recommendation that an emergency exists in the sablefish fishery.

This emergency rule applies to all sablefish taken and retained in ocean waters (0–200 nautical miles) offshore of, or landed in, Washington, Oregon, and California, regardless of the place of taking, except that no size limit applies to sablefish caught south of Point Conception.

Current sablefish regulations effective January 1, 1986 (50 FR 53325, December 31, 1985) for the 1986 fishing year remain in effect and prohibit taking and retaining, or landing, more than 5,000 pounds (round weight) of sablefish smaller than 22 inches (total length), per vessel per fishing trip, in the area north of Point Conception, California (34°27' N. latitude) to the U.S.-Canada border.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and is consistent

with the Magnuson Act and other applicable law. He has determined that continuing the regulations now in force would result in an inopportune closure of the sablefish fishery and it is therefore necessary to promulgate this emergency rule immediately.

The Assistant Administrator has determined that the regulations implementing Amendment 1 to the Groundfish FMP have no differing impact upon and, therefore, remain consistent to the maximum extent practicable with the approved coastal zone management programs of Washington, Oregon, and California. This determination was submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act. This action is a minor extension of the final regulations and does not affect that determination.

The Assistant Administrator finds that the reasons justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for comment, or to delay for 30 days the effective date of these emergency regulations, under the provisions of section 553 (b) and (d) of the Administrative Procedure Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order. This rule is being reported to the Director of the Office of Management and Budget, with an explanation of why it is not possible to follow the regular procedures of that Order.

Issuance of this rule will not result in a significant adverse impact on the human environment and the impact would not be significantly different from that described in the environmental assessment prepared for the regulations implementing Amendment 1 of the FMP. As such, the Assistant Administrator has determined that this emergency action is categorically excluded from the requirement to prepare an environmental document, as provided by NOAA Directive 02-10.

This action does not contain a request for collection of information for purposes of the Paperwork Reduction Act.

This emergency rule is exempt from the regular procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior public comment.

List of Subjects in 50 CFR Part 663.

Fisheries, Fishing.

Dated: August 18, 1986.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service

PART 663—[AMENDED]

For the reasons set out in the preamble, 50 CFR Part 663 is amended as follows:

1. The authority citation for Part 663 continues to read as follows:

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

2. In § 663.27, paragraph (b)(3) is suspended from August 22, 1986 to November 19, 1986, and a new paragraph (b)(4) is added to be effective from August 22, 1986 to November 19, 1986, to read as follows:

§ 663.27 Catch restrictions.

* * * * *

(b) * * *

(4) *Sablefish.*—(i) *Allocation of remaining OY.* Fifty-five percent of the amount of the sablefish OY remaining on the effective date of this emergency rule will be allocated to trawl gear and 45 percent to fixed gear. These allocations (quotas) will be announced in the **Federal Register** as provided for at § 663.23. When the allocation (quota) for either gear type is reached, the fishery for that gear type will be closed as provided for in paragraph (v) of this section.

(ii) If the overall OY for sablefish is reached, further landings of sablefish by all gear types will be prohibited until January 1, 1987, even if the allocation (quota) for fixed or trawl gear is not reached.

(iii) *Trip limit.* No more than 8,000 pounds (round weight) of sablefish taken with trawl gear may be taken and retained, or landed, per vessel per fishing trip, except as provided for in paragraph (iv) of this section.

(iv) *Adjustments.* As close to October 1, 1986 as practicable, the Secretary will redetermine the trawl and fixed gear allocations and the trawl trip limit using the best available data at that time. The allocations will be revised, if necessary, based on the amount of OY remaining on the date this emergency rule becomes effective and will maintain the 55:45 percent ratio. The trawl trip limit will be modified if necessary to extend the trawl allocation as long as possible in 1986 and to minimize discards.

(v) Any closure, reopening (resulting from the October 1 reassessment), or adjustment to the trip limit or allocations will be published in the **Federal Register** according to §§ 663.21(b) and 663.23.

[FR Doc. 86-18865 Filed 8-20-86; 12:10 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 51, No. 162
Thursday, August 21, 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 Part 929

Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Bona Fide Effort and Increase in Base Quantity Reserve

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the base quantity reserve for the 1986–87 crop year from the required minimum of 2.0 percent to 7.74 percent of the total base quantities currently issued to cranberry growers, in order to update and expand base quantities for the benefit of growers. This should help to facilitate the appropriate and equitable operation of the cranberry marketing order with the establishment in the future of any marketable quantity and annual allotment. The proposed rule would also expand the criteria for determining a bona fide effort (i.e., a condition for the continuing validity of a grower's base quantity) to provide conditions under which a grower's base quantity may be reduced or cancelled. The proposed rule is intended to assure that base quantities remain with growers who have demonstrated a bona fide effort to produce and sell cranberries.

DATE: Comments due September 22, 1986.

ADDRESS: Interested persons are invited to submit writen comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2085 South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250, Telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1, and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This proposed rule is issued under marketing agreement and Order No. 929, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The actions were recommended by the Cranberry Marketing Committee (committee).

Each year prior to May 1, the committee considers its marketing policy for the coming season and estimates a marketable quantity of cranberries. Such quantity is the amount of cranberries necessary to meet the season's total market demand and provide for an adequate carryover of cranberries to the next season. If the Secretary finds from a recommendation of the committee, or from other available information, that limiting the quantity of cranberries that may be purchased or handled on behalf of growers would tend to effectuate the declared policy of the act, the Secretary shall determine and establish the marketable quantity for that crop year. The marketable quantity shall be apportioned among all eligible growers by applying the allotment percentage to each grower's base quantity, pursuant to § 929.48.

Such base quantities are issued to growers: (a) Based on their sales during the period 1968–69 through 1973–74; (b) As a result of transfers of base quantities from other growers; or (c) As part of an annual reserve of at least 2 percent of the total base quantities. The reserve shall be used for the issuance of base quantities to new growers and adjustments in base quantities for existing growers with 25 percent being made available for new growers and 75 percent available for adjustments for existing growers. Any unallocated portion of the 25 percent available to new growers may, at the discretion of the committee, be prorated among eligible existing growers on an equitable basis.

On February 27–28, 1986, the Cranberry Marketing Committee held its annual winter meeting to formulate its marketing policy for the 1986–87 crop year. It determined that implementation of § 929.49 (i.e., the establishment of a marketable quantity and annual allotment) was not warranted. However, the committee noted that cranberry production was projected to exceed the total of all allotment bases and recommended that additional base be issued to all qualified new and existing growers to the full amount to which each grower is entitled contingent on the demonstrated ability to produce and sell cranberries. Such allocations would amount to 254,629 barrels, or 7.74 percent of the total aggregate of base quantities held by all producers. Such an increase would make additional quantities of base quantity available to new and existing growers. This change also would aid in the updating of base quantities which would be necessary for any future establishment of a marketable quantity and annual allotment.

Section 929.48, and § 929.153 which implements that section, provides that a condition for the continuing validity of a grower's base quantity is the production

of cranberries in a proprietary capacity. If no bona fide effort is made to produce and sell cranberries thereunder for five consecutive seasons, commencing with the 1978–79 season, the base quantity may be reduced or declared invalid due to lack of use and cancelled at the end of the fifth season of nonproduction. Section 929.48 also provides that the committee shall establish criteria, subject to approval by the Secretary, whereby the committee may determine whether a bona fide effort has been made to produce and sell cranberries produced on the grower's own acreage.

In order to assure that base quantities are held by growers who have demonstrated their ability to produce and sell cranberries on their established acreage, and to prepare for any future recommendation for a marketable quantity and annual allotment, the committee recommended stricter criteria for determining bona fide effort. The committee observed that its proposal was intended as a means to treat all cranberry growers in an equitable manner since base quantities would remain only with growers who demonstrate a bona fide effort and who are not merely holding base quantities in anticipation of any future volume regulation. Such a practice is unfair to growers who are currently producing and selling cranberries to the full extent of their base quantities. The committee's proposal is intended to apply criteria which would recognize certain factors characteristic of cranberry production which are beyond the control of growers using accepted normal cultural practices. Such characteristic factors include: (1) Fluctuations in quantity and quality as affected by weather, disease and other natural phenomena beyond a grower's control; and (2) The generally low production yields on new or recently replanted acreage.

Thus, the committee recommended the bona fide effort criteria be expanded to include both: (1) The present operational provision that the base quantity of a grower who has not produced and sold cranberries for five consecutive seasons, commencing with the 1978–79 season, may be declared invalid and cancelled at the end of the fifth such season due to lack of use; and (2) A new requirement operational in 1987, that the base quantity of a grower who has not maintained an average production and sales level for the best four of the most recent six years, commencing with the 1981–82 season, equal to at least 50 percent of the grower's base quantity, may be reduced to an amount equal to the average production and sales for the best four of the most recent six years.

As noted above, the committee indicated this additional requirement was intended to be sufficiently flexible to reflect customary fluctuations in production and sales. At the same time, the committee concluded that it was appropriate to revise the current bona fide effort criteria to assure that on an ongoing basis, each producer's base quantity reflects that producer's current production and sales of cranberries.

The proposed rule provides that the committee review production and sales records annually to determine if such a bona fide effort is being made to produce and sell cranberries from growers' established acreages. The committee would take due consideration of any available information which might indicate that specified factors beyond growers' control may have had an effect on growers' abilities to make bona fide efforts. Finally, the proposal reaffirms and incorporates an existing requirement that growers should be responsible for furnishing the committee with the necessary records and any other pertinent information in order for the committee to perform its determination.

In order to provide growers with advance notice of the possibility of an impending reduction in their base quantities, the proposed rule provides that the committee shall notify growers by registered mail when a grower's production and sales records show, for the best three out of the most recent five years, that the grower's production is 40 percent or more below the established base quantity. The first such notification would occur during 1986, when 1985 crop production and deliveries have been reported by growers and handlers. This notification should provide growers with ample notice that these revised bona fide effort criteria will apply after the committee has reviewed the sales and deliveries of 1986 crop cranberries. This provision also should provide growers ample opportunity to adjust their cultural practices, or to transfer base quantities to other growers who have more production and sales than base quantities.

The rules and regulations currently under the order provide review procedures that any grower could follow if that grower was dissatisfied with the committee's determination. In summary, § 929.125 provides that such a grower may submit to the committee, within 30 days after notification of any committee action with respect to a grower's base quantity, a request for a review by the committee of that determination, along with any materials which the grower feels are pertinent. The committee would review its determination, taking into account all materials submitted by the grower, and any other materials which it deems pertinent. Thereupon, the committee must make a redetermination, and notify the grower of its conclusions, accompanied by the reasons for its decision. If the grower is not satisfied with the subsequent decision of the committee, the grower may appeal, through the committee, to the Secretary, within 30 days. The Secretary shall promptly review the decision of the committee and make a decision which shall be final.

List of Subjects in 7 CFR Part 929

Market agreements and orders, Cranberries.

PART 929—[AMENDED]

1. The authority citation for 7 CFR Part 929 continues to read as follows:

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

2. It is proposed to amend § 929.153 by revising paragraph (a) and (d) to read as follows:

§ 929.153 Base quantity reserve.

(a) *Establishment.* An annual reserve base quantity equal to 2 percent of total base quantities is hereby established: *Provided,* That, for the 1986–87 crop year, the reserve base quantity shall be 7.74 percent.

* * * * *

(d) *Invalidation of base quantity.* As a condition for the continuing validity of a grower's base quantity, the grower shall make a bona fide effort to produce and sell cranberries on the grower's established acreage. In determining whether a grower has made a bona fide effort, the committee shall apply the following criteria and procedures:

(1) The committee shall review production and sales records of growers annually to determine if a bona fide effort is being made to produce and sell cranberries. Growers are responsible for furnishing the committee with the necessay records and any other pertinent information in order for the committee to perform its duties under this paragraph.

(2) The base quantity of a grower who has not produced and sold cranberries for five consecutive seasons, commencing with the 1978–79 season, may be declared invalid and cancelled at the end of the fifth season due to lack of use. In addition, commencing with the 1981–82 season, the base quantity of a grower who has not maintained an

average production and sales level for the best four of the most recent six years equal to at least 50 percent of the grower's established base quantity, may be reduced to an amount equal to the average production and sales for the best four of the most recent six years. Due consideration shall be given to any available information which indicates that production and sales were adversely affected by the following factors which are beyond a grower's control: (i) Fluctuations in quantity and quality as affected by weather, disease and other natural phenomena; and (ii) The generally low production yields on new or recently replanted acreage.

(3) Any grower who is dissatisfied with a committee determination may appeal such determination pursuant to § 929.125. In its reconsideration the committee shall consider the grower's production and sales data and shall take due consideration of any information submitted regarding the above-specified factors beyond a grower's control, which may have an effect on a grower's ability to produce and sell cranberries.

(4) After the production and sales for the 1985–86 season are known, and each year thereafter, the committee shall notify a grower by registered mail when the grower's production and sales records show for the best three out of the most recent five years that the grower's production is 40 percent or more below such grower's established base quantity.

* * * * *

Dated: August 18, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division.

[FR Doc. 86–18899 Filed 8–20–86; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Notice of Proposed Temporary Revision of Diversion Limitation Percentages

Correction

In FR Doc. 86–18011 beginning on page 28721 in the issue of Monday, August 11, 1986, make the following corrrection:

On page 28721, in the third column, in the DATE caption, the comment deadline should read "August 18, 1986."

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 018CE, Notice No. 23-ACE-18]

Special Conditions; Petersen Aviation, Inc., Modified Beech Model 33, Model 35, and Model 36 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes to adopt special conditions for Petersen Aviation, Inc., modified Beech Aircraft Corporation Model 33 Series, Model 35 Series, and Model 36 Series airplanes to incorporate ADI provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the original certification basis for these airplanes.

DATE: Comments must be received on or before September 22, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE–7, Attn: Rules Docket Clerk, Docket No. 018CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 018CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

Type Certification Basis

The certification basis for the Beech Aircraft Corporation Model 33 Series, Model 35 Series, and Model 36 Series airplanes (TC 3A15) is Part 3 of the Civil Air Regulations, as amended to May 15, 1956, and Amendment 3–8. For the Models A36TC and B36TC only, §§ 23.909, 23.1043, 23.1527(b), and 23.1583(a) as amended by Amendment 23–7 and §§ 23.959, 23.967(a)(5), and 23.1121(b) as amended by Amendment 23–18 of the Federal Aviation Regulations Part 23, dated February 1, 1965. For the Model B36TC only, § 23.1545(a) as amended by Amendment 23–23 of the Federal Aviation Regulations Part 23, dated February 1, 1965.

Part 36 through Amendment 36–10 of the Federal Aviation Regulations, F33A (S/N CE–891 and after), V35B (S/N D–10313 and after), F33C (S/N CJ-156 and after), A36 (S/N E–1609 and after), A36TC (S/N EA–1 through EA–241 and EA–243 through EA–272), B36TC (S/N EA–242, EA–273 and after).

Equivalent Safety Findings: CAR 3.664 and CAR 3.757 for Model V35B (S/N D–9948 and after), A36 (S/N E–927 and after), F33A (S/N CE–674 and after), F33C (S/N CJ–129 and after), A36TC (all serials); CAR 3.387 for Model V35B (all serials), A36 (all serials), F33A (all serials), F33C (all serials), A36TC (all serials), B36TC (all serials), and any special conditions which result from this proposal.

Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Beech Model 33 Series, Model 35 Series, and Model 36 airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow

the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane installation certification. These special conditions apply only to those airplanes approved for 91/96 or 100/100LL minimum grade aviation gasoline. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Beech Model 33 Series, Model 35 Series, and Model 36 Series airplanes and has concluded that, notwithstanding the existing requirements applicable to the use of such systems, special conditions should be promulgated for such systems, in addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, and Tires. The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (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 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for Beech Model 33 Series, Model 35 Series, and Model 36 Series airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable requirements for the design of a fuel system as specified in § 23.951(a) and (b); § 23.953(a) and (b); § 23.954, § 23.955(a) and (c)(1); § 23.959; § 23.961; § 23.963(a), (d), and (e); § 23.965(a)(1); § 23.967(a)(1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973(a), (b), and (c); § 23.975(a)(1), (2), (3), (5), (6), and (7); § 23.977(a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997(a), (b), (c), and (d); § 23.999; § 23.1141(a), (b), (c), (d), (f), and (g); § 23.1143(a), (e), and (f); § 23.1189(a) and (c); and § 23.1337(a), (b)(1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23-30, except as set forth in sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown . . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system," and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) the words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-18825 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 21 and 23

[Docket No. 022CE, Notice No. 23-ACE-22]

Special Conditions; Petersen Aviation, Inc., Modified Cessna Model 207 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes to adopt special conditions for Petersen Aviation, Inc., modified Cessna Aircraft Company Model 207 Series Airplanes to incorporate ADI system provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the original certification basis for these airplanes.

DATE: Comments must be received on or before September 22, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 022CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 022CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

Type Certification Basis

The certification basis (TC A16CE) for the Cessna Aircraft Company Model 207 Series airplane is Part 23 of the Federal Aviation Regulations effective February 1, 1965, as amended by 23-1 through 23-6. In addition, effective S/N 20700483 and up, FAR 23.1559, effective March 1, 1978. FAR 36 dated December 1, 1969, plus Amendments 36-1 through 36-6 for S/N 20700363 and up.

Equivalent Safety Items S/N 20700315 and on: Airspeed Indicator, FAR 23.1545; Operating Limitations, FAR 23.1583(a)(1)

In addition, any special conditions which result from this proposal.

Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Cessna Model 207 Series airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane installation certification. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Cessna Model 207 Series airplanes and has concluded that, notwithstanding the existing requirements applicable to these airplanes which did not envision the use of such systems, special conditions should be promulgated for such systems. In addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, and Tires.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (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 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for Cessna Model 207 Series airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable requirements for the design of a fuel system as specified in § 23.951 (a) and (b); § 23.953 (a) and (b); § 23.954, § 23.955 (a) and (c)(1); § 23.959; § 23.961; § 23.963 (a), (d), and (e); § 23.965(a)(1); § 23.967 (a)(1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973 (a), (b), and (c); § 23.975 (a)(1), (2), (3), (5), (6), and (7); § 23.977 (a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997 (a), (b), (c), and (d); § 23.999; § 23.1141 (a), (b), (c), (d), (f), and (g); § 23.1143 (a), (e), and (f); § 23.1189 (a) and (c); and § 23.1337 (a), (b)(1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23-30, except as set

forth in Sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown . . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system," and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) the words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-18828 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 21 and 23

[Docket No. 020CE, Notice No. 23-ACE-20]

Special Conditions; Petersen Aviation, Inc., Modified Cessna Model 185 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes to adopt special conditions for Petersen Aviation, Inc., modified Cessna Aircraft Company Model 185 Series Airplanes to incorporate ADI system provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the original certification basis for these airplanes.

DATE: Comments must be received on or before September 22, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 020CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 020CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

Type Certification Basis

The certification basis (TC 3A24) for the Cessna Aircraft Company Model 185 Series airplane is Part 3 of the Civil Air Regulations, effective May 15, 1956, as amended by 3-1 through 3-5 (normal category). In addition, effective S/N 18502300, 18503684 and on, FAR 23.1559, effective March 1, 1978. FAR 36, dated December 1, 1969, plus Amendments 36-1 through 36-6 for S/N 18502300, 18503459 and on. Part 21.25 of the Federal Aviation Regulations dated February 1, 1965 (restricted category). In addition, any special conditions which result from this proposal.

Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Cessna Model 185 Series airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane

installation certification. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Cessna Model 185 Series airplanes and has concluded that, notwithstanding the existing requirements applicable to these airplanes which did not envision the use of such systems, special conditions should be promulgated for such systems. In addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, and Tires.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (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 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for Cessna Model 185 Series airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable requirements for the design of a fuel system as specified in § 23.951 (a) and (b); § 23.953 (a) and (b); § 23.954, § 23.955 (a) and (c)(1); § 23.959; § 23.961; § 23.963 (a), (d), and (e); § 23.965(a)(1); § 23.967 (a)(1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973 (a), (b), and (c); § 23.975 (a) (1), (2), (3), (5), (6), and (7); § 23.977 (a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997 (a), (b), (c), and (d); § 23.999; § 23.1141 (a), (b), (c), (d), (f), and (g); § 23.1143 (a), (e), and (f); § 23.1189 (a) and (c); and § 23.1337 (a), (b) (1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23-30, except as set forth in Sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown. . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system," and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) the words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-18824 Filed 8-20-86; 8:45 am]

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14 CFR Parts 21 and 23

[Docket No. 023CE, Notice No. 23-ACE-23]

Special Conditions; Petersen Aviation, Inc., Modified Cessna Model 210 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes to adopt special conditions for Petersen Aviation, Inc., modified Cessna Aircraft Company Model 210 Series Airplanes to incorporate ADI system provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the original certification basis for these airplanes.

DATES: Comments must be received on or before September 22, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE-7, Attn: Rules Docket Clerk, Docket No. 023CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 023CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374-5688.

SUPPLEMENTARY INFORMATION

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

Type Certification Basis

The certification basis (TC 3A21) for the Cessna Aircraft Company Model 210 Series airplane is as follows:

Models 210/210A: Part 3 of the Civil Air Regulations effective May 15, 1956, with no amendments.

Models 210B, 210C, 210D, 210E, 210F, T210F, 210G, T210G, 210H, T210H, 210J, T210J, 210K, T210K, 210L, T210L, 210M, T210M, 210N, T210N, 210-5(205), 210-5A(205A): Part 3 of the Civil Air Regulations effective May 15, 1956, and Paragraph 3.112, as amended October 1, 1959. FAR 36 dated December 1, 1969, plus Amendments 36-1 through 36-9 for the T210N. In addition, FAR 23.1559, effective March 1, 1978, for the Models 210N/T210N.

Model P210N: Part 3 of the Civil Air Regulations dated May 15, 1956, Paragraph 3.112, as amended October 1, 1959, and §§ 23.365, 23.571, 23.775, 23.841, 23.843, 23.901, 23.909, 23.1041, 23.1043, 23.1143, 23.1305, 23.1325, 23.1441, and 23.1527 of FAR 23 effective February 1, 1965, as amended to February 14, 1975. FAR 36 dated December 1, 1969, plus Amendments 36-1 through 36-6. Also, FAR 23.1559, effective March 1, 1978, for P21000151 and up.

Equivalent Safety Items (S/N U21061040 and up, and S/N P2100001 and up): Airspeed Indicator, CAR 3.757; Operating Limitations, CAR 3.778(a) (210N, S/N 21062955 and up); Airspeed Indicating System, CAR 3.663

In addition, any special conditions which result from this proposal.

Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Cessna Model 210 Series airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane installation certification. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Cessna Model 210 Series airplanes and has concluded that, notwithstanding the existing requirements applicable to these airplanes which did not envision the use of such systems, special conditions should be promulgated for such systems. In addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, and Tires. The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (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 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following

special conditions as a part of the type certification basis for Cessna Model 210 Series airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable requirements for the design of a fuel system as specified in § 23.951(a) and (b); § 23.953(a) and (b); § 23.954, § 23.955(a) and (c)(1); § 23.959; § 23.961; § 23.963(a), (d), and (e); § 23.965(a)(1); § 23.967(a) (1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973 (a), (b), and (c); § 23.975(a) (1), (2), (3), (5), (6), and (7); § 23.977(a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997(a), (b), (c), and (d); § 23.999; § 23.1141(a), (b), (c), (d), (f), and (g); § 23.1143(a), (e), and (f); § 23.1189 (a) and (c); and § 23.1337(a), (b)(1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23–30, except as set forth in sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown . . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system," and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) The words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–18827 Filed 8–20–86; 8:45 am]

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14 CFR Parts 21 and 23

[Docket No. 026CE, Notice No. 23–ACE–26]

Special Conditions; Petersen Aviation, Inc., Modified Gulfstream American Model 500 Series Airplanes To Incorporate Anti-Detonation Injection (ADI) System Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Special Conditions.

SUMMARY: This notice proposes to adopt special conditions for Petersen Aviation, Inc., modified Gulfstream American Corporation Model 500 Series Airplanes to incorporate ADI system provisions. The certification basis for the existing type design of these airplanes does not contain adequate or appropriate safety standards for these systems. This notice proposes additional airworthiness standards which the Administrator finds necessary to establish a level of safety equivalent to the original certification basis for these airplanes.

DATE: Comments must be received on or before September 22, 1986.

ADDRESS: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, ACE–7, Attn: Rules Docket Clerk, Docket No. 026CE, Room No. 1558, 601 East 12th Street, Kansas City, Missouri 64106. All comments must be marked: Docket No. 026CE. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Oscar Ball, Aerospace Engineer, Aircraft Certification Division, 601 East 12th Street, Room 1656, Federal Office Building, Kansas City, Missouri 64106, telephone (816) 374–5688.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these special conditions by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified in this notice. All communications received on or before the closing date for comments specified in this notice will be considered by the Administrator before taking action on these proposals. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested parties both before and after the closing date for submission of comments.

Type Certification Basis

The certification basis (TC 6A1) for the Gulfstream American Corporation Model 500 Series Airplane is as follows:

Model 500: CAR 3 effective November 1, 1949, through Amendment 3–12 dated May 18, 1954, and CAR 3.431, as amended May 15, 1956.

Model 500–A, CAR 3 effective May 15, 1956, including Amendments 3–3 and 3–4 effective October 6, 1958. In addition, any special conditions which result from this proposal.

Background

On March 25, 1986, Petersen Aviation, Inc., Route 1, Box 18, Minden, Nebraska 68959, submitted an application for Supplemental Type Certificate (STC) approval of the design changes necessary to incorporate an ADI system on the Gulfstream American Model 500 Series airplanes. This installation incorporates ADI tanks, pumps, lines, and associated control systems to supply ADI fluid to the engines in measured quantities to allow the engines to be operated on automobile gasoline (autogas). The engines will be previously certificated for use of autogas with ADI independently of the airplane installation certification. Petersen Aviation, Inc., has indicated to the FAA that they plan substantially equivalent modifications to several other makes and models of small airplanes.

Discussion

The installation of ADI systems in small airplanes was not envisioned when the certification basis for the subject airplanes was established. In addition, the Administrator has determined that the current Part 23 does not contain adequate or appropriate safety standards for ADI systems; therefore, an ADI system is considered a novel and unusual design feature.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of the novel and unusual design features of the airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice, as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.101(b)(2).

While developing these special conditions, the FAA determined that the ADI fluid used in this system (a mixture of 60% alcohol and 40% water) is a flammable fluid in the same volatility class as gasoline and, as such, must be handled and protected in the same manner. Therefore, these special conditions require the ADI fluid systems to meet essentially the same standards as the airplane fuel system.

The FAA has considered the features proposed by Petersen Aviation, Inc. for the ADI installation in the Gulfstream American Model 500 Series airplanes and has concluded that, notwithstanding the existing requirements applicable to these airplanes which did not envision the use of such systems, special conditions should be promulgated for such systems. In addition to the applicable requirements, that will provide the necessary level of safety. Accordingly, special conditions are proposed.

List of Subjects in 14 CFR Parts 21 and 23

Aviation safety, Aircraft, Air transportation, Safety, and Tires.

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended (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 21.16 and 21.101; and 14 CFR 11.28 and 11.29(b).

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as a part of the type certification basis for Gulfstream American Model 500 Series airplanes modified to incorporate the Petersen Aviation, Inc. Anti-Detonation Injection (ADI) system.

1. Each Anti-Detonation Injection (ADI) system must meet the applicable requirements for the design of a fuel system as specified in § 23.951(a) and (b); § 23.953(a) and (b); § 23.954, § 23.955(a) and (c)(1); § 23.959; § 23.961; § 23.963(a), (d), and (e); § 23.965(a)(1); § 23.967(a)(1) and (2), (b), (c), (d), and (e); § 23.969; § 23.971; § 23.973(a), (b), and (c); § 23.975(a)(1), (2), (3), (5), (6), and (7); § 23.977(a)(2), (b), (c), and (d); § 23.991; § 23.993; § 23.995; § 23.997(a), (b), (c), and (d); § 23.999; § 23.1141(a), (b), (c), (d), (f), and (g); § 23.1143(a), (e), and (f); § 23.1189(a) and (c); and § 23.1337(a), (b)(1), (2), (3), and (4), and (c) of the Federal Aviation Regulations, dated February 1, 1965, as amended through Amendment 23–30, except as set forth in Sections 2 through 4 of these special conditions.

2. For ADI systems, replace the word "fuel" with the words "ADI fluid" in all Part 23 sections listed in Section 1 of these special conditions, as appropriate. In addition, certain listed sections are amended as follows:

(a) In § 23.955(a) General. In the first sentence, replace the first portion of the first sentence with "The ability of the ADI system to provide ADI fluid at a flow rate and pressure sufficient for proper engine operation must be shown. . . ."

(b) In § 23.955(c)(1), replace the entire subparagraph (c)(1) with "This flow rate is required for each primary pump and each alternate pump, when the pump is supplied with normal voltage."

(c) In § 23.967(d), delete the first sentence. In the second sentence, delete the phrase, "of a single engine airplane".

(d) In § 23.971, replace paragraph (a) with "(a) Each ADI fluid tank must be drainable in the normal ground attitude". Replace paragraph (b) with "(b) Each drain required by paragraph (a) of this section must comply with the provisions of § 23.999(b)".

(e) In § 23.991, replace paragraph (a) with "(a) Primary pumps. (1) The pump which supplies ADI fluid to an engine during normal (nonfailure) operation of the system is a primary pump and there must be one primary pump for each engine. (2) It must be possible to bypass or flow ADI fluid through each primary pump." Replace paragraph (b) with "(b) Alternate provisions to permit continued supply of ADI fluid to the engine in the event of primary pump failure must be incorporated in the installation. Any pump used for that purpose will be an alternate pump for that engine. In paragraph (c), replace the word "normal" with the word "primary" and the word "emergency" with the word "alternate".

(f) In § 23.997, replace paragraph (d) with "(d) Have the capacity (with respect to operating limitations established for the ADI system) to ensure that ADI system functioning is not impaired, with the ADI fluid contaminated to a degree (with respect to particle size and density) that is greater than that established for proper operation of the ADI system," and add a new paragraph, "(e) Be located with respect to any pressure or flow sensing devices such that the blockage of the filter will be detected by this device".

(g) In § 23.999, delete subparagraph (b)(1).

(h) In § 23.1141(a), delete paragraphs (d) and (e) of § 23.777 which are incorporated by reference.

(i) In § 23.1141(a), delete subparagraph (e)(1) of § 23.1555 which is incorporated by reference.

(j) In § 23.1143, as applies to the control and shutoff of the ADI system, add, "In addition, there must be an indicator or warning light that indicates the proper operation or malfunction of the ADI system."

3. If the ADI fluid is injected into the induction air ducts, it must be injected in a location where the discharge, distribution, or atomization of the fluid will not be affected by operation on either primary or alternate air.

4. ADI System Markings. The ADI filler openings must be conspicuously marked at or near the filler cover with: (a) The words "ADI fluid"; and (b) the capacity of the tank in either pounds or gallons consistent with other ADI system markings.

Issued in Kansas City, Missouri on August 12, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-18826 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket Number 85-ANE-17]

Airworthiness Directives; Rolls-Royce (R-R) plc (Formerly Rolls-Royce Limited) RB211-22B, -535C, and -524 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an existing airworthiness directive (AD) to require the removal from service of additional stage 1 and 2 high pressure compressor (HPC) disk assemblies installed on certain R-R RB211 series turbofan engines. The proposed amendment would amend AD 86-13-09, Amendment 39-5346 (51 FR 25192), which requires removal from service of certain stage 1 and 2 HPC disk assemblies. The proposed amendment is needed to prevent fracture of the stage 1 HPC disk, due to material property deviations incurred during the manufacturing process, which could result in uncontained engine failure.

DATES: Comments must be received on or before November 4, 1986.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket Number 85-ANE-17, 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-17".

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 alert service bulletin (ASB) may be obtained from Rolls-Royce plc, Technical Publication Department, P.O. Box 31, Derby DE2 8BJ, England.

A copy of the ASB is contained in Rules Docket Number 85-ANE-17, 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: Chris Gavriel, 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) 273-7084.

SUPPLEMENTARY INFORMATION: 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 will be considered by the Director before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed 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-17". The postcard will be date/time stamped and returned to the commenter.

This notice proposes to amend AD 86-13-09, Amendment 39-5346 (51 FR 25192), by adding to the removal requirements, stage 1 and 2 HPC disk assemblies identified by serial number in Appendix 4 of R-R ASB RB.211-72-A7774, Revision 1, dated March 21, 1986. On June 20, 1986, Amendment 39-5346 was issued requiring removal from service of stage 1 and 2 HPC disk assemblies identified by serial number in Appendix 3 of R-R ASB RB.211-72-A7774, Revision 1, dated March 21, 1986. One disk failed in service, at 3,188 flight cycles, and liberated pieces which penetrated the engine case and engine cowl. This failure was precipitated by manufacturing process deviations which contributed to a reduction of the low cycle fatigue life of the disk. Following issuance of the NPRM, (50 FR 35839), that preceeded Amendment 39-5346, the FAA determined that additional stage 1 and 2 HPC disk assemblies could be subject to the same material property deviations induced during the manufacturing process, and must also be removed. Since this condition is likely to exist or develop on other engines of the same design, the proposed AD would amend AD 86-13-09, Amendment 39-5346, (51 FR 25192), to require removal of stage 1 and 2 HPC disk assemblies listed in Appendix 4 of R-R ASB RB.211-72-A7774, Revision 1, dated March 21, 1986, at the next 04 module rework but not later than May 31, 1988.

Conclusion

The FAA has determined that this proposed regulation involves 133 R-R RB211-22B, -535C, and -524 series turbofan engines at an approximate cost of 3.924 million dollars. It has also been determined that less than 11 small entities will be affected by this proposed regulation. 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) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend 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 11.85.

2. By amending Section 39.13, Amendment 39-5346 (51 FR 25192),

Airworthiness Directive (AD) 86-13-09, as follows:

(a) By lettering the paragraph immediately prior to the "NOTE" as paragraph "(a)".

(b) By adding the following new paragraph:

"(b) Remove from service stage 1 and 2 HPC disk assemblies identified by serial number in Appendix 4 of Rolls-Royce ASB RB.211-72-A7774, Revision 1, dated March 21, 1986, or FAA approved equivalent, at the next 04 module rework but not later than May 31, 1988.".

The FAA will request the permission of the **Federal Register** to incorporate by reference the manufacturer's alert service bulletin identified and described in this document.

Issued in Burlington, Massachusetts, on August 13, 1986.

Jack A. Sain,

Acting Director, New England Region.

[FR Doc. 86-18833 Filed 8-20-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Oil and Gas Sulphur Operations in the Outer Continental Shelf; Wells; Temporary Abandonment

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Minerals Management Service (MMS) proposes to amend the regulations to provide requirements for the temporary abandonment of a well. The proposed requirements would remove ambiguity and generally conform the rules to historic industry practice.

DATE: Comments on the proposed rule must be hand-delivered or postmarked no later than September 22, 1986.

ADDRESS: Comments should be mailed or hand-delivered to the Department of the Interior; Minerals Management Service; 12203 Sunrise Valley Drive; Mail Stop 646, Room 6A110; Reston, Virginia 22091; Attention: John V. Mirabella.

FOR FURTHER INFORMATION CONTACT: John V. Mirabella, Telephone: (703) 648-7816, (FTS) 959-7816.

SUPPLEMENTARY INFORMATION: The MMS proposes in 30 CFR 250.44, Borehole abandonment, to add new paragraphs providing for temporary abandonment of a well pending a determination as to whether the well will be completed or permanently abandoned. The amendment is proposed because the current regulations provide no requirements for temporary abandonment of wells. The regulations should provide a like measure of protection of the marine, coastal, or human environment as is provided in the case of the permanent abandonment of a well. The proposed revision will ensure a similar level of protection.

Paragraph b(1) of these regulations will provide for the temporary abandonment of a borehole and specify the requirements to be met by a lessee or operator to obtain such approval. The lessee will be required to obtain initial approval and to provide a status report every 6 months until final action is taken. Requiring approval of such action ensures that MMS is aware of, and concurs in, the necessity of such an action. Requiring status reports ensures MMS is aware of the changing status of wells and enables MMS to ensure that obstruction of the floor is minimized.

The provisions of paragraph b(2) address protective structures and navigational markers that must be emplaced upon temporary abandonments in water depths of less than 100 feet. This requirement will ensure that abandonments do not constitute a significant hazard to fishing, navigation, or other uses of the seabed.

The provisions of paragraph b(3) require permanent abandonment of any temporary abandonments that have been permitted once a final determination has made that the well will not be used for production. This provides a final disposition for any wells that have existed in such an uncompleted state.

The proposed revision reflects the current industry practice in so far as measures that have generally been taken in temporary abandonments.

The Department of the Interior (DOI) has determined that this action does not constitute a major Federal action affecting the quality of the human environment; therefore, an environmental impact statement is not required. The DOI has determined that this document is not a major rule under Executive Order 12291 because the annual economic effect is less than $100 million.

The DOI also certifies that the rule will not have a significant effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), as the entities that engage in offshore activities are not considered small due to the technical complexity and financial resources necessary to conduct offshore activities.

The information collection requirements contained in § 250.44 have been submitted to the Office of Management and Budget (OMB) for approval as required by 44 U.S.C. 3504(h). The collection of this information will not be required until it has been approved by the OMB.

Author

The document was prepared by William S. Cook, Offshore Rules and Operations Division, Minerals Management Service.

List of Subjects in 30 CFR Part 250

Continental shelf; Environmental impact statements; Environmental protection; Government contracts; Investigations; Mineral royalties; Oil and gas reserves; Penalties; Pipelines; Public lands/mineral resources; Reporting and recordkeeping requirements.

Dated: March 8, 1986.

William D. Bettenberg,

Director, Minerals Management Service.

Part 250—[AMENDED]

For the reasons set forth above, 30 CFR Part 250 is proposed to be amended as follows:

1. The authority citation for Part 250 continues to read as follows:

Authority: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., as amended, 92 Stat. 629; National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq. (1970); Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 et seq.

2. Section 250.44 is amended by redesignating the existing paragraph as paragraph (a), and adding new paragraphs (b)(1), (b)(2), and (b)(3) as follows:

§ 250.44 Borehole abandonment.

(a) * * *

(b)(1) After obtaining the written approval of the Director, newly drilled exploratory or delineation wells may be temporarily abandoned pending a determination as to whether they will be completed for production (including injection and other lease service or permanently plugged and abandoned. In order to maintain the temporarily abandoned status of such a well, the lessee shall provide, within 6 months of the original temporary abandonment and at successive 6-month intervals thereafter, plans for reentering the well to complete it for production or to permanently abandon it.

(b)(2) No casing stubs extending to or above the seafloor may be left in water depths less than 100 feet without

protective structures. Protective structures may be a caisson, a jacket, or a subsea dome. Temporary abandonments may be left with mud-line suspension tools in such a manner that the equipment does not present an obstruction extending above the seafloor. All casing stubs and all protective structures placed in waters less than 100 feet shall be marked with proper aids to navigation and the locations reported pursuant to U.S. Coast Guard regulations. Notification of actual commencement of abandonment operations shall be provided to the appropriate District Supervisor sufficiently in advance so that the operations may be inspected while they are underway.

(b)(3) In the event it is determined that a well will not be used for production of a lease, it shall promptly be plugged and abandoned in accordance with paragraph (a) of this section.

[FR Doc. 86-18842 Filed 8-20-86; 8:45 am]
BILLING CODE 4310-MR-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD3 86-51]

Local Regulations for Head of Connecticut Regatta, Connecticut River, Middletown, CT.

AGENCY: Coast Guard, DOT

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to establish Special Local Regulations for the Head of Connecticut Regatta being sponsored by the City of Middletown, Connecticut. This event involves some 2000 participants racing rowing shells in scheduled heats on the Connecticut River. These rowing shells can be swamped by a passing vessel's wake. This regulation is needed to provide for the safety of participants and spectators on navigable waters during this event.

DATES: Comments must be received on or before September 22, 1986.

ADDRESSES: Comments should be mailed to Commander (b), Third Coast Guard District, Governors Island, New York, NY 10004-5098. The comments will be available for inspection and copying at the Boating Safety Office, Building 110, Governors Island, New York, NY. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Mr. Lucas A. Dlhopolsky (212) 668-7974.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD3 86-51) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The comment period for this proposed rulemaking is less than the normal 45 days because of the time constraints involved. Due to the shortened comment period, verbal comments submitted by telephone are acceptable.

Drafting Information:

The drafters of this notice are Mr. Lucas A. Dlhopolsky, Project Officer, Third Coast Guard District Boating Safety Division, and Ms. MaryAnn Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Proposed Regulations:

The twelfth annual Head of Connecticut Regatta sponsored by the City of Middletown, Connecticut is a marine event well known to the boaters and residents of the area. In the past few years it has grown to become one of the largest crew shell race events of its type on the East Coast. Approximately 430 crew shells will race against the clock in 18 heats during the day. The sponsor will provide 6 to 8 vessels in conjunction with Coast Guard and local authorities to patrol this event. Several of the sponsors vessels may assist in controlling the spectator fleet which has been growing larger in the past few years despite the late date of this event. The race course will be the same as in 1985 located on the Connecticut River off Cromwell, Portland and Middletown, Connecticut. There is minimal commercial traffic this far up the Connecticut River at this time of the year. On the average, fewer than 2 fuel barges transit this section of the river on any given day enroute to oil facilities along the river. The Coast Guard will restrict vessel movement within the regulated section of the Connecticut River during this event to provide for the safety of the participants and spectators on navigable waters. All nonparticipating vessels wishing to transit through the regulated area will be permitted to do so only at the discretion of the Coast Guard Patrol Commander. Vessel movements shall be at no wake speeds and with Coast Guard or Coast Guard Auxiliary escort when directed by the Patrol Commander. Mariners are urged to use extreme caution when transiting the regulated area. The Coast Guard Captain of the Port, New London will make notification to and request the cooperation of the upstream commercial facilities in scheduling any vessel deliveries prior to or after completion of the races. The Coast Guard will issue a safety voice broadcast on the day of the race and information about this regulation will be published in the Local Notice To Mariners to advise the general boating public and commercial users of the Connecticut River of the event.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Coordination with local commercial marine interests in advance of the event date should minimize any adverse impact on waterborne commerce during the effective period of these regulations.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations, as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.35–329 is added to read as follows:

§ 100.35–329 Head of Connecticut Regatta, Middletown, Connecticut.

(a) *Regulated Area:* That section of the Connecticut River between the southern tip of Gildersleeve Island and aids to navigation light Number 87.

(b) *Effective Period:* This regulation will be effective from 9:00 a.m. to 6:00 p.m. on October 12, 1986.

(c) *Special Local Regulations:* (1) The regulated area shall be closed to all vessel traffic during the effective period. No person or vessel shall enter or remain in the regulated area when it is closed unless participating in the event or authorized by the event sponsor or the Coast Guard Patrol Commander.

(2) Vessels awaiting passage through the regulated area shall be held in the vicinity of the southern tip of Gildersleeve Island, if southbound; and at Light 87 if northbound, until escorted at no wake speeds by Coast Guard or Coast Guard Auxiliary patrol vessels through the race course.

(3) The sponsor shall ensure that all races are completed by 6:00 p.m. on October 12, 1986.

(4) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(5) For any violation of this regulation, the following maximum penalties are authorized by law:

(i) $500 for any person in charge of the navigation of a vessel.

(ii) $500 for the owner of a vessel actually on board.

(iii) $250 for any other person.

(iv) Suspension or revocation of a license for a licensed officer.

Dated: August 11, 1986.

G. D. Passmore,

Rear Admiral (Lower Half) U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 86–18894 Filed 8–20–86; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A–3–FRL–3068–3]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Notice of Proposed Approval of an Administrative Order Issued by the Allegheny County Health Department

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking; invitation for public comment.

SUMMARY: EPA is proposing to approve an Administrative Order, as a Delayed Compliance Order issued by the Allegheny County Health Department (ACHD) to Allegheny Label, Inc. The Order requires the company to bring air emissions from its graphic arts systems facility located in Cheswick Township, Allegheny County, Pennsylvania into compliance with certain regulations contained in the federally approved State Implementation Plan (SIP) for Allegheny County for the control of ozone. Compliance shall be achieved by April 21, 1987 utilizing low solvent technology (LST) or with an alternative standard (if approved pursuant to section 506 of Article XX) by April 21, 1987 through the installation of appropriate air pollution control equipment. Because the Order has been issued to a major source and permits delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order pursuant to the Clean Air Act (the Act).

If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the enforcement provisions of section 113 of the Act or citizen suit provisions of section 304 of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before September 22, 1986.

ADDRESSES: Comments should be submitted to Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business hours.

FOR FURTHER INFORMATION CONTACT: Rosemarie P. Nino, Environmental Protection Specialist, Enforcement Policy and State Coordination Section (3AM21), Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597–9839.

SUPPLEMENTARY INFORMATION: Allegheny Label, Inc. operates three (3) multicolor rotogravure printing presses at its Cheswick Facility in Allegheny County, Pennsylvania. The Order under consideration addresses emissions from the graphic arts systems processes, which are subject to section 531(A) of Allegheny County Health Department, Rules and Regulations, Article XX, Air Pollution Control. The regulations limit the emissions of Volatile Organic Compounds (VOC), and are part of the federally approved State Implementation Plan for Allegheny County for the control of ozone. The Order requires final compliance with the regulation by April 21, 1987 through the use of low solvent technology (LST) or with an alternative standard (if approved pursuant to section 506 of Article XX) by April 21, 1987 through the installation of appropriate air pollution control equipment.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under section 113(d) of the Clean Air Act (the Act). EPA has reviewed the Order and has found that the Order does satisfy the requirements of this subsection of the Act.

EPA's review indicated that the Allegheny Label, Inc.'s graphic arts systems facility is a major source of VOC emissions. The facility is located in the Southwest Pennsylvania Intrastate Air Quality Control Region, a non-attainment area for the National Ambient Air Quality Standard for ozone. The facility as presently constructed is unable to comply with regulations limiting emissions of VOCs codified at section 531(A) of Allegheny County Health Department, Rules and Regulations, Article XX, Air Pollution Control, part of the federally approved State Implementation Plan for Allegheny County, because low solvent inks are still being developed. Prior to issuance of the Order, Allegheny County provided an opportunity for public comment and hearing on the Order. No

public comments or requests for public hearing were received by the Allegheny County. The Order contains requirements for expeditious increments of progress towards compliance and emission monitoring and reporting as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7)(A) of the Clean Air Act. Quarterly increment(s) of progress have been established. These progress reports will show what steps Allegheny Label, Inc. is taking to achieve compliance with section 531(A) of Allegheny County Health Department Rules and Regulations, Article XX, Air Quality Control.

Allegheny Label, Inc. plans to achieve compliance through the use of water based and/or high solids ink and lacquer systems, in accordance with Article XX, Chapter 5, section 531(A), Graphic Art Systems or with an alternative standard (if approval pursuant to section 506 of Article XX) by April 21, 1987 through the installation of appropriate air pollution control equipment. The 1984 estimated VOC emissions of 630.3 Tons/Year (T/Y) will be reduced to 195.0 T/Y no later than April 21, 1987.

Allegheny Label, Inc. had committed to completing its research and development of low solvent inks by July 21, 1986. On July 16, 1986, Allegheny Label, Inc. did commit to achieve compliance by April 21, 1987 through the use of low solvent inks. Since low solvent technology is being pursued by Allegheny Label, Inc., they will complete an evaluation of product quality and commercial acceptance of low solvent inks and issue purchase orders for complying low solvent inks by February 21, 1987. In addition, a written plan shall accompany the notice committing to full compliance with section 531(A) of Article XX by April 21, 1987. Said plan shall describe the control equipment and installation schedule in detail and shall include application for any plan or installation permit approvals required by Article XX.

The Order requires the facility to comply with the State Implementation Plan for Allegheny County whenever it is temporarily able to do so and the Order, therefore, meets the requirements of section 113(d)(7)(B). The Order notifies Allegheny Label, Inc. of its liability for noncompliance penalties under section 120 of the Clean Air Act, 42 U.S.C. 7420 as required by section 113(d)(1)(E) of the Act.

The Agency will not take final action on this proposal until its final approval of a proposed revision to Appendix 22, the Allegheny County portion of the Pennsylvania State Implementation Plan (SIP). The proposed revision, which appeared in the **Federal Register** on March 12, 1986 (40 CFR Part 52, Volume 51, No. 48, Page 8518), provides the Allegheny County Health Department (ACHD) with the authority to grant, on a case-by-case basis, extensions of the final air pollution compliance dates for surface coating and graphic arts sources in Allegheny County. Such extensions can postpone the final compliance date until April 21, 1987, if they are approved by EPA as delayed compliance orders under section 113(d) of the Act.

If the Order is approved by EPA, source compliance with its terms would preclude Federal enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded.

If approved, the Order would also constitute an addition to the SIP for Allegheny County. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

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

List of Subjects in 40 CFR Part 65

Air pollution control.

(Authority: 42 U.S.C. 7413, 7601)

Dated: August 8, 1986.

James M. Seif,

Regional Administrator.

[FR Doc. 86-18879 Filed 8-20-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 122 and 403

[FRL-3068-2]

Water Pollution; General Pretreatment Regulations for Existing and New Sources

AGENCY: Environmental Protection Agency.

ACTION: Notice of extension of public comment period.

SUMMARY: The United States Environmental Protection Agency (EPA) is today providing notice that the public comment period for proposed amendments to the General Pretreatment Regulations for Existing and New Sources (40 CFR Part 403) published in the **Federal Register** on June 12, 1986 (51 FR 21454) is being extended.

DATES: All comments on the June 12, 1986, proposed rule published at 51 FR 21454 must be received on or before September 22, 1986.

ADDRESS: Interested persons may submit written comments to: Hans I.E. Bjornson, Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: George E Young, Permits Division (EN-336), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-9539.

SUPPLEMENTARY INFORMATION: On June 12, 1986, EPA published proposed amendments to the General Pretreatment Regulations for Existing and New Sources, 40 CFR Part 403 (51 FR 21454). The June 12 notice set a period of 60 days for the receipt of public comments. Since publication of the June 12 notice, EPA has received several requests to lengthen the comment period to allow sufficient time to consider and respond to issues raised concerning centralized waste treatment facilities. In response to these requests, EPA has decided to extend the comment period to September 22, 1986.

Dated: August 11, 1986.

Lawrence J. Jensen,

Assistant Administrator for Waste.

[FR Doc. 86-18881 Filed 8-20-86; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 51, No. 162
Thursday, August 21, 1986

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

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1986 Peanut Program; Notice of Determination

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Determination—1986-Crop Peanut Price Support Differentials.

SUMMARY: This notice of determination sets forth specified price support loan and purchase rates for the 1986-crop of quota and additional peanuts which reflect adjustments for differences in type, quality, location and other factors. These adjusted loan and purchase rates apply to warehouse-stored loans, farm-stored loans and purchases. The adjustments are made in accordance with Section 403 of the Agricultural Act of 1949 (the "1949 Act").

EFFECTIVE DATE: August 21, 1986.

FOR FURTHER INFORMATION CONTACT: Solomon J. Whitfield, Tobacco and Peanuts Division, ASCS, USDA, Room 5727 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5754. The impact analysis describing options considered in developing this determination and the impact of implementing such options is available upon request from Mr. Whitfield.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major". It has been determined that this determination 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 to which this determination applies are: Commodity Loans and Purchases, 10.051, as found in the Catalog of Federal Domestic Assistance.

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

On the basis of an environmental evaluation, it has been determined that this action will have no significant impact on the quality of the human environment. In addition, it has been determined that this action will not adversely affect environmental factors such as wildlife habitats, water quality, air quality, and land use and appearance. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Under the provisions of Section 108B of the 1949 Act, as added by section 705 of the Food Security Act of 1985, the Secretary is required to announce price support levels for quota peanuts (peanuts marketed under a quota held by or acquired by the producer) and additional peanuts (nonquota peanuts). The 1986 quota support level of $607.47 per ton and the additional support level of $149.75 per ton were announced on February 14, 1986. Section 403 of the 1949 Act permits adjustments in the support levels for type, quality, location and other factors.

Section 403 also provides that on the application of such adjustments the average level of support shall, to the extent practicable and based on the expected incidence of the factors on which the adjustments are made, be equal to the support level announced by the Secretary for the crop year involved.

A Notice of Proposed Determination regarding adjustments (or "differentials") in the levels of price support for the 1986-crop of peanuts was published in the Federal Register on June 17, 1986 (51 FR 21941)). In that notice, it was proposed that the premium for extra large kernels (ELKs) of Virginia-type peanuts would remain the same as for the 1985-crop level of 35 cents per percentage ELKs in a farmers stock ton. In addition, because abnormal weather in 1983 produced low quality Virginia-type peanuts, it was also proposed that a 4-year (1981, 1982, 1984 and 1985) average would be used to project 1986-crop Virginia-type peanuts rather than the customary 5-year average used for such estimates. The June 17, 1986 notice also proposed that the minimum support value for any quota lot of eligible peanuts of any type would decrease from 8 to 7 cents per pound of kernels in the lot so that the minimum level would not exceed the support level for loose shelled kernels (LSKs). Aside from the changes indicated in the June 17, 1986 notice, no other changes from the past method of determining differentials were proposed.

One peanut sheller/handler organization responded to the June 17 notice. The commenter suggested that the basic differentials allow the spread between the dollars per percentage of sound mature kernels (SMK) for Virginia and Runner-type peanuts to remain unchanged from the 1985-crop peanuts. Under the differentials which applied to the 1985-crop and all preceding crops since 1976, the base SMK value per percentage for Virginia-type peanuts has been 2 percent higher than the base SMK value per percentage for Runner-type peanuts. For Spanish-type peanuts, the base SMK value per percentage has been ½ percent higher than the Runner base SMK value per percentage. The Valencia base SMK value per percentage was not established as a proportion of any other base SMK value. However, peanut differentials have traditionally been established in such a manner that the average Valencia support per ton was tied to either the average level of support per ton for Virginia-type peanuts or Spanish-type peanuts depending on the quality and location of the Valencia-type peanuts.

The commenter supported a uniform excess moisture level for all peanut types and areas. The commenter recommended that the premium for ELKs for Virginia-type peanuts be reduced from 35 cents for each percentage of ELKs to 25 cents for each percentage of ELKs.

It has been determined that the 1986-crop differentials will be adopted as proposed. The proposed changes from

the 1985-crop were to use a 4-year average to project the expected quality of Virginia-type peanuts for the 1986-crop and to reduce the minimum support value from 8 to 7 cents per pound of kernels.

The determination to use a 4-year average (rather than the normal 5-year average) to project the quality of 1986-crop Virginia-type peanuts, excluding the 1983-crop data, increased the quantity of Virginia-type ELK peanuts available for price support which adequately compensates for the recent increase in plantings of the NC–7 variety of Virginia-type peanuts which produces an unusually large percentage of ELK peanuts. A reduction in the ELK premium to 25 cents per percentage of ELKs in a ton of Virginia-type peanuts was considered; however, it was determined that such a reduction in the ELK premium would cause a substantial increase in the use of Virginia-type peanuts in primary products which would force a larger than normal quantity of Runner-type peanuts into price support loan. It was also determined that a 25 cent ELK premium on Virginia-type peanuts would result in overly attractive loan rates for Runner and Spanish-type peanuts which would also increase the loan intake of these types of peanuts, resulting in an unbalanced use of the 1986-crop price support program. The continuation of the 35 cent premium avoids the possibility that CCC might undersupport the 1986-crop of Virginia-type peanuts and prevents a possible undesirable increase in peanuts pledged for price support loan.

The recommendation to allow for the same spread between the dollars per percentage SMK for Virginia and Runner-type peanuts as were applicable for the 1985-crop differentials would require the Commodity Credit Corporation of the Department of Agriculture to change the customary formula for determining the dollars per percentage SMK and such a change has not been found to be necessary. Absent a need, such a change could be disruptive to the extent it produced an actual change of prices.

Except as indicated, the 1986-crop differentials have been calculated in the same manner as the 1985-crop differentials, and employ the same premiums and discounts. As with the 1985-crop, the value of additional peanuts for price support purposes will, in effect, be calculated by using a two-step process. The first step is to calculate the level at which the peanuts would be supported if the particular peanuts involved were quota peanuts. That figure is then reduced by a factor that represents the ratio of the national average support level for additional peanuts for the 1986-crop ($149.75/ton) to the national average support level for quota peanuts for the 1986-crop ($607.47/ton). That factor for the 1986-crop year is .2465. Price support loans made on the basis of the following prices will be subject to adjustments for deductions permitted by CCC or required by law. Those required by law would include any adjustment arising in connection with the deficit reduction provisions of The Balanced Budget and Emergency Deficit Control Act of 1985 (Pub. L. No. 99–177). Because of the onset of the marketing year for the 1986 crop and the need for interested parties to be informed of the prices set forth in this notice, good cause is shown for this Final determination to be effective upon publication.

Determination

Accordingly, the following support prices and applicable adjustments are set forth with respect to the 1986-crop of peanuts.

(a) *Average 1986 Support Values for Quota Peanuts by Type Per Average Grade Ton of Peanuts.*

(1) *Support Value for Warehouse-Stored Peanuts:*

Type	Per average grade ton
Virginia	$608.72
Runner	610.93
Spanish	579.85
Valencia:	
Southwest area—suitable for cleaning and roasting	608.72
Southwest area—not suitable for cleaning and roasting	579.85
Areas other than Southwest	579.85

(2) *Support Value for Farm-Stored Peanuts:*

Type	Per average grade ton
Virginia	$609
Runner	611
Spanish	580
Valencia:	
Southwest area	609
Areas other than Southwest	580

(b) *Calculation of Support Prices for Quota Peanuts by Type and Quality.*

The support price per ton for 1986-crop quota peanuts of a particular type and quality shall be calculated on the basis of the following rates (with no value assigned to damaged kernels (DKs)), premiums, and discounts (including a DK discount) except that the minimum support value for any quota lot of eligible peanuts of any type shall be 7 cents per pound of kernels in the lot:

(1) *Kernel Value Per Ton Excluding Loose Shelled Kernels (LSKs).*

(i) The price per ton for each percent of sound mature and sound split (SS) kernels shall be:

Type	Per percent
Virginia	$8.775
Runner	8.603
Spanish	8.646
Valencia:	
Southwest area—suitable for cleaning and roasting	9.050
Southwest area—not suitable for cleaning and roasting	8.646
Areas other than Southwest	8.646

(ii) The price per ton for each percent of other kernels (OK) shall be: All types, per percent, $1.40.

(iii) The premium per ton for each percent of ELKs for Virginia-type peanuts shall be: $0.35. However, no premium for ELKs shall be applicable to any ton of such peanuts containing more than four-percent DKs.

(2) *Price of LSKs Per Pound.* The price for each pound of LSKs shall be: All types, per pound, $0.07.

(3) *Foreign Material Discount.* For all types of peanuts, the discount per ton for foreign material shall be as follows:

Percent	Discount
0–4	$0
5	1.00
6	2.00
7	3.00
8	4.00
9	5.00
10	6.00
11	7.00
12	8.50
13	10.00
14	11.50
15	13.00
16 and over	(1)

[1] For each full percent in excess of 15 percent deduct an additional $2.

(4) *SS Kernel Discount.* For all types of peanuts, the discount per ton for SS kernels shall be as follows:

Percent	Discount
1 through 4	$0
5	1.00
6	1.60
7 and over	(2)

[2] For each full percent in excess of 6 percent deduct an additional $0.80.

(5) *DK Discount.*

(i) For all types of peanuts, the discount per ton for DKs shall be as follows:

Percent	Discount
1	$0
2	3.40
3	7.00
4	11.00
5	25.00
6	40.00
7	60.00
8 to 9	80.00
10 and over	100.00

(ii) Notwithstanding the above discount schedule, the DK discount for Segregation 2 peanuts transferred from additional to quota loan pools shall not exceed $25 per ton.

(6) *Adjustment for Peanuts Sampled with Other Than Pneumatic Sampler.* The support price per ton for Virginia-type peanuts sampled with other than a pneumatic sampler shall be reduced by $0.10 per every percentage point of sound mature (SM) and SS kernels.

(7) *Mixed Type Discount.* Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a price which is $10 per ton less than the support price available to the type in the mixture having the lowest support price.

(8) *Adjustments for Location Where Peanuts are not Customarily Shelled or Crushed.*

(i) Farmers stock peanuts on which price support is made available in the States specified below shall be discounted as follows:

State	Per ton
Arizona	$25.00
Arkansas	10.00
California	33.00
Louisiana	7.00
Mississippi	10.00
Missouri	10.00
Tennessee	25.00

(ii) Farmers stock peanuts on which price support is made available in Puerto Rico and all other States, territories and possessions of the United States (excluding the States specified in Paragraph (8)(i) and Alabama, Florida, Georgia, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, and Virginia), shall be discounted at $40.00 per ton.

(9) *Virginia-Type Peanuts.* Virginia-type peanuts, in order to be eligible for price support as Virginia-type, must contain 40 percent or more "fancy" size peanuts, as determined by a presizer with the rollers set at 34/64 inch space. Virginia-type peanuts so determined to contain less than 40 percent "fancy" size peanuts will be supported (but not classed) as though they were Runner-type.

(10) *Discount for Aspergillus Flavus Mold (Segregation 3 Peanuts).* There will be no discount applied to Segregation 3 peanuts for Aspergillus flavus mold when such peanuts are pledged as loan collateral at the additional loan rate. Should such peanuts later be transferred to a quota loan pool under 7 C.F.R. Part 1446, they will be discounted at the rate of $25 per net ton from the quota price support rate.

(c) *Calculation of Support Values for Additional Peanuts.* The support price per ton for 1986-crop additional peanuts of a particular type and quality shall be calculated on the basis of 24.65 percent of the same rates, premiums and discounts as are applicable to quota peanuts. This percentage has been computed by dividing the national average support rate per ton for 1986-crop additional peanuts by the national average support rate per ton for 1986-crop quota peanuts.

Signed at Washington, DC, on August 15, 1986.

William C. Bailey,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 86-18883 Filed 8-20-86; 8:45 am]

BILLING CODE 3410-00-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Senior Executive Service; Performance Review Board Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Office of the Secretary Senior Executive Service (SES) Performance Appraisal System:

Hugh L. Brennan
Guy W. Chamberlin, Jr.
John. B. Christian
David L. Edgell
David Farber
Michael A. Levitt
Mark R. Policinski
Roger J. Whyte
Otto J. Wolff

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Secretary, Performance Review Board.

[FR Doc. 86-18848 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-BS-M

International Trade Administration

Boston 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 (Pub. L. 89-651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86-290. Applicant: Boston University, 147 Bay State Road, Boston, MA 02215. Instrument: Motion Analysis System. Manufacturer: Northern Digital, Canada. Intended Use: Research process of studying and quantifying human movement. Populations to be studied will include both normal children and adults and those with motor problems. In addition, the instrument will be used to teach graduate students in the use of motion analysis with young children. Application Received by Commissioner of Customs: July 22, 1986.

Docket No. 86-291. Applicant: City College—C.U.N.Y., Physics Department J419, Convent Avenue & W. 138th Street, New York, NY 10031. Instrument: Interforometer. Manufacturer: Dr. John Sandercock, Laboratories RCA, Switzerland. Intended Use: The instrument will be used to study inelastic light scattering in the incommensurate ferroelectric crystals potassium selenate and rubidium zinc chloride. Application Received by Commissioner of Customs: July 24, 1986.

Docket No. 86-293. Applicant: Armed Forces Radiobiology Research Institute, Building #42, Bethesda, MD 20814-5145. Instrument: Rapid kinetics Accessory, Model SFA-11. Manufacturer: High-Tech Scientific Ltd., United Kingdom. Intended Use: The instrument is intended to be used for conducting experiments to determine the effects of ionizing radiation on the structural properties of DNA, lipids and membranes. Application Received by Commissioner of Customs: July 28, 1986.

Docket No. 86-294. Applicant: University of Massachusetts Medical

Center, 55 Lake Avenue North, Worcester, MA 01605. Instrument: PMV Cryo-Microtome, Model LKB 2250–041 with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended Use: The instrument is intended to be used to prepare cardiac specimens for study. The quality of the sections will give increased resolution for distribution isotopic studies and the ability to accurately quantitate the same material. The instrument will also produce adjacent sections of a quality which will allow for high resolution histochemistry and biochemical analyses of the large specimens. Application Received by Commissioner of Customs: July 29, 1986.

Docket No. 86–295. Applicant: Texas A&M University, Box 3578, USDA Building, Room 219, University Drive & Wellborn Road, College Station, TX 77843–3578. Instrument: Rapid Kinetic Accessory, Model SFA–11. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended Use: The instrument is intended to be used in the study of iron and anion exchange reactions of the proteins lactoferrin from milk and transferrin from blood. The objective of this study is to characterize these proteins with regard to metal and anion binding and release phenomena. Application Received by Commissioner of Customs: July 29, 1986.

Docket No. 86–296. Applicant: The Johns Hopkins University School of Medicine, 725 N. Wolfe Street, Baltimore, MD 21205. Instrument: Micromanipulator, Model MO–103. Manufacturer: Narishige, Japan. Intendeed Use: The instrument is intended to be used to carry and to position a microelectrode with the head stage of the sensing system in voltage clamp and membrane patch clamp experiments on excised muscle, isolated cardiocytes, and cultured cells. The objective of these studies is an understanding of a mechanism by which the hormone insulin acts, by examining insulin effects on ion channels in biological cell membranes. Applicantion Received by Commissioner of Customs: August 1, 1986.

Docket No. 86–297. Applicant: Northwestern University, Department of Biochemistry, Molecular Biology and Cell Biology, 2153 Sheridan Road, Evanston, IL 60201. Instrument: Circular Dichroism Spectropolariameter, Model J–600. Manufacturer: Jasco, Japan. Intended Use: The instrument is intended to be used for circular dichroic measurements of pigment-protein complexes to determine structural information relating to pigment binding and to ascertain the secondary structure of synthetic polypeptides in liposomes. Application Received by Commissioner of Customs: August 1, 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. 86–18902 Filed 8–20–86; 8:45 am]

BILLING CODE 3510–DS–M

Certain Circular Welded Carbon Steel Pipes and Tubes From Taiwan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by Far East Machinery Co., Ltd. and Voss International Corporation, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan. The review covers two of the seven known manufacturers and/or exporters of this merchandise to the United States and the period October 1, 1983 through April 30, 1984. The review of Yieh Hsing Enterprise Co., Ltd. terminated on December 2, 1985, the date the Department received Yieh Hsing's withdrawal of its request for an administrative review for the period. The review indicates the existence of dumping margins for the two firms during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value for Far East Machinery Co., Ltd. Tai Feng Industries, a company that went out of business in November 1983, did not respond to our questionnaire. The Department used the best information available for assessment purposes for that firm.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 20, 1986.

FOR FURTHER INFORMATION CONTACT: Deborah Grossman or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 19369) the antidumping duty order on certain circular welded carbon steel pipes and tubes from Taiwan. We began the October 1, 1983 through April 30, 1984 review of the order under our old regulations. After the promulgation of our new regulations, the respondents, Far East Machinery Co., Ltd., and Yieh Hsing Enterprise Co., Ltd., and an importer, Voss International Corporation, requested that we complete the administrative review in accordance with § 353.53a(a) of the Commerce Regulations. Yieh Hsing Enterprise Co., Ltd. withdrew its request on December 2, 1985.

Scope of the Review

The imports covered by the review are shipments of certain circular welded carbon steel pipes and tubes. The Department defines such merchandise as welded carbon steel pipes and tubes, of circular cross section, with walls not thinner than 0.065 inches, and 0.375 inches or more but not over 4.5 inches in outside diameter, which are currently classified under items 610.3231, 610.3234, 610.3241, 610.3242, 610.3243 and 610.3252 of the Tariff Schedules of the United States Annotated ("TSUSA").

The review covers two of the seven known manufacturers and/or exporters of certain Taiwanese circular welded carbon steel pipes and tubes to the United States, and the period October 1, 1983 through April 30, 1984.

Tai Feng Industries went out of business in November 1983 and did not respond to our questionnaire. For that firm the Department used the best information available for assessment purposes. The best information available was the most recent antidumping duties cash desposit rate for that firm.

United States Price

In calculating United States price the Department used purchase price as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"). Purchase price was based on the packed f.o.b. price to unrelated purchasers in the United States. We made adjustments for foreign inland freight, customs clearance charges, and export duties.

We disallowed a claim for an adjustment for import duty drawback because this claim was insufficiently substantiated. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, as defined in section 773 of the Tariff Act. Home market price was based on the packed delivered price to unrelated purchasers in the home market. We made adjustments for inland freight, business taxes, and differences in credit costs. We disallowed claims for adjustments for bad debt and educational and stamp taxes because these claims were insufficiently substantiated. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value for Far East Machinery Co., Ltd., and our use of the best information available for Tai Feng Industries, we preliminarily determine that the following margins exist:

Manufacturer/Exporter	Time period	Margin (percent)
Far East Machinery Co., Ltd.	10/01/83–04/30/84	37.76
Tai Feng Industries	10/01/83–04/30/84	43.7

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held on September 19, 1986. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above for Far East Machinery Co., Ltd. The Department will issue appraisement instructions on each exporter directly to the Customs Service. Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margin shall be required for Far East Machinery Co., Ltd. For any future entries of this merchandise from a new exporter not covered in the investigation or this administrative review, whose first shipments occurred after April 30, 1984, and who is unrelated to any reviewed firm, a cash deposit of 37.76 percent shall be required. These deposit requirements are effective for all shipments of certain circular welded carbon steel pipes and tubes entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final result of this administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Traiff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 86–18900 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

Harvard University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 86–122. Applicant: Harvard University, Cambridge, MA 02138. Instrument: Microscope Accessories. Manufacturer: Carl Zeiss, West Germany. 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: These are compatible accessories for an instrument previously imported for the use of the applicant. The instrument and accessories were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated July 11, 1986 that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the instrument.

(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. 86–18903 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

Kansas State University; Decision of Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 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, DC.

Docket No. 85–252R. Applicant: Kansas State University, Manhattan, KS 66506. Instrument: Equine Treadmill for Horses, Model 4785. Manufacturer: RTC Systems, KB Sweden. Original notice of this resubmitted application was published in the **Federal Register** of September 5, 1985.

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 speed capacity to 13.8 meters per second, incline adjustment during operation, and a safety harness. The National Institutes of Health advises in its memorandum dated July 24, 1986 that (1) this capability is pertinent 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.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–18904 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

Northwestern University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86–112. Applicant: Northwestern University, Evanston, IL 60201. Instrument: Stopped-Flow Fluorescence Spectrophotometer, Model

SF–51. Manufacturer: Hi-Tech Scientific Ltd., United Kingdom. Intended Use: See notice at 51 FR 6576.

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, was being manufactured in the United States at the time the instrument was ordered (October 2, 1985).

Reasons: The foreign article provides small sample capability (minimum 100 microliters per reaction) and a dead time less than 1.0 millisecond. The National Institutes of Health advises in its memorandum dated July 11, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no demestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use being manufactured at the time the foreign instrument was ordered.

We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument being manufactured 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. 86–18905 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

The Ohio State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86–234. Applicant: The Ohio University, Columbus, OH 43210. Instrument: Mass Spectrometer/Gas Chromatograph Data System, Model VG–70250S. Manufacturer: VG Instruments, United Kingdom. Intended use: See notice at 51 FR 23256.

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 (May 21, 1986).

Reasons: The foreign article provides continuously variable mass resolution up to 50 000 (10% valley definition), mass range 1–1600 amu at 10 kV in the FAB mode and less than 0.3 second cycle time for mass 500–25–500. 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 commerical 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 leadtme 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, received no response to a formal request for quotation sent to the only known domestic manufacturer of comparable instruments 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. 86–18906 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-601]

Preliminary Affirmative Countervailing Duty Determination: Roasted In-Shell Pistachios From Iran

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to growers, processor-roasters, or exporters in Iran of roasted in-shell pistachios. The estimated net bounty or grant is 317.89 percent *ad valorem.*

We are directing the U.S. Customs Service to suspend liquidation of all entries of roasted in-shell pistachios from Iran that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit or bond on entries of these products in the amount equal to the estimated net bounty or grant.

If this investigation proceeds normally, we will make our final determination on or before October 29, 1986

EFFECTIVE DATE: August 21, 1986.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC., 20230; telephone (202) 377–0161.

SUPPLEMENTARY INFORMATION: .

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to growers, processor-roasters, or exporters in Iran of in-shell pistachios which are roasted and imported into the United States. For purposes of this investigation, the following programs are found to confer bounties or grants:

- Foreign Exchange Benefits for Exporters.
- Price Supports and/or Guaranteed Purchase of All Production.
- Preferential Provision of Fertilizer and Machinery.
- Preferential Credit.
- Tax Exemptions.
- Provision of Water and Irrigation at Preferential Rates.

• Technical Support.

We preliminarily determine the estimated net bounty or grant for roasted in-shell pistachios to be 317.89 percent *ad valorem.*

Case History

On June 24, 1986, we received a petition in proper form filed by the California Pistachio Commission, Keenan Farms Inc. Kern Pistachio Hulling and Drying Co-op, and T.M. Duche Nut Company, Inc. on behalf of growers and processor-roasters in the U.S. pistachio nut industry. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that growers, processor-roasters, and exporters in Iran of roasted pistachios receive bounties or grants within the meaning of section 303 of the Act.

Since Iran is not a "country under the Agreement" within the meaning of section 701(b) of the Act, sections 303(a)(1) and (b) of the Act apply to this investigation. Accordingly, the petitioners are not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on June 30, 1986, we initiated such an investigation (51 FR 25084, July 10, 1986). We stated that we intended to expedite the preliminary determination, which in any case would be issued no later than sixty-five days after the date of initiation.

We presented a detailed questionnaire to the Government of Algeria in Washington, DC on July 2, 1986, and requested that it forward the questionnaire to the Iranian authorities in its capacity as the protecting power for Iran in the United States. We requested a reponse to our questionnaire by August 1, 1986. We did not receive a reponse from either the Government of Iran or the growers, processor-roasters, or exporters of the subject merchandise in Iran.

Scope of Investigation

The product covered by this investigation is all roasted in-shell pistachio nuts, whether roasted in Iran or elsewhere, from which the hull has been removed, leaving the inner hard shells and the edible meat, currently provided for under item 145.53 of the *Tarriff Schedules of the United States* (TSUS).

Analysis of Programs

Because we did not receive a response to our questionnaire, we are using the best information available as required under section 355.39 of our regulations (19 CFR 355.39), adversely inferring countervailability and receipt of benefits based on the absence of a response. We will continue to seek information from our own sources to determine the countervailability and level of benefits of the programs under investigation.

I. Programs Preliminarily Determined to Confer Bounties or Grants

We preliminarily determine that bountries or grants are being provided to growers, processor-roasters, or exporters in Iran of in-shell pistachios which are roasted and imported into the United States under the following programs:

A. Foreign Exchange Benefits for Exporters

Petitioners allege that exporters of pistachios in Iran are entitled to exchange foreign currency earned from export sales at a premium of 11 percent above the official exchange rate and that this preferential rate is limited to exporters. According to information submitted in the petition, exporters of pistachios in Iran may retain this additional 11 percent as foreign exchange and they may benefit from this retained foreign currency in one of two ways.

First, an exporter can use the additional foreign currency to import goods for resale in Iran at whatever price the market will bear. According to the petition, the free market price of imported goods is often five to six times higher than the price set by the Government of Iran. Second, a pistachio exporter may sell retained foreign currency at the free-market rate to any person in Iran with a need for foreign currency. During the period of investigation, the average official exchange rate was 89.248 rials/dollar, derived from International Monetary Fund statistics, and, according to petitioners, the average free-market exchange rate was approximately 650 rials/dollar. Petitioners estimate the net bounty or grant from the preferential exchange rate and foreign currency retention schemes to be 56.65 percent *ad valorem.*

Petitioners further allege that when Iranian exporters surrender their foreign exchange to the Iranian Central Bank, they receive a *wariznameh,* or a foreign exchange certificate. This certificate, given in addition to the rial value of the foreign currency surrendered, is an acknowledgement by the Central Bank of receipt of foreign exchange and authorizes the holder to receive foreign currency equal to the amount indicated on the *wariznameh* to use for the payment of imports. The *wariznameh* has a face value equal to the full value of the foreign currency earned for exports. The *wariznameh* is transferable to importers needed foreign currency to pay their bills and, according to petitioners, has a market value of 240–360 rials/dollar. Therefore, the *wariznameh* potentially confers a benefit on the exporters of 240–360 rials for each dollar earned from exports.

We have been unable to ascertain from available information whether the preferential exchange rate/currency retention schemes and the *wariznameh* program coexist in Iran or, as the petitioners suggest, the former program has been superseded by the latter. As best information available, we determine that exporters of Iranian pistachios benefits from the *wariznameh* program. This is the program for which the petition provides the most recent information and, of the two, has the highest rate.

To calculate the benefit, we assumed an average value for the *wariznameh* of 300 rials for each dollar delivered to the Central Bank. Using the official exchange rate for 1985 of 89.248 rials, we calculated that the exporter received a benefit of $3.3614 on each dollar of exports, or 336.14 percent.

The petitioners allege that all roasted pistachios from Iran are exported as raw pistachios and are then roasted in a third country before importation into the United States. Therefore, we have adjusted the benefit from this program to reflect that any benefit earned in Iran is actually earned on the lower value of raw pistachios. We compared the average unit value of raw pistachios imported into the United States to the value of roasted pistachios imported into United States. This comparison showed the value of raw pistachios imported into the United States to be 82.7 percent of the value of imported roasted pistachios. Therefore, we adjusted the benefit from this program using this 82.7 percent and obtained an estimated net bounty or grant of 277.99 percent *ad valorem.*

B. Price Supports and/or Guaranteed Purchase of All Production

Petitioners allege that pistachio growers in Iran may benefit from a government policy of guaranteeing purchase of, and subsidizing prices for, certain major food commodities.

Petitioners state that the Government of Iran gave the Rafsanjan Cooperative, the country's principal pistachio cooperative, a $100 million loan on terms inconsistent with commercial considerations to purchase and stockpile pistachios.

Because we did not receive a response to our questionnaire in this investigation, we are assuming, as best information available, that this type of financing is limited to a specific enterprise or industry, or group of enterprises or industries, and that the loan was extended on terms inconsistent with commercial considerations.

We treated the loan under this program as a long-term, cost-free loan and calculated the benefit consistent with the Department's methodology as outlined in the *Subsidies Appendix* for long-term loans [*see, Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina* (49 FR 18006, April 26, 1984)]. We have assumed that the loan was given in 1983, when, according to information supplied by the petitioners, the Iranian banks still operated under a system of charging interest on loans. To determine a benchmark interest rate for loans in Iran, we are relying on information contained in the *Middle East Economic Digest*. This publication indicates that interest rates on bank loans in 1983 ranged from 12 to 18 percent. To quantify the benefit from this loan, we assumed the loan was given interest free and used 18 percent as our commercial benchmark rate. Because information in the record of this investigation indicates that the Rafsanjan Pistachio Producers Cooperative is the only pistachio cooperative in Iran, we divided the benefit received during the review period by the total value of 1985 pistachio production. This benefit of 8.05 percent was then applied to the adjustment factor for roasted pistachios of 82.7 percent. On the basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

C. Preferential Provision of Fertilizer and Machinery

Petitioners allege that agricultural cooperatives, such as the Rafsanjan Cooperative, can obtain fertilizer and machinery from the government at preferential prices. According to the petition, the extent of the benefit varies with the crop produced. Petitioners further allege that these cooperatives, in turn, provide both fertilizer and machinery to their members on terms inconsistent with commercial considerations.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degee the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

D. Preferential Credit

Petitioners allege that agricultural cooperatives in Iran make preferential credit available from funds provided by the government to their members. Petitioners argue that the Rafsanjan Cooperative is the principal cooperative for pistachios in Iran and that this organization may provide loans on terms inconsistent with commerical considerations to its members.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

E. Tax Exemptions

Petitioners allege that pistachio farmers may benefit from legislation exempting farmers and livestock breeders from paying taxes, provided they follow government agricultural guidelines.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

F. Provision of Water and Irrigation

Petitioners allege that pistachio growers in Iran may benefit from the construction of soil dams, flood barriers, canals, and other irrigation projects undertaken by the government to increase agricultural production.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

G. Technical Support

Petitioners allege that pistachio growers in Iran may receive technical support as part of the government's program to support agricultural development. Petitioners argue that technical support has included research projects to improve cultivation techniques, and assistance in harvesting, marketing, and use of fertilizer.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we preliminarily determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

Verification

In accordance with section 776(a) of the Act, if we receive complete responses in a timely manner, we will verify the data used in making our final determination. We will not accept any statement in a response that cannot be verified for our final determination.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of roasted in-shell pistachios from Iran which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** and to require a cash deposit or bond for each entry in the amount of 317.89 percent *ad valorem*. This suspension will remain in effect until further notice.

Public Comment

In accordance with § 355.35 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on September 29, 1986, at the U.S.

Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20203. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of the pre-hearing briefs must be submitted to the Deputy Assistant Secretary by September 22, 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 353.33(d) and 19 CFR 355.34, written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act [19 U.S.C. 1671b(f)].

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

August 15, 1986.

[FR Doc. 86-18901 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-DS-M

State University of New York, et al; Consolidated Decision on Applications For Duty-Free Entry of Reflected Light 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 & Constitution Avenue, NW. Washington, DC.

Docket No. 86-131. Applicant: State University of New York at Stony Brook, Stony Brook NY 11794. Instrument: Reflected Light Microscope with Accessories. Manufacturer: Sluzba Vyzkumu, Czechoslovakia. Intended Use: See notice at 51 FR 8691. Advice Submitted By: National Institutes of Health: July 11, 1986.

Docket No. 86-134. Applicant: The University of Iowa, Iowa City, IA 52242. Instrument: Reflected Light Microscope with Accessories. Manufacturer: Department of Biophysics, Charles University, Czechoslovakia. Intended Use: See notice at 51 FR 9500. Advice Submitted By: National Institutes of Health: July 24, 1986.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as each is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can image structures in subsurface layers to a depth of about 180 micrometers in reflectively appropriate media. The National Institutes of Health advises in its respectively cited memoranda that (1) the capability of each of the foreign instruments described above is pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-18907 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-DS-M

University of Illinois, Urbana Champaign Campus; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86-073R. Applicant: University of Illinois, Urbana Champaign Campus; Urbana, IL 61801. Instrument: Excimer Laser, Model EMG 150E. Manufacturer: Lambda-Physik GmbH, West Germany. Intended Use: See notice at 51 FR 22097.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purpose as it is intended to be use, is being manufactured in the United States.

Reasons: The foreign article is an oscillator/amplifier configuration providing a timing range of 0.3 nm and a narrow bandwidth (0.01 at 193 nm). 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.

Frank W. Creel,

Director, Satutory Import Programs Staff.

[FR Doc. 86-18908 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-DS-M

Washington University Medical School, Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86-102. Applicant: Washington University Medical School, St. Louis, MO 63110. Instrument: Mass Spectrometer, Model ZAB-SE and 11/250 Data System. Manufacturer: VG Analytical Ltd., United Kingdom. Intended Use: See notice at 51 FR 6155.

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 a mass range of 12,000 atomic mass units at an accelerating potential of 10,000 volts and resolution of 75,000 in the FAB mode. The National Institutes of Health advises in its memorandum dated July 11, 1986 that (1) this capability is pertinent 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. 86-18909 Filed 8-20-86; 8:45 am]

BILLING CODE 3510-DS-M

Washington University School of Medicine; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational,

Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 am and 5:00 pm in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No. 86–128. Applicant: Washington University School of Medicine, St. Louis, MO 63110. Instrument: Microtome Cryostat with Accesories. Manufacturer: Hacker/Bright, United Kingdom. Intended Use: See notice at 51 FR 8691.

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: (1) Large, uniform serial sections in the range of 0.5 to 30 micrometers, (2) controlled temperatures between −10 and −30 degrees Centigrade, and (3) slow, reproducible cutting. The National Institutes of Health advises in its memorandum dated July 24, 1986 that (1) these capabilities are pertinent to the applicant's intended purposes 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.

Frank W. Creel,

Director, Satutory Import Programs Staff.

[FR Doc. 86–18910 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Deep Seabed Mining—Approval of Exploration License Revision

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of approval of exploration license amendment for Ocean Management, Inc.

SUMMARY: Pursuant to the Deep Seabed Hard Mineral Resources Act and 15 CFR Part 970, the National Oceanic and Atmospheric Administration (NOAA) on August 12, 1986, approved revision number 1 to *Deep Seabed Hard Mineral Resources Exploration License USA–2* as proposed by the license, the Ocean Management, Inc. (OMI), c/o INCO Limited, One New York Plaza, New York, New York 10024 on November 19, 1985 as clarified on March 27 and April 3, 1986.

FOR FURTHER INFORMATION CONTACT: John W. Padan or Nancy Carter, Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, Suite 710, 1825 Connecticut Avenue NW., Washington, DC 20235 (202) 673–5117..

Dated: August 18, 1986.

Approved:

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 86–18876 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-12-M

Tanner Crab off Alaska

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

ACTION: Notice; request for comments.

SUMMARY: The North Pacific Fishery Management Council has for distribution an issues paper describing long-term alternatives for Federal management of the Alaskan Tanner crab fishery. Copies of the issues paper can be obtained from the address below. Comments are requested during this public review period and any comments received will be given to the Council for use at its September 24–26, 1986, meeting.

DATE: Comments are due by September 12, 1986.

ADDRESS: Comments should be sent to Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Steve Davis, 907–274–4563.

Dated: August 18, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–18927 Filed 8–20–86; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Ada Board Evaluation and Validation Panel Meeting

ACTION: Notice of Meeting.

SUMMARY: A meeting of the Ada Board Evaluation and Validation Panel will be held Monday, 8 September 1986 from 9:00 A.M. to 5:00 P.M. and Tuesday, 9 September 1986 from 9:00 A.M. to 12:00 noon at the Institute for Defense Analyses Skyline Office, Five Skyline Place, Suite 300, 5111 Leesburg Pike, Falls Church, VA.

FOR FURTHER INFORMATION CONTACT: Dr. Dudrey Smith, Lear Siegler Inc., Instrument Division, Grand Rapids, MI 49508 (616) 241–7665.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

August 18, 1986.

[FR Doc. 86–18858 Filed 8–20–86; 8:45 am]

BILLING CODE 3810-01-M

Ada Board Language Maintenance Panel Meeting

ACTION: Notice of Meeting.

SUMMARY: A meeting of the Ada Board Language Maintenance Panel will be held Wednesday, 10 September 1986 from 9:00 A.M. to 5:00 P.M. and Thursday, 11 September 1986 from 9:00 A.M. to 4:30 P.M. at New York University, 73 Fifth Avenue (5th Avenue and 15th Street), floor 11, New York, New York.

FOR FURTHER INFORMATION CONTACT: Dr. John Goodenough, SofTech, Inc., 460 Totten Pond Road, Waltham, MA 02254 (617) 890–6900.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

August 18, 1986.

[FR Doc. 86–18859 Filed 8–20–86; 8:45 am]

BILLING CODE 3810-01-M

Ada Board Meeting

ACTION: Notice of Meeting.

SUMMARY: A meeting of the Ada Board will be held Monday, November 17, 1986 from 9:00 a.m. to 5:00 p.m. at the Charleston Marriott, 200 Lee Street East, Charleston, West Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine McDonald, Institute for Defense Analyses, 1801 N. Beauregard Street, Alexandria, Virginia, 22311, (703) 824–5531.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

[FR Doc. 86–18860 Filed 8–20–86; 8:45 am]

BILLING CODE 3810-01-M

ISO Working Group 9

ACTION: Notice of Meeting.

SUMMARY: A meeting of ISO Working Group 9 will be held Monday, November 17, 1986 from 1:00 p.m. to 5:00 p.m. and Tuesday, November 18, 1986 from 9:00 a.m. to 5:00 p.m. at the Charleston Marriott, 200 Lee Street East, Charleston, West Virginia.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine McDonald, Institute for Defense Analyses, 1801 N. Beauregard Street, Alexandria, Virginia, 22311, (703) 824–5531.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

[FR Doc. 86–18861 Filed 8–20–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CI86–372–000]

Chevron U.S.A. Inc. and Texas Eastern Transmission Corp.; Supplement to Application

August 15, 1986.

Take notice that on July 23, 1986, Chevron U.S.A. Inc. (Chevron) 575 Market Street, San Francisco, California 94105, and Texas Eastern (Texas Eastern), Post Office Box 2521, Houston, Texas 77252, filed a supplement to their Joint Application filed April 22, 1986, in the above referenced docket, on file with the Commission and open for public inspection.

The joint application filed April 22, 1986, was (i) for any necessary Certificates of Public Convenience and Necessity authorizing or an order otherwise approving Chevron to sell quantities of natural gas from certain designated fields to Texas Eastern upon expiration of the contract between Gulf Oil Corporation (Gulf) and Texas Eastern dated January 6, 1964 (1964 Contract) and an order approving the arrangements described therein for the transportation of such natural gas from the designated fields to Texas Eastern's pipeline system and (ii) for an order or orders amending the order of the Federal Power Commission of December 19, 1963, issuing a certificate of public convenience and necessity to Gulf to sell natural gas to Texas Eastern pursuant to the 1964 Contract and "Opinion No. 780 and Order on Deliveries of Gas Under Certificate and Warranty Contract" issued October 15, 1976, in Docket No. CI64–26, to authorize Chevron to sell and deliver natural gas to Texas Eastern in accordance with an amendment dated April 11, 1986, (1986 Amendment) to the 1964 Contract. The joint application filed April 22, 1986, contained four agreements, of which the two basic agreements are the 1986 Amendment and the Tail End Agreement, dated April 11, 1986.

As part of their supplement to the joint application, Applicants have filed a Supplement to the 1986 Amendment dated July 21, 1986, and a Supplement to the Tail End Agreement dated July 21, 1986. Applicants state that these supplemental agreements were entered into to meet specific concern raised by intervenors in this docket.

Applicants state that the Supplement to the 1986 Amendment amends the 1986 Amendment so that the 1964 Contract, as amended and supplemented, will provide for a Daily Contract Quantity of 400,000 Mcf each day, an obligation by Chevron to warrant and agree to have sufficient gas to enable Chevron to deliver such quantity on any day or days, and a right for Texas Eastern to purchase the Daily Contract Quantity at any time. The Supplement to the 1986 Amendment also deletes Paragraphs 5 and 6 of the 1986 Amendment and changes Paragraph 4(b) of the 1964 Contract to conform that billing provision to the other changes in the 1964 Contract. Applicants state that the pricing provisions of the 1964 Contract are not changed in any manner whatsoever by the 1986 Amendment and the Supplement to the 1986 Amendment.

Applicants state that the Supplement to the Tail End Agreement adds a new paragraph to Paragraph 4 of that agreement to make clear that the provisions of section 4 of the Tail End Agreement set forth the terms and conditions of the transportation and/or exchange of the tail end gas to be effective beginning on the expiration of the 1964 Contract and the procedures for entering into agreements for such transportation and/or exchange. The Supplement to the Tail End Agreement also amends the Tail End Agreement to extend the time within which to secure final Commission authorization of necessary transportation or exchange from 180 days to 270 days after the filing is made to secure such authorization.

Applicants also filed a Supplemental Letter Agreement dated July 21, 1986, to the Tail End Agreement which sets forth certain prior obligations of Chevron with respect to the South Pass 24 Field and the Eugene Island 238 Field. Applicants state that Texas Eastern considered these prior obligations in making its estimate of natural gas reserves upon expiration of the 1964 Contract underlying the fields and leases on Appendices A and A–1 to the Tail End Agreement.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 27, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–18874 Filed 8–20–86; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP86–150–000]

El Paso Natural Gas Co.; Petition for Authority To Institute Direct Billing of Retroactive Order No. 94 Costs

August 14, 1986.

Take notice that El Paso Natural Gas Company ("El Paso") on August 8, 1986 tendered for filing with the Federal Energy Regulatory Commission ("Commission") a petition for authority to institute direct billing of certain retroactive payments for production related costs incurred pursuant to Order No. 94, *et seq.*, in purchasing gas during the period from July 25, 1980 through December 31, 1985.

Each customer's share of the month's production-related costs will be determined by multipying the costs by a fraction, the numerator of which is the customer's purchased volume that month and the denominator of which is the total sales volume by El Paso. The amount to be billed directly to each customer will be the total of each month's share so calculated for the retroactive period. El Paso proposed that any customer whose allocated cost exceeds $500.00 will have the option of either paying by a lump-sum payment or

paying its allocation monthly over a six-month period commencing with the billing on the first day of the first full month following the Commission's approval of this proposal. Those customers owing $500.00 or less will be required to make a lump-sum payment. Each customer electing the installment payment option will be charged interest on the allocated balance of retroactive costs which have been paid by El Paso but not recouped by El Paso.

Copies of this filing were served on El Paso's pipeline system customers and interested state commissions.

Any person desiring to be heard 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 of this Chapter. All such motions or protests should be filed on or before August 22, 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. 86-18918 Filed 8-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA86-16-20-002 and TA86-17-20-002]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

August 15, 1986.

Take notice that on August 8, 1986, Algonquin Gas Transmission Company (Algonquin Gas) tendered for filing the following substitute tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

Second Substitute Fifteenth Revised Sheet No. 201
Second Substitute Sixth Revised Sheet No. 205
Second Substitute Ninth Revised Sheet No. 241
Substitute Sixteenth Revised Sheet No. 201

According to § 381.103(b)(2) (iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until August 12, 1986.

Algonquin Gas states that such tariff sheets are being filed to reflect concurrently in its rates lower purchased gas cost to be charged by its pipeline supplier Texas Eastern Transmission Corporation ("Texas Eastern"), as set forth in Texas Eastern's August 5, 1986 filing of Substitute Eightieth Revised Sheet No. 14D, proposed to be effective August 1, 1986. On July 1, 1986 Texas Eastern filed revised tariff sheets reflecting its semi-annual purchased gas adjustment filing ("PGA") with a proposed effective date of August 1, 1986. Texas Eastern's August 5, 1986 PGA filing reflects a further reduction in the commodity component of its sales rates resulting from recent market-out actions exercised by Texas Eastern that were not known at the time its July 1, 1986 PGA was filed.

Algonquin Gas proposes the effective date of Second Substitute Fifteenth Revised Sheet No. 201, Second Substitute Sixth Revised Sheet No. 205, and Second Substitute Ninth Revised Sheet No. 241, to be August 1, 1986; and proposes the effective date of Substitute Sixteenth Revised Sheet No. 201 to be September 1, 1986.

In addition, Algonquin Gas tendered for filing the following alternate tariff sheets:

Proposed to be effective August 5, 1986—

Alternate Second Substitute Fifteenth Revised Sheet No. 201
Alternate Second Substitute Sixth Revised Sheet No. 205
Alternate Second Substitute Ninth Revised Sheet No. 241

Proposed to be effective September 1, 1986—

Alternate Substitute Sixteenth Revised Sheet No. 201

Algonquin Gas states that such alternate tariff sheets are being filed to reflect the alternate effective date of August 5, 1986 proposed by Texas Eastern in the event the Commission does not permit Texas Eastern's effective date of August 1, 1986. Algonquin Gas states that the alternate tariff sheets are the same as the primary tariff sheets in every respect other than the proposed effective date of August 5, 1986.

Algonquin Gas requests that the Commission accept those tariff sheets which synchronizes the effective dates with that accepted for the underlying rates of Texas Eastern and to grant any waiver of the regulations as may be necessary by the Commission to permit such accepted tariff sheets to become effective as proposed on August 1, 1986 or, alternatively, on August 5, 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 August 22, 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. 86-18870 Filed 8-20-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP86-49-000]

MGF Oil Corporation v. Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Complaint

August 15, 1986.

On July 16, 1986, MFG Oil Corporation (MGF) 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. MGF 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 MFG for $502,251.71 in production-related costs, plus interest, incurred during the December 1980 through June 1983 period.

MGF states that effective December 23, 1980, Tennessee, as buyer, and River Rouge Minerals, Inc. (River Rouge) and others, as sellers, entered into a contract whereby Tennessee agreed to purchase gas from the San Miguel Creek Field in Sabine Parish, Louisiana. In 1981, River Rouge assigned its interest in the 1980 contract to Griffin Southern Corporation who subsequently in 1982 was merged into MGF Newsub, Inc. (Newsub), a wholly-owned subsidiary of MGF. In 1982, Newsub changed its name to MGF Mansfield, Inc. and effective July 1, 1983, assigned its rights and interest in the 1980 contract to Midla Mansfield, Inc., but expressly retained all of its rights prior to July 1983. Subsequently MGF succeeded by way of assignment to

MGF Mansfield's rights to recover production-related costs incurred prior to July 1983 under this contract.

MGF further states that after the issuance of Commission Order No. 94–A in January 1983, it was required due to an economic crisis to lay-off numerous employees and file under Chapter 11 of the Bankruptcy Code. Consequently it did not identify its right to production-related costs under the 1980 contract until September 1985. It then invoiced Tennessee for such costs and Tennessee has refused to pay the bulk of MGF's claim attributable to costs incurred prior to March 7, 1983, because MGF did not file its claim by the end of 1984.

MGF asserts that the issue in this case is whether 18 CFR 271.1104 bars MGF from collecting production-related costs incurred prior to March 7, 1983, because it did not submit an invoice to Tennessee until after 1984. MGF believes that the Commission did not intend for its regulations to operate in the manner asserted by Tennessee and, thereby, to confer unwarranted windfalls on pipeline companies that contracted to pay such costs.

It is noted that MGF also filed with the Commission a Request for Clarification or Waiver of the Section 110 Regulations. This request is being handled separately from the Notice of Complaint.

MGF requests that the Board (i) issue an order finding Tennessee in violation of 18 CFR 271.1104 for failing to pay MGF $502,251.71 in production-related costs, plus interest, or if the Board believes that it must first await action by the Commission on MGF's concurrent Request for Clarification or Waiver, (ii) initially issue an order confirming MGF's contractual entitlement to production-related costs.

Under the Rules 206(b) and 213(a), 18 CFR 385.206(b) and 385.213(a), Tennessee must file an answer to MGF'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 should file its answer with the Commission not later than September 5, 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 September 5, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties of the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–18872 Filed 8–20–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86–2–27–000, 001]

North Penn Gas Co.; Proposed Changes in FERC Gas Tariff

August 15, 1986.

Take notice that North Penn Gas Company (North Penn) on August 7, 1986, tendered for filing Eighty-first Revised Sheet No. PGA–1 to its FERC Gas Tariff, First Revised Volume No. 1.

Specifically, North Penn has included in its semiannual PGA, to be effective September 1, 1986, the following:

1. A decrease in rates to reflect changes in Cost of Gas Purchased.

2. A surcharge credit of 66.730¢ per Mcf resulting from amounts accumulated in the Unrecovered Purchased Gas Cost Account for the period January 1, 1986 through June 30, 1986; the jurisdictional portion of supplier refunds received by North Penn for the same six-month period; carrying charges computed in accordance with the Federal Energy Regulatory Commission's (Commission) Regulations; and a carry-over balance from the surcharge credit effective for the period September 1, 1985 through February 28, 1986.

3. A TOP surcharge of 0.595¢ to recover North Penn's funding of Take-or-Pay payments made to Tennessee Gas Pipeline Co. under procedures approved by the Commission in Docket No. RP83–8 et al., issued April 16, 1985.

As part of this filing, North Penn has also included Fourteenth Revised Sheet No. 15H which reflects no incremental pricing surcharges under section 15 of the General Terms and Conditions of its tariff.

North Penn respectfully requests waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective September 1, 1986 as proposed.

Copies of this letter of transmittal and all enclosures are being mailed to each of North Penn'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 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 22, 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. 86–18871 Filed 8–20–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86–652–000]

Northern Natural Gas Co. Division of Enron Corp.; Request Under Blanket Authorization

August 15, 1986.

Take notice that on August 6, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP86–652–000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization to reassign volumes of Natural gas to be delivered to Iowa Public Service Company (IPSC) and to modify one delivery point to IPSC under authorization issued in Docket No. CP82–401–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern asserts that Midwest Energy Company (Midwest) has acquired two of Northern's current resale customers, North Central Public Service Company (NCPS) and Iowa Gas Company (IG). Northern further asserts that all the entitlements under Rate Schedules CD–1 and SS–1 previously assigned to NCPS and IG will be consolidated and assigned to IPSC, Midwest's subsidiary, pursuant to Northern's tariff filing of July 24, 1986.

By letter dated July 23, 1986, Northern states that it was requested by IPSC to realign volumes previously delivered at existing delivery points for NCPS, IG and IPSC. Therefore, Northern proposes to realign IPSC's daily volumes at the delivery points listed below.

Delivery point	Volumes (Mcf)	
	Rate schedule CD–1	Rate schedule SS–1
Anoka, MN	614	392
Baline, MN	440	

Delivery point	Volumes (Mcf)	
	Rate schedule CD-1	Rate schedule SS-1
Coon Rapids, MN	995	557
Dayton, MN	620	388
Lexington, MN	453	128
Spring Lake, MN	213	135
Oscar Mayer Co./ Perry, IA	<230>	
Boone Valley Co-op Eagle Grove, IA	<2,400>	
John Deere Co. Waterloo, IA	<750>	
Dakota City, Nebraska		<4>
7 South Dakota Communities		<115>
85 Iowa Communities		<1,481>
Net Change	0	0

In order to make the proposed deliveries at Anoka, Minnesota, Northern proposes to expand the existing capacity at the Anoka meter station. Northern states that the proposed capacity will be to accommodate commercial and residential heating needs. Northern estimates that peak day deliveries at the Anoka meter station would be 4,190 Mcf per day and that the cost to construct the proposed facilities would be $8,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-18873 Filed 8-20-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OMS-FRL-3068-1]

In-Use Motor Vehicle Evaporative Hydrocarbon Emission Testing Public Workshop; Notice of Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: This Notice extends the period for comments to the public workshop to discuss in-use motor vehicle evaporative hydrocarbon emission testing procedures held on July 17, 1986. the notice announcing the workshop appeared in the Federal Register June 17, 1986 (51 FR 21977).

DATE: the Agency will consider all written comments regarding the procedures for evaporative hydrocarbon emission testing of in-use vehicles received on or before September 30, 1986.

ADDRESS: All comments should be sent to: Public Docket EN-85-12, Central Docket Section (LE-131), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tony Tesoriero, U.S. Environmental Protection Agency, Manufacturers Operations Division (EN-34OF), 401 M Street, SW., Washington, DC 20460, (202-382-2510).

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) has received a request from the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA) for an extension of time to comment on the issues discussed at the July 17, 1986, public workshop.

This request was based on the need to develop the new information necessary to more completely answer the questions raised at the workshop.

EPA has considered this request and decided that an extension would be appropriate. Therefore, the comment period for the workshop is extended to September 30, 1986.

Dated: August 15, 1986.

Richard D. Wilson,

Director, Office of Mobile Sources.

[FR Doc. 86-18882 Filed 8-20-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. 86-830]

Approval of Application for Unlisted Trading Privileges; Cincinnati Stock Exchange, Inc.

Date: August 11, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: On May 9, 1986, The Cincinnati Stock Exchange, Inc. filed with the Federal Home Loan Bank Board ("Board") an application ("Application"), pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 ("Act") and Rule 12f-1 [17 CFR 240.12f-1] thereunder, for unlisted trading privileges in the following securities which are listed on one or more national securities exchange:

Columbia Savings and Loan Association (FHLBB No. 6325), Common Stock, 1.00 Par Value

Notice of the Application and opportunity for hearing was published in the Federal Register on June 26, 1986, and interested persons were invited to submit written data, views and arguments within 15 days. See Board Resolution No. 86-624, dated June 19, 1986. (51 FR 23271, June 26, 1986). The Board received no comments with respect to the Application. Notice is hereby given that the Board approved the Application for unlisted trading privileges in these securities on August 5, 1986.

SUPPLEMENTARY INFORMATION: The Board finds that the approval of the Application for unlisted trading privileges in these securities is consistent with the maintenance of fair and orderly markets and the protection of investors. As a national securities exchange registered with the Securities and Exchange Commission ("Commission") pursuant to section 6 of the Act, the Cincinnati Stock Exchange is subject to the provisions of paragraph (b) of that section, and to the Commission's inspection authority and oversight responsibility under sections 17 and 19 of the Act and the rules and regulations thereunder. Transactions in the subject securities, regardless of the market in which they occur, are reported in the consolidated transaction reporting system contemplated by Rule 11Aa3-1 under the Act [17 CFR 240.11Aa3-1]. The availability of last sale information for the subject securities should contribute to pricing efficiency and to ensuring that transactions on the Cincinnati Stock Exchange are executed at prices which are reasonably related to those occurring in other markets. Further, the approval of the Application will provide increased opportunities for competition among brokers and dealers and among exchange markets consistent with the purposes of the Act and the objectives of the national market system. Finally, the Board received no comments indicating that the granting of the Application would not be consistent with the maintenance of fair and orderly markets and the protection of investors.

Accordingly, pursuant to section 12(f)(1)(B) of the Act, the Application for unlisted trading privileges in the above named securities was approved on August 5, 1986.

By the Federal Home Loan Bank Board.

Jeff Sconyers,

Secretary.

[FR Doc. 86-18818 Filed 8-20-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-498]

Nashua Federal Savings and Loan Assoc., Nashua, NH; Final Action Approval of Conversion Application

Date: August 7, 1986.

Notice is hereby given that on July 14, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Nashua Federal Savings and Loan Association, Nashua, New Hampshire, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Boston, Post Office Box 9106, Boston, Massachusetts 02205.

By the Federal Home Loan Bank Board

Jeff Sconyers,

Secretary.

[FR Doc. 86-18819 Filed 8-20-86; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-497]

MidFed Savings Bank Middletown, OH; Final Action Approval of Conversion Application

Date: August 7, 1986.

Notice is hereby given that on July 18, 1986, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of MidFed Savings Bank, Middletown, Ohio for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Cincinnati, Post Office Box 598, Cincinnati, Ohio 45201.

By the Federal Home Loan Bank Board

Jeff Sconyers,

Secretary.

[FR Doc. 86-18820 Filed 8-20-86; 8:45 am]

BILLING CODE 6720-01-M

Presidio Savings and Loan Association, a Federal Savings and Loan Association, Porterville, CA; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A) of the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(d)(6)(A) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Presidio Savings and Loan Association, a Federal Savings and Loan Association, Porterville, California on August 8, 1986.

Dated: August 15, 1986.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 86-18821 Filed 8-20-86; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants; AMCO Brokers and Fowarders et al.

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR Part 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

Dennis M. Kelley dba AMCO Brokers & Forwarders, 10 South Calvert Street, Baltimore, MD 21202.

Memphis Forwarding Company, Inc., c/o Emmet, Marvin & Martin, 48 Wall Street, New York, NY 10005

Officers: Captain Ahmed Mahmoud Samy, President/Director, Wolfgang Emden, Vice President, Admiral Mohamed Adly Abdel Mooty, Director, Admiral Aly Shokry Ahmed Shokry, Director, Mohamed Kadry Abd al Kadr, Director.

Total Cargo Services, Inc., 6231 N.E. 112th Avenue, Portland, OR 97220.

Officers: John E. Flack, President, Dale E. Wolfer, Vice President, Dale A. Bouray, Vice President.

Dated: August 18, 1986.

Joseph C. Poling,

Secretary.

[FR Doc. 86-18895 Filed 8-20-86; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License Revocations; Shipper's Export Inc.

Notice is hereby given that the following ocean freight forwarder license has been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR Part 510.

License Number: 2080.

Name: Shipper's Export Inc.

Address: 26 Broadway, Room 1210, New York, NY 10004.

Date Revoked: August 7, 1986.

Reason: Requested revocation voluntarily.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 86-18896 Filed 8-20-86; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Epidemiologic Study of Radiofrequency Heater Operators; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: September 11, 1986.

Time: 9 a.m.-4 p.m.

Place: Auditorium, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss the scientific merit of an epidemiologic study designed to determine whether men who work with radiofrequency heat sealers experience adverse reproductive effects. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information may be obtained from: Clinton Cox, Division of Biomedical and Behavioral Science, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephones: FTS: 684-8482, Commercial: 513/533-8482.

Dated: August 12, 1986.

Robert L. Foster,

Assistant Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86-18849 Filed 8-20-86; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETINGS: The following advisory committee meetings are announced:

Neurological Devices Panel

Date, time, and place. September 8, 9 a.m., Rm. 1207, Silver Spring Plaza Bldg., 8757 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open committee discussion, 9 a.m. to 11 a.m.; closed presentation of data, 11 a.m. to 12 m.; open public hearing, 2 p.m. to 3 p.m.; Robert Munzner, Center for Devices and Radiological Health (HFZ–430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7226.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before August 22, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss an application for premarket approval of an implanted diaphragmatic/ phrenic nerve stimulator.

Closed presentation of data. The committee may discuss trade secret and/or confidential commercial information presented to the committee regarding a premarket approval application for a diaphragmatic/phrenic nerve stimulator. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Blood Products Advisory Committee

Date, time, and place. September 11 and 12, 8:30 a.m., Lister Hill Auditorium, Bldg. 38A, National Library of Medicine, National Institutes of Health, 8600 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, September 11, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 5 p.m.; closed committee deliberations, September 12, 8:30 a.m. to 1:30 p.m., Isaac F. Roubein, Center for Drugs and Biologics (HFN–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4690.

General function of the committee. The committee reviews and evaluates available data on the safety, effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss: (1) Methods to further decrease the number of people who are at high risk for HTLV–III/LAV infection from donating blood; (2) the impact of testing for antibody to HTLV–III on the adequacy of the nation's blood supply; (3) the shelf-life of frozen red cells; (4) donor selection for source plasma; and (5) validation of hepatitis B core antibody test materials.

Closed committee deliberations. The committee will review and discuss trade secret and/or confidential commercial information relevant to in vitro testing of blood for antibody to Human T-Cell Lymphotropic Virus, Type III (HTLV–III). This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94–409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial

information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10 (a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: August 14, 1986.

Gerald F. Meyer,

Acting Commissioner of Food and Drugs.

[FR Doc. 86-18846 Filed 8-20-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6661-A; 6-00163-GP6-0112]

Alaska Native Claims Selection; Eklutna, Inc.

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, will be issued to Eklutna, Inc. for approximately 120 acres. The lands involved are in the vicinity of Eklutna, Alaska.

Seward Meridian, Alaska

T. 16 N., R. 1 E., (Surveyed)
T. 16 N., R. 1 W., (Surveyed)

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE TIMES. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until September 22, 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 may 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.

Olivia Short,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18851 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-JA-M

Alaska Native Claims Selection; Knikatnu, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that decisions adjusting the entitlement under Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611(a), pursuant to Sec. 12(a)(3) of Pub. L. 94-204 and section 4(a) of Pub. L. 94-456, 43 U.S.C. 1611 nt, will be issued to Knikatnu, Inc., for the Native village of Knik; Chickaloon-Moose Creek Native Association, Inc., for the Native village of Chickaloon; Salamatof Native Association, Inc., for the Native village of Salamatof; The Tyonek Native Corporation, for the Native village of Tyonek; and Ninilchik Natives Association, Inc., for the Native village of Ninilchik. The adjusted entitlements are as follows:

Village corporation	Statutory entitlement [1]	Adjusted entitlement [2]
Knikatnu, Inc.	69,120	[3] 55,217
Chickaloon-Moose Creek Native Association, Inc.	69,120	[3] [4] 66,739/61,651
Salamatof Native Association, Inc.	92,160	76,229
The Tyonek Native Corporation	115,200	[3] 115,200
Ninilchik Natives Association, Inc.	115,200	115,200

[1] As published in the FEDERAL REGISTER, February 2, 1977 (FR Vol. 42, No. 22, pg. 6430).

[2] The formula used to determine the adjusted entitlement is as follows:

Statutory entitlement—(lands already conveyed)—(deficiency selections needed to reach entitlement)——0.

Statutory entitlement—(Lake Clark selections within above deficiency selections)——adjusted entitlement.

The adjusted entitlement is approximate, due to unsurveyed lands and because the villages have not prioritized any valid selections remaining in the ANCSA section 11(a)(1) areas. As lands in the subsections 11(a)(1) and 11(a)(3) areas are surveyed, the entitlement will be adjusted.

[3] Does not take into account selections by the village corporations on lands which are selected by or approved to the State of Alaska under the Mental Health Enabling Act of July 28, 1956. The selections by the village corporations are considered invalid; however, the issue is the subject of an appeal presently before the Ninth Circuit Court of Appeals (*Tyonek v. Secretary of the Interior and the State of Alaska* (docket No. 86-3827)). In the event that the selections for the mental health lands are determined valid, further adjustment will be made in the statutory entitlement.

[4] As the validly selected lands in the ANCSA section 11(a)(1) area have not been requested for conveyance by Chickaloon-Moose Creek Native Association, Inc., the entitlement has been calculated to show minimum and maximum adjustments. Minimum adjusted entitlement means the village would take *all* valid selections in the section 11(a)(1) area, thereby requiring a *minimum* amount of deficiency lands to satisfy the remaining entitlement; *maximum adjusted entitlement* means the village would take a *maximum* amount of deficiency lands and a minimum amount of valid selections in the section 11(a)(1) area to satisfy the remaining entitlement. Minimum adjusted entitlement is 66,739 acres; maximum adjusted entitlement is 61,651 acres.

Copies of the decisions may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513; phone No. (907) 271-5960.

Any party claiming a property interest which is adversely affected by the decisions shall have until September 22, 1986, to file an appeal. 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), at the address given 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.

Michael J. Penfold,

State Director.

[FR Doc. 86-18850 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-JA-M

[AA-6680-A]

Alaska Native Claims Selection; Paug-Vik Inc.

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 (ANCSA), 43 U.S.C. 1601, 1613(a), will be issued to Paug-Vik Incorporated, Limited, for approximately 1 acre. The lands involved are in the vicinity of Naknek, Alaska.

Seward Meridian, Alaska

T. 17 S., R. 47 W. (Partially Surveyed)
Sec. 9, Lot 2, those lands within Sec. 3(e) application AA-12835 excluded from Interim Conveyance No. 265, dated November 27, 1979.

A notice of the decision will be published once a week for four (4) consecutive weeks in the ANCHORAGE TIMES. Copies of the decision may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513. ([907) 271-5960.)

Any party claiming a property interest which is adversely affected by the decision shall have until September 22, 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 may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Joe J. Labay,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-18838 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-JA-M

[UT-050-06-4322-14]

Grazing Advisory Board Meeting and Tour

AGENCY: Bureau of Land Management, Richfield, Utah, Interior.

ACTION: District Grazing Advisory Board Meeting and Field Tour.

SUMMARY: The Richfield District Grazing Advisory Board will hold a meeting and field tour on September 25, 1986 at 9:00 a.m. in the BLM District Office, 150 East 900 North, Richfield, Utah.

Agenda for the meeting will be:

1. Election of Officers.
2. Review FY 87 Range Projects.
3. Update on House Range and Warm Springs Resource Areas Planning.
4. Fire season and fire rehabilitation.
5. Update of the weed program.
6. Coordinated Resource Management Planning and status of the CMA program.

An afternoon field tour will be held to review the range rehabilitation done in the Sand Ledge area.

The meeting and tour are open to the public. Interested persons may make oral statements to the Board between 11:00 a.m. and 12:00 p.m. or file written comments for the Board's consideration. Anyone wishing to make an oral statement or participate in the tour must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

Donald L. Pendleton,

District Manager.

August 15, 1986.

[FR Doc. 86-18840 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-DQ-M

[AZ-020-06-4212-11; A-7310]

Realty Action Lease or Conveyance of Public Lands for Recreation and Public Purpose; Arizona

The following public lands in Maricopa County, near the city of Apache Junction, Arizona have been found suitable for lease or conveyance to the Maricopa County Board of Supervisors (Parks and Recreation Department) for use as an equestrian facility (rodeo grounds) and are classified under the Recreation and Public Purpose Act, as amended (43 U.S.C. 869 seq.).

Gila & Salt River Meridian

T. 1 N., R. 7 E.
Sec. 12: S½SE¼SE¼.
Containing 20.00 acres.

The lands are not needed for any federal purposes. The environmental assessment process has determined that the lease or conveyance of these lands would not effect any BLM ongoing programs and would be in the public interest.

The lease or conveyance would be subject to the following conditions:

1. Provisions of the Recreation and Public Purpose Act and to all regulations of the Secretary of the Interior.
2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.
3. Rights-of-way for ditches and canals constructed by the authority of the United States.
4. Rights-of-way under Serial No. A-19369 for a buried cable 20 ft. R/W and access road, and A-18792 for a road R/W.

Upon publication of this notice in the **Federal Register** these lands will continue to be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purpose Act. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance of these lands to the District Manager, Phoenix District, 2015 W. Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director, who may sustain, vacate or modify this realty action. In the absence of any objections this realty action shall become the final determination of the Department of the Interior. Further information concerning this realty action may be obtained from the Phoenix Resource Area, Phoenix District (602-863-4464).

Dated: August 7, 1986.

Marlyn V. Jones,

District Manager.

[FR Doc 86-18844 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-32-M

[WY-040-06-4212-10; W-94559]

Realty Action, Lease of Public Lands; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive Lease of Public Lands in Sweetwater County, Wyoming.

SUMMARY: This notice is to advise the public that the Green River Resource Area (BLM) proposes to lease public land for an automobile salvage and recycling facility.

DATE: Interested parties must submit comments or a proposal within 45 days of this notice to the Area Manager, Green River Resource Area, Bureau of Land Management, P.O. Box 1170, Rock Springs, Wyoming 82902-1170. Any adverse comments will be evaluated by the State Director who may vacate or

modify this realty action. In absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: A prospectus containing information related to the lease is available at the Green River Resource Area office.

SUPPLEMENTAL INFORMATION: The following described lands have been examined and identified as suitable for lease under section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732), at not less than the appraised fair market rental:

T. 18 N., R. 107 W., 6th P.M., Sweetwater County, Wyoming

Sec. 6: S½SE¼NE¼, N½NE¼SE½, except that portion west of County Road 4–5 (Blue Rim Road).

Containing 35.2 acres more or less.

All or portion of the identified area will be available to one lessee. Applicants will be responsible for reimbursement of administrative costs.

There will be no reduction in authorized grazing use since the loss of 35.2 acres (3 AUMs) in the Rock Springs Grazing Allotment is insignificant. The allotment is currently being monitored for changes in range trend and condition.

Donald H. Sweep,

District Manager

August 11, 1986.

[FR Doc 86–18836 Filed 8–20–86; 8:45 am]

BILLING CODE 4212–10–M

Colorado: Filing of Plats of Survey

July 28, 1986.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 A.M., July 28, 1986.

The plat, in three sheets, representing the dependent resurvey of portions of the south and west boundaries, subdivisional lines, the Ouray Townsite, and certain mineral claims; the survey of lots 10 and 11 in section 30, and lot 19 in section 31, T. 44 N., R. 7 W., New Mexico Principal Meridian, Colorado, Group 782, was accepted July 15, 1986.

The plat, representing the survey of lot 13, section 25, T. 44 N., R. 8 W., New Mexico Principal Meridian, Colorado, Group No. 782, was accepted July 15, 1986.

The plat, representing the survey of Tract 50, in unsurveyed T. 43 N., R. 7 W., New Mexico Principal Meridian, Colorado, Group No. 782, was accepted July 15, 1986.

These surveys were executed to meet certain administrative needs of the U. S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Marlin G. Livermore,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc 86–18843 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–84–M

[NV–030–06–4410–08]

Availability of the Record of Decision for the Walker Resource Management Plan and Environmental Impact Statement, Carson City District, NV

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Record of Decision for the Walker Resource Management Plan and Environmental Impact Statement, Carson City District, Nevada.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the National Environmental Policy Act, the Carson City District of the Bureau of Land Management has prepared a Record of Decision for the Resource Management Plan and Environmental Impact Statement for the Walker Resource Management Planning area.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) completes the environmental analysis process associated with the Walker Resource Management Plan (RMP). The ROD is a concise record of the decisions made for the RMP. These decisions deal with rangeland management, wilderness, land tenure, rights-of-way corridors, scenic areas, and Areas of Critical Environmental Concern (ACEC) for the 1.9 million acre planning area in Mineral, Lyon, and Douglas Counties, Nevada. The plan estabishes a 16,000 acre ACEC in Stewart Valley. The valley has paleontological resources of worldwide significance. Within this area 1,420 acres will be withdrawn from mineral entry. Off-road vehicle use is limited to designated routes. The ACEC will be managed as a Research Natural Area. Special rules and permits for scientific research and field schools will be established. No commercial or private collection will be allowed.

FOR FURTHER INFORMATION CONTACT: John Matthiessen, Walker Resource Area Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, NV 89701, (702) 882–1631.

Copies of the document are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240

Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520

Bureau of Land Management, Winnemucca District Office, 705 East 4th Street, Winnemucca, NV 89445, (702) 623–3676

Bureau of Land Management, Carson City District Office, 1535 Hot Springs Rd., Ste. 300, Carson City, NV 89701, (702) 882–1631

Government Publication Dept., University of Nevada, Reno, Reno Library, Reno, NV 89557

University of Nevada, Reno, Getchell Library, Reno, NV 89557

Bureau of Land Management, Elko District Office, 3900 E. Idaho Street, Elko, NV 89801, (702) 738–4071

Bureau of Land Management, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, NV 89102, (702) 385–6403

Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289–4865

Bureau of Land Management, Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820, (702) 635–5181

Carson City Library, 900 N. Roop St., Carson City, NV 89701

University of Nevada, Las Vegas, James R. Dickinson Library, 4505 Maryland Parkway, Las Vegas, NV 89154

Mineral County Library, 1st and D Streets, Hawthorne, NV 89415

Nevada State Library, Library Building, Carson City, NV 89710

Lyon County Library, 20 Nevin Way, Yerington, NV 89447

Dated: July 31, 1986.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 86–18867 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–HC–M

[CO–010–06–4322–02]

Colorado; Craig District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Craig District Grazing Advisory Board will be held September 30, 1986, at the Craig District Office of the Bureau of Land Management, 455 Emerson Street, Craig, Colorado. The meeting will convene at 10:00 a.m.

Agenda items will include:

1. Area reports including updates on land use and activity planning

2. Status report on FY86 range improvement projects

3. Expenditure of Grazing Advisory Board funds

4. Election of officers

The meeting is open to the public. Interested persons may make oral statements to the Board between 10:00 a.m. and 11:00 a.m. October 17, 1986, or file written statements for the Board's consideration.

Dated: August 15, 1986.

William J. Pulford,

District Manager.

[FR Doc. 86-18869 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-JB-M

Proposed All-American Pipeline Extension, McCamey, TX, to Webster, TX; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Additional Scoping Meeting.

SUMMARY: Notice is hereby given that the Bureau of Land Management will conduct an additional public scoping meeting prior to the preparation of a Supplemental Environmental Impact Statement for the McCamey, Texas to Webster, Texas, proposed extension of the All-American crude oil transmission pipeline. A description of the proposed project and a list of scheduled public scoping meetings was published in the **Federal Register**, Vol. 51, No. 137, July 17, 1986.

The additional public scoping meeting is scheduled for 7:00 p.m., Monday, August 25, 1986, at the University Savings, Mortgage and Loan Building, 308 E. Hopkins, San Marcos, Texas 78666.

The purpose of the scoping meeting is to receive public comments, concerns and interests which should be addressed in the SEIS. Issues raised at this, and previously scheduled scoping meetings, will be considered in the SEIS.

FOR FURTHER INFORMATION CONTACT: William S. Haigh, Project Manager, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507 (714) 351-6428.

Dated: August 13, 1986.

Hugh Riecken,

Acting District Manager.

[FR Doc. 86-18837 Filed 8-20-86; 8:45 am]

BILLING CODE 4310-40-M

[NV-030-06-4410-08]

Availability of the Record of Decision for the Walker Resource Management Plan and Environmental Impact Statement, Carson City District, NV

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Record of Decision for the Walker Resource Management Plan and Environmental Impact Statement, Carson City District, Nevada.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the National Environmental Policy Act, the Carson City District of the Bureau of Land Management has prepared a Record of Decision for the Resource Management Plan and Environmental Impact Statement for the Walker Resource Management Planning area.

SUPPLEMENTARY INFORMATION: The Record of Decision (ROD) completes the environmental analysis process associated with the Walker Resource Management Plan (RMP). The ROD is a concise record of the decisions made for the RMP. These decisions deal with rangeland management, wilderness, land tenure, rights-of-way corridors, scenic areas, and Areas of Critical Environmental Concern (ACEC) for the 1.9 million acre planning area in Mineral, Lyon, and Douglas Counties, Nevada. The plan establishes a 16,000 acre ACEC in Stewart Valley. The valley has paleontological resources of worldwide significance.

Within this area 1,420 acres will be withdrawn from mineral entry. Off-road vehicle use is limited to designated routes. The ACEC will be managed as a Research Natural Area. Special rules and permits for scientific research and field schools will be established. No commercial or private collection will be allowed.

FOR FURTHER INFORMATION CONTACT: John Matthiessen, Walker Resource Area Manager, Bureau of Land Management, 1535 Hot Springs Road, Suite 300, Carson City, NV 89701 (702) 882-1631.

Copies of the document are available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets N.W., Washington, DC 20240

Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520

Bureau of Land Management, Winnemucca District Office, 705 East 4th Street, Winnemucca, NV 89445, (702) 623-3676

Bureau of Land Management, Carson City District Office, 1535 Hot Springs Rd., Ste. 300, Carson City, NV 89701, (702) 882-1631

Government Publication Dept., University of Nevada, Reno, Reno Library, Reno, NV 89557

University of Nevada, Reno, Getchell Library, Reno, NV 89557

Bureau of Land Management, Elko District Office, 3900 E. Idaho Street, Elko, NV 89801, (702) 738-4071

Bureau of Land Management, Las Vegas District Office, 4765 West Vegas Drive, Las Vegas, NV 89102, (702) 385-6403

Bureau of Land Management, Ely District Office, Star Route 5, Box 1, Ely, NV 89301, (702) 289-4865

Bureau of Land Management, Battle Mountain District Office, North 2nd and Scott Streets, Battle Mountain, NV 89820, (702) 635-5181

Carson City Library, 900 N. Roop St., Carson City, NV 89701

University of Nevada, Las Vegas, James R. Dickinson Library, 4505 Maryland Parkway, Las Vegas, NV 89154

Mineral County Library, 1st and D Streets, Hawthorne, NV 89415

Nevada State Library, Library Building, Carson City, NV 89710

Lyon County Library, 20 Nevin Way, Yerington, NV 89447.

Dated: July 31, 1986.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 86-18839 Filed 8-20-86; 8:45 pm]

BILLING CODE 4310-HC-M

[Serial No. AA-54894]

Lease of Public Land, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, FLPMA section 302 lease.

SUMMARY: The following described tract of land has been examined and through land use planning, identified as suitable for non-competitive lease pursuant to section 302 of the Federal Land Policy and Management Act of 1976.

Seward Meridian

T. 33 N., R. 16 W.,
Sec. 23, S1½NW¼SW¼NE¼NW¼, N½SW¼SW¼NE¼NW¼, SW¼SW¼SW¼NE¼NW¼, SE¼SE¼SE¼NW¼NW¼.

This notice of realty action proposes the lease of land, under the jurisdiction of the Bureau of Land Management, located approximately 60 miles east of Farewell Landing, Alaska. The lease is

intended to legalize valuable improvements, long term occupancy, and to facilitate land use planning in the area.

This lease action is a non-competitive offering at fair market value to the owner of the existing improvements.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this action is available for review at the Anchorage District Office, 6881 Loop Road, Anchorage, Alaska 99507, or call Robert Conquergood at (907) 267–1321.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments at the above address. Any adverse comments will be evaluated by the Anchorage District Manager who may cancel or modify this action and issue a final determination. In the absence of any adverse action by the Anchorage District Manager, this will become the final determination of the Department of the Interior.

Robert Conquergood,

Area Manager, McGrath Resource Area.

[FR Doc. 86–18897 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–JA–M

[CO–950–06–4111–02]

Colorado State Office Moves; Correction

The Bureau of Land Management (BLM), Colorado State Office, will move from downtown Denver to Lakewood, effective September 12, 1986. The new mailing address will be: 2850 Youngfield Street, Lakewood, Colorado 80215.

The Public Room, containing more than 350,000 official case files of lands and minerals transactions for the 8.5 million surface and 27.2 million subsurface acres of public lands in Colorado, will be closed from September 2–8 with no phone service available. The office will reopen at 10:00 a.m., September 9, except that public examination of case files will remain unavailable until September 17, at 10:00 a.m. The new telephone number for our public room will be (303) 236–2100.

Neil Morck,

State Director.

[FR Doc. 86–18845 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–JB–M

Bureau of Reclamation

Grass Valley Creek Debris Dam, Trinity County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Bureau of Reclamation has prepared a Final Environmental Impact Statement (EIS) for the Grass Valley Creek Debris Dam, Trinity County, California. The EIS addresses the impacts associated with the construction and operation of the dam.

FOR FURTHER INFORMATION: Copies are available for review at the following locations: Director, Office of Environmental Affairs, Room 7429, Bureau of Reclamation, Washington, DC 20240, telephone (202) 343–4991. Division of Acquisition and Property Management, Document Systems Management Branch, Library Section, Code 823, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, telephone (303) 236–6963. Environmental Compliance Branch Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Room W–2103, Sacramento, CA 95825, telephone (916) 978–5130.

SUPPLEMENTARY INFORMATION: Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, Washington, DC, or Regional Environmental Officer, Sacramento, California. Copies will also be available for inspection in libraries in the project vicinity.

Dated: August 15, 1986.

Joseph B. Marcotte, Jr.,

Acting Commissioner.

[FR Doc. 86–18886 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Endangered Species Permit Issued for the Months of May, June, July 1986

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to section 10 of the Endangered Species Act of 1973, as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was detemined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973, as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, 1000 North Glebe Road, Room 611, Arlington, Virginia 22201, telephone (703/235–1903) between the hours of 7:45 a.m. to 4:15 p.m. weekdays.

May 1986

Peregrine Fund Inc	X701572	May 7.
Duke University	X704956	May 9.
John Estes	X703787	May 14.
USFWS/Denver	X704930	May 21.
Milwaukee County Zoo	X703246	May 28.
Kansas City Zoo Gardens	X708144	May 29.

June 1986

Region 6	X697823	June 3.
USFWS	X707274	June 4.
Don Melnick	X708306	June 5.
Don Melnick	X706144	June 5.
Wilbur Brown	X703180	June 6.
New York Zoological Society	X703056	June 6.
Pamela Bompart	X708591	June 10.
New York Zoological Society	X708715	June 11.
Gary Ingersol	X706673	June 11.
V.H. Wanamaker	X703869	June 12.
University of Minnesota	X706233	June 13.
Fred Wiedenfeld	X705101	June 13.
Albert McMillan	X706717	June 19.
Ned Goecken	X702932	June 19.
New York Zoological Society	X703056	June 19.
County of San Mateo	X2–9818	June 19.
Amendment No. 2; I–K Production.	X707241	June 24.

July 1986

Gladys Porter Zoo	X708243	July 11.
George Carden Circus	X706206	July 16.
Int'l Succulent Inst., Inc	X707277	July 21.
San Francisco Zoological Garden	X705441	July 22.
Oliver Ryder	X708303	July 23.
Florida State Museum	X708074	July 29.
Florida State Museum	X708073	July 29.
Florida State Museum	X707683	July 29.
I–K Productions	X708550	July 29.
U.S. Fish & Wildlife Service	X704930	July 30.

Dated: August 18, 1986.

R.K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 86–18917 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Development Operations Coordination; Texaco USA

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Texaco USA has submitted a DOCD describing the activities it proposes to conduct on Lease OCS–G 3147, Block 26, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from onshore bases located at Louisa and Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on August 8, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 1420 South Clearview Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Phone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected States, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 11, 1986.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86–18841 Filed 8–20–86; 8:45 am]

BILLING CODE 4310–MR–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–1 (Sub–No. 191X)]

Chicago and North Western Transportation Co.; Abandonment Exemption Between Maple River and Ida Grove, IA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption and interim trail use or abandonment.

SUMMARY: The Commission grants an amended petition filed by Chicago and North Western Transportation Company (C&NW), under 49 U.S.C. 10505, to exempt abandonment of a 38.4-mile line of railroad between milepost 0.0 at Maple River, and milepost 38.0 at Ida Grove (including a 0.4-mile line between mileposts 0.9 and 1.3 near Sacton), subject to employee protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), and subject to the terms and conditions for interim trail use and rail banking under 16 U.S.C. 1247(d) set forth below, between milepost 0.1 near Maple River and milepost 13.5 near Carnarvon, IA. C&NW may: (1) For those portions of the line between mileposts 0.0 and 0.1, and between Carnarvon and Ida Grove, abandon the right-of-way and cancel tariffs on one days' notice to the Commission; and (2) For that portion of the line between Maple River and Carnarvon, discontinue service, cancel tariffs on not less than 10 days' notice to the Commission, and salvage track and material consistent with interim trail use and rail banking. If the Carroll County Conservation Board intends to terminate trail use, it must file a petition to reopen, referring to this Notice of Interim Trail Use or Abandonment (NITU) and the accompanying decision, by date and docket number, and request that the NITU be vacated on a specific date.

DATES: The C&NW abandonment exemption is effective on August 21, 1986. The remainder of the exemption is effective on August 25, 1986. Petitions for reconsideration must be filed by September 10, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB–1 (Sub–No. 191X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Robert T. Opal, One North Western Center, Chicago, IL 60606.

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 14, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86–18857 Filed 8–20–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Termination of Final Judgment; Nissan Motor Corp. In U.S.A.

Notice is hereby given that Nissan Motor Corporation in U.S.A. ("Nissan") has filed with the United States District Court for the Northern District of California a motion to terminate the final judgment in *United States* v. *Nisson Motor Corporation in U.S.A.*, Civil No. C–72–1212–RHS; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the judgment, but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed on June 30, 1972) alleged that the defendant and its dealers had conspired to engage in resale price maintenance, and confine the sale of Nissan products by Nissan dealers to designated market areas. The judgment (entered on February 26, 1973) enjoined the defendant from engaging in resale price maintenance, or restricting the geographical areas in which or the people to whom Nissan dealers may sell or advertise Nissan products.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, defendant's motion papers, the stipulation containing the Government's consent, the Department's memorandum, and all further papers filed with the court in connection with this motion will be available for inspection at Room 7233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530 (telephone 202–633–2481), and at the Office of the Clerk of the United States District Court for the Northern District of California, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty day period established by court order, and will be filed with the court. Comments should be addressed to Gary R. Spratling, Chief, San Francisco Office, Antitrust Division, Department of Justice, 450 Golden Gate Avenue, Box 36046, San Francisco, CA 94102 (telephone 415–556–6300).

Dated: August 14, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86–18922 Filed 8–20–86; 8:45 am]

BILLING CODE 4410–01–M

LIBRARY OF CONGRESS

Copyright Office

Change in Procedure Regarding Filing of Notifications (17 U.S.C. 508 Filings)

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of change in procedures.

SUMMARY: This notice informs the public of a change in procedure regarding the filing of notification received under 17 U.S.C. 508. The Register of Copyrights has determined that it is no longer practicable to maintain a separate index to documents received in compliance with section 508. Henceforth the documents will be received and retained until enough have accumulated to fill one reel of microfilm. They will then be microfilmed alphabetically under the plaintiff's name.

EFFECTIVE DATE OF PUBLICATION: August 21, 1986.

FOR FURTHER INFORMATION CONTACT: Winston Tabb, Chief, Information and Reference Division, Copyright Office, Library of Congress, Washington, DC 20559, Telephone: (202) 287–6800.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Copyright Office is revising its procedures concerning the handling of notifications of filing and determinations of actions under section 508 of the Copyright Act, title 17 of the United States Code. This section of the Act reads as follows:

§ 508. Notification of filing and determination of actions.

(a) Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, registration number of each work involved in the action. If any other copyrighted work is later included in the action by amendment, answer, or other pleading, the clerk shall also send a notification concerning it to the Register within one month after the pleading is filed.

(b) Within one month after any final order or judgment is issued in the case, the clerk of the court shall notify the Register of it, sending with the notification a copy of the order or judgment together with the written opinion, if any, of the court.

(c) Upon receiving the notifications specified in this section, the Register shall make them a part of the public records of the Copyright Office.

On June 19, 1980 the Copyright Office published in the **Federal Register** [45 FR 41548] a change in the procedure regarding section 508 filings. Under the procedure announced at that time the notifications were filed by a serial number in the Certifications and Documents Section of the Information and Reference Division. To provide access to these notifications, an index card under the plaintiff's name was prepared for each document. The preparation of the index cards has proven to be an unnecessary workload item. There have been fewer than five requests per year for information contained in this file. Consequently, we cannot justify the time and expense required to continue the indexing procedure.

Therefore, we have revised our practices and procedures regarding section 508 filings. Beginning immediately we are discounting the preparation of the index cards. Documents will be received and retained in the Certifications and Documents Section until enough have accumulated to fill one reel of microfilm. They will then be microfilmed alphabetically under the plaintiff's name. Each reel will have affixed to it the inclusive dates of receipt in the Copyright Office of all the documents contained on the reel. The microfilm reels will be maintained by the Certifications and Documents Section, LM–402, Copyright Office, Library of Congress. The hours of public access to the Certifications and Documents Section are from 8:30 a.m. until 5:00 p.m., Monday through Fridays (except legal holidays).

Dated: August 12, 1986.

Ralph Oman,

Register of Copyrights.

Approved by:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 86–18885 Filed 8–20–86; 8:45 am]

BILLING CODE 1410–07–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (86–55)]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's, supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

DATES: Comments must be received in writing by September 2, 1986. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Ray S. Mayfield, NASA Agency Clearance Officer, Code NM, NASA Headquarters, Washington, DC 20546; Bruce McConnell, Office of Information and Regulatory Affairs, OMB, Room 3235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 453–1090.

Reports

Title: Information Collection from the Public in Support of the NASA Acquisition Process.
OMB Number: 2700–0042.
Type of Request: Extension.
Frequency of Report: As required.
Type of Respondent: Individuals or households, state or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations.
Annual Responses: 398,298.
Annual Burden Hours: 12,703,860.

Abstract-Need/Uses: The information collection is required to evaluate bids and proposals from offerors to award contracts for required goods and services in support of NASA's mission.

Ray S. Mayfield,

Director, Management Analysis Office.

[FR Doc. 86–18822 Filed 8–20–86; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice of

the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

DATE: September 15, 1986.

Time: 8:30 a.m. to 5:30 p.m.

Room: 730.

Program: This meeting will review applications for Preservation projects, submitted to the Office of Preservation, for projects beginning after June 1, 1986.

DATE: September 19, 1986.

Time: 8:30 a.m. to 5:30 p.m.

Room: 730.

Program: Office of Preservation: U.S. Newspaper Program. This program supports cataloguing and preservation on newspapers published in the U.S. since 1690. This meeting will review applications submitted to the Office of Preservation, for project beginning after June 1, 1986.

The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to Authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86–18875 Filed 8–20–86; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket 72–3 (50–261)]

Carolina Power & Light Co., Issuance of Materials License SNM–2502 for the H.B. Robinson Steam Electric Plant Independent Spent Fuel Storage Installation at the H.B. Robinson Unit 2 Site

The U.S. Nuclear Regulatory Commission (the Commission) has issued a materials license under the provisions of 10 CFR Part 72 to Carolina Power and Light Company (CP&L or the licensee) authorizing the receipt and storage of spent fuel in an Independent Spent Fuel Storage Installation (ISFSI) located onsite at the H.B. Robinson Steam Electric Plant in Darlington County, South Carolina.

The function of the ISFSI is to provide interim storage of 56 spent fuel assemblies from H.B. Robinson Steam Electric Plant Unit 2 (HBR2). Seven spent fuel assemblies are stored in an inert atmosphere inside a stainless steel canister which provides confinement, shielding, criticality control and heat removal. Spent fuel loading and canister preparation takes place within the H.B. Robinson Steam Electric Plant fuel handling building. The canister is then moved to the onsite ISFSI inside an IF–300 shipping cask where the canister is then placed inside a concrete horizontal storage module, which provides additional shielding and passive heat dissipation. A total of eight concrete storage modules would be installed under the requested license.

The Commission's Office of Nuclear Material Safety and Safeguards (NMSS) has completed its environmental, safeguards, and safety reviews in support of the issuance of this license. The Commission authorized issuance of this license pursuant to § 2.764(c) of 10 CFR Part 2.

Following receipt of the CP&L application filed February 4, 1985, a Notice of Proposed Action was published in the **Federal Register** on April 18, 1985 (50 FR 15513). CP&L planned to rely on a topical report submitted in November 1984 by NUTECH, Inc., for its NUTECH Horizontal Modular Storage (NUHOMS) system, a concrete module stainless steel canister design, and on the safety review of this design by NMSS staff. Subsequently, CP&L informed NRC by letter dated May 30, 1985, of its intention to modify the NUTECH design for its site-specific application. Revision of CP&L's safety analysis report and updating of its environmental report were based on this modified design and referenced the basic NUTECH topical report design where appropriate. In March 1986, NMSS staff completed its safety review of the NUTECH topical report for the NUHOMS system design and issued a letter of approval with a Safety Evaluation Report. The "Environmental Assessment Related to the Construction and Operation of the H.B. Robinson Independent Spent Fuel Storage Installation" (dated April 1986), along with a Finding of No Significant Impact was issued and noticed in the **Federal Register** (51 FR 12006, April 8, 1986) in accordance with 10 CFR Part 51. The scope of the Environmental Assessment included the construction and operation of an ISFSI on the HBR2 site, including impacts specifically derived from the NUHOMS system design to be used.

The staff has completed its safety review of the HBR2 site application. CP&L's safety analysis report, as supplemented, includes confirmation by CP&L's reactor safety committee that no technical specification changes are required under the HBR2 reactor operating license to accommodate a Part 72 license for onsite storage, that joint operation of the reactor and onsite storage does not affect the safety margins of either one and that onsite storage is an independent operation as defined in Part 72. The staff's Safety Evaluation Report of the H.B. Robinson Steam Electric Plant Unit 2 Independent Spent Fule Storage Installation was completed in June 1986.

Materials License SNM–2502, the staff's Environmental Assessment, Safety Evaluation Report, and other documents related to this action are available for public inspection and for copying for a fee at the NRC Public Document Room 1717 H Street, NW., Washington, DC, and at the Local Public Document Room at the Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550.

Dated at Silver Spring, Maryland, this 13th day of August 1986.

For the U.S. Nuclear Regulatory Commission.

Leland C. Rouse,

Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 86–18920 Filed 8–20–86; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50-247]

Order Modifying License Confirming Additional Licensee Commitments on Emergency Response Capability; Consolidated Edison Co. of New York

I

Consolidated Edison Company of New York (the licensee) is the holder of Facility Operating License No. DPR-26 which authorized the operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) at steady-state power levels not in excess of 2758 megawatts thermal. The facility is a pressurized water reactor (PWR) located in Westchester County, New York.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include improvements in operational safety, siting and design, and emergency preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities and significant upgrading of emergency response capability based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The requirements are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements," and in Supplement 1 to NUREG-0737, "Requirements for Emergency Response Capability." Among these requirements are a number of items consisting of emergency response facility operability, emergency procedure implementation, addition of instrumentation, possible control room design modification, and specific information to be submitted.

On December 17, 1982, a letter (Generic Letter 82-33) was sent to all licensees of operating reactors, applicants for operating licenses, and holders of construction permits enclosing Supplement 1 to NUREG-0737. In this letter operating reactor licensees and holders of construction permits were requested to furnish the following information, pursuant to 10 CFR 50.54(f), no later than April 15, 1983:

(1) A proposed schedule for completing each of the basic requirements for the items identified in Supplement 1 to NUREG-0737, and

(2) A description of plans for phased implementation and integration of emergency response activities including training.

III

The licensee responded to Generic Letter 82-33 by letter dated April 15, 1983, as supplemented August 31, 1983, November 18, 1983, February 14, 1984 and March 12, 1984. In these submittals, the licensee made commitments to complete the basic requirements. The licensee's commitments included (1) dates for providing required submittals to the NRC, (2) dates for implementing certain requirements, and (3) a schedule for providing implementation dates for other requirements. The staff found that these dates were reasonable and achievable dates for meeting the Commission requirements and concluded that the schedule proposed by the licensee would provide timely upgrading of the licensee's emergency response capability. On June 12, 1984, the NRC issued "Order Confirming Licensee Commitments on Emergency Response Capability" which confirmed the licensee's commitments. By letter dated March 11, 1985, the NRC corrected an error in the original order concerning the implementation date of Regulatory Guide 1.97 with respect to Emergency Response facilities.

IV

The June 12, 1984, Order stated that for those requirements for which the licensee committed to a schedule for providing implementation dates, those dates would be reviewed, negotiated and confirmed by a subsequent order. In conformance with the milestones in the June 12, 1984 Order, as revised March 11, 1985, the licensee's letters dated November 29, 1985 as supplemented June 2, 1986, provided a completion schedule for the following requirement:

3. Regulatory Guide 1.97—Application to Emergency Response Facilities

3b. Implement (installation or upgrade) requirements.

The attached Table summarizing the licensee's schedular commitment for the above item was developed by the NRC staff from the information provided by the licensee. The staff reviewed the licensee's November 29, 1985 and June 2, 1986 letters and discussed the date with the licensee.

The NRC staff finds that this date is a reasonable and an achievable date for meeting the Commission requirements. The NRC staff concludes that the schedule proposed by the licensee will provide timely upgrading of the licensee's emergency response capability.

In view of the foregoing, I have determined that the implementation of the licensee's commitments are required in the interest of the public health and safety and should, therefore, be confirmed by an immediately effective Order.

V

Accordingly, pursuant to sections 103, 161i, 161o and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and Part 50, It Is Hereby Ordered, Effective Immediately, That License DPR-26 is modified to provide that the licensee shall:

Implement the specific items described in the Attachment to this Order in the manner described in the licensee's submittals noted in Section IV herein no later than the dates in the Attachments.

VI

Extension of time for completing these items may be granted by the Director, Division of PWR Licensing-A, for good cause shown.

VII

The licensee or any other person who has an interest adversely affected by this Order may request a hearing on this Order within 20 days of the date of publication of this Order in the Federal Register. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy shall be sent to the Office of the General Counsel, Assistant General Counsel for Enforcement, at the same address. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is to be held, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether the licensee should comply with the requirements set forth in Section V of this Order.

This Order is effective upon issuance.

Dated in Bethesda, Maryland, this 12th day of August 1986.

For the Nuclear Regulatory Commission.

Thomas M. Novak,

Acting Director, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

Attachment: Licensee's Additional Commitment on Requirements Specified in Supplement 1 to NUREG-0737.

INDIAN POINT UNIT 2.—LICENSEE'S ADDITIONAL COMMITMENTS ON SUPPLEMENT 1 TO NUREG-0737

Title	Requirements	Licensee's completion schedule (or status)
3. Regulatory Guide 1.97—Application to Emergency Response.	3b. Implement (installation or upgrade) requirements	Cycle 9/10 Refueling Outage (scheduled for about second quarter 1989).

[FR Doc. 86-18921 Filed 8-20-86; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Thermal Hydraulic Phenomena Meeting, Date Change

The ACRS Subcommittee on Thermal Hydraulic Phenomena scheduled for August 27, 1986 has been *changed to Thursday, August 28, 1986, 8:30 a.m., Room 1046, 1717 H. Street NW, Washington, DC.* This meeting notice was previously published August 8, 1986 (51 FR 28642). All other items regarding this meeting remain the same as previously announced.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Paul Boehnert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: August 18, 1986.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 86-18924 Filed 8-20-86; 8:45 am]
BILLING CODE 7590-01-M

Receipt of Petition for Director's Decision

Notice is hereby given that by letter dated June 25, 1986, Marvin Lewis has requested that the Commission shut down all BWR nuclear reactors until all residual heat removal system problems at BWR reactors have been resolved. As grounds for his request, Mr. Lewis has cited several NRC notices where residual heat removal system problems have occurred at BWR reactors, and contends that these separate problems at those reactors cumulatively have the potential to cause a Class 9 accident. This request is being treated as a request for action under 10 CFR 2.206 and, accordingly, the staff will take appropriate action on this request within a reasonable time. A copy of Mr. Lewis' letter is available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20555.

Dated at Bethesda, Maryland, this 7th day of August, 1986.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 86-18919 Filed 8-20-86; 8:45 am]
BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules A, B, and C Exceptions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 1986, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. Title 5, Code of Federal Regulations, Section 213.103(c), further requires that a consolidated listing, current as of June 30 of each year, shall be published annually as a notice in the **Federal Register.** That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Staffing Policy Analysis Division, Room 6504, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, or by calling (202) 632-6817.

The following exceptions were current on June 30, 1986:

Schedule A

Section 213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) [Reserved].

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment that was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are parttime or intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., positions excluded from Classification Act coverage by section 202(7) of the Act) on

construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candidates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) Positions filled by (1) appointment of persons previously employed as National Guard Technicians under 32 U.S.C. 709(a) in positions at the same or equivalent grade level, or below, who are applying for or receiving an annuity under the provisions of 5 U.S.C. 8337(h) by reason of a disability that disqualifies them from membership in the National Guard or from holding the military grade required as a condition of their National Guard employment; or (2) reassignment, promotion or demotion within the same agency of former National Guard Technicians originally appointed under this authority.

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's completion of requirements for the graduate degree.

(q) Positions at grade GS–7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) positions in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitation shall not apply to positions at grade GS–4 and below which are established in connection with associate degree cooperative education programs. Students enrolled in bachelor's degree cooperative education programs as defined in § 213.3202(a) shall not be employed under this provision. Appointments under this authority may be made only to positions for which qualification standards established under 5 CFR Part 302 are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)–(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(u) Positions when filled by severely physically handicapped persons who: (1) Under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by OPM.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, either (1) appointed under economic needs standards prescribed by OPM or (2) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS–4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period;

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by OPM, except that

this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year. *However,* such appointments may be made for additional periods of not to exceed 1 year each, if the conditions for initial appointment are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia, and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1 year. An initial appointment may be extended for one or more periods not to exceed one additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1 year beyond the date of that person's release from custody.

(y) Positions at grade GS–2 and below for summer employment as defined in § 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS–11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program, may not exceed 2 years, and are subject to satisfactory outcome of evaluation of the associate's research during the first year.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of OPM except when the authority is specifically included in a delegated examining agreement with OPM.

(cc) Positions at GS–15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)–(ee) [Reserved].

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he/she ceases to be in a qualifying program only as long as he/she remains in the same agency without a break in service.

(gg)–(hh) [Reserved].

(ii) Positions of Presidential Intern, GS–9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS–9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to one additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj) Legal intern positions. Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved].

(11) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time, or intermittent basis.

Section 213.3103 Executive Office of the President.

(a) *Office of Administration.* (1) Not to exceed 75 positions to provide administrative services and support to the White House office.

(b) *Office of Management and Budget.* (1) Not to exceed 10 positions at grades GS–9/15.

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–13 through –15 on the staff of the Council.

(d)–(f) [Reserved].

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS–15; Policy Analyst, GS–11/ 14; and Policy Research Assistant, GS–9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

Section 213.3104 Department of State.

(a) *Office of the Secretary.* (1) All positions, GS–15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)–(5) [Reserved].

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) [Reserved].

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrument men, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any one calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) Two Physical Science Administration Officer positions at GS–16.

(f) [Reserved].

(g) *Office of Refugee and Migration Affairs.* (1) Not to exceed 10 positions at grade 5 through 11 on the staff of the office.

(h) *Bureau of Administration.* (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981.

Section 213.3105 Department of the Treasury.

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS–13 through GS–17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of

complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved].

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) [Reserved].

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling), Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his/her service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his/her service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)–(8) [Reserved].

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c) *Office of the Comptroller of the Currency.* (1) Not to exceed six positions filled under the Professional Accounting Fellow Program. Appointments under this authority may not exceed 2 years.

(d) [Reserved].

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) [Reserved].

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(h) [Reserved].

(i) *Bureau of Government Financial Operations.* (1) Clerical positions at grades GS–5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

Section 213.3106 Department of Defense.

(a) *Office of the Secretary.* (1) Not to exceed 30 positions at grades GS–6/15 in the Defense Mobilization Systems Planning Activity, Office of the Deputy Assistant Secretary of Defense (Mobilization Planning and Requirements.) No new appointments may be made under this authority after March 31, 1989.

(2)–(5) [Reserved].

(6) One Executive Secretary, US-USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.)*

(1) Professional positions in Military Dependent School Systems overseas.

(2) Positions in attache 1 systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the U.S. Government residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided,* that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to one additional year when the military department concerned finds the additional employment is in the interest of management.

(7) Fifteen secretarial and staff support positions at GS–12 or below on the White House Support Group.

(c) *Defense Contract Audit Agency.* (1) Not to exceed two positions of Accounting Fellow, Auditor, GM–511–14, filled under the Accounting Fellowship Program. Appointments under this authority may not exceed 2 years.

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.*

(1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, postdoctoral fellows, research associates, senior research associates, and visiting scientists.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS–15, at the strategic Concepts Development Center. Initial appointments to these positions may not exceed 6 years, but may be extended thereafter in 1-, 2-, or 3-year increments, indefinitely.

(g) *Defense Communications Agency.* (1) Not to exceed 10 positions at grades GS–10/15 to staff and support the Crisis Management Center at the White House.

Section 213.3107 Department of the Army.

(a) *General.* (1) Not to exceed 30 positions on the faculty and staff which are classified in the GS–1700 occupational group and the GS–1410

Librarian series, located at the U.S. Army Russian Institute, Garmisch Germany, and the U.S. Army Foreign Language Training Center Europe, Munich, Germany.

(b) *Aviation Systems Command.* (1) One scientific and professional research position in the U.S. Army Research and Technology Laboratories, the duties of which require specific knowledge of aviation technology in non-allied nations.

(c) *Corps of Engineers.* (1) [Reserved].

(2) Nonsupervisory trades, crafts, and manual labor positions at grades WG–6 and below on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of Intercollegiate Athletics, Associate Director of Intercollegiate Athletics, Facility Manager, Building Manager, Associate Director of Admissions for Plans and Programs, Deputy Director of Alumni Affairs; and librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a U.S. Military Academy graduate retired as a regular commissioned officer for disability.

(e) *U.S. Army School of the Americas, Fort Benning, Georgia.*

(1) Positions of Translator (Typing), GS–1040–5/9, and Supervisory Translator, GS–1040–11. No new appointments may be made under this authority after December 31, 1985.

(f) [Reserved].

(g) *Defense Language Institute.* (1) All positions of the faculty and staff which are classified in the GS–1700 occupational group, the GS–1040 Language Specialist series, and the GS–303 Bilingual Clerk series, that require either a proficiency in a foreign language or a knowledge of foreign language teaching methods.

(2)–(4) [Reserved].

(h) *Army War College, Carlisle Barracks, Pa.* (1) Five positions of Educational Specialist for employment of not to exceed 1 year: Provided, that such employment may, with the prior approval of OPM, be extended for not to exceed one additional year.

(2) Nine senior policy analyst positions, GS–14/15, at the Strategic Studies Institute, Army War College, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(3) Five research oriented faculty positions, GS–14/15, with the U.S. Army War College, at Carlisle Barracks, Pennsylvania, with appointments to be made initially for up to 3 years and thereafter extended annually if needed.

(i) *Defense Systems Management School, Fort Belvoir, Va.*

(1) The Deputy Commandant and professors in grades GS–13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

Section 213.3108 Department of the Navy.

(a) *General.* (1) [Reserved].

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Naval Regional Medical Centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(3) [Reserved].

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351–54.

(5) [Reserved].

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided,* that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351–54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under

5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(14) [Reserved].

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; the Director of Academic Planning, Naval Postgraduate School; and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) [Reserved].

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e)–(f) [Reserved].

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientists, GS–13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

Section 213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Sixty positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 20 professional positions, GS–11 through GS–15, in Detachments 6 and 51, SM–ALC, Norton and McClellan Air Force Bases, California, which will provide logistic support management to specialized research and development projects.

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, Instructors in Music (choirmasters), one Training Instructor (Parachuting), one Training Instructor (Code of Conduct and Evasion), and two Physical Therapists/Athletic Trainers.

(e) Not to exceed five positions, GS–12 through GS–15, in the Specialized Management Office (WR–ALC/QL) at Robins Air Force Base, Georgia, which will provide logistic support management staff guidance for highly sensitive and high priority programs and projects. Employment under this authority is not to exceed May 30, 1988.

(f) *Air Force Office of Special Investigations.* (1) Not to exceed 250 positions of Criminal Investigators/Intelligence Research Specialists, GS–5 through GS–15.

(g) Not to exceed 7 positions, GS–12 through 15, in Headquarters Air Force Logistics Command, DCS Materiel Management, Office of Special Activities, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects.

(h) One Chief of Engineering, GM–13, in Detachment 2, 2762 Logistics Squadron (Special), Air Force Logistics Command, Greenville, Texas.

(i) *Air Force Institute of Technology, Wright-Patterson Air Force Base, Ohio.* (1) Civilian deans and professors.

Section 213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) [Reserved].

(3) U.S. Marshal in the Virgin Islands.

(4) Staff positions, GS–15 and below, to assist in the resettlement of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1985. No new appointments may be made under the authority after September 30, 1984.

(5)–(6) [Reserved].

(b) *Immigration and Naturalization Service.* (1) Not to exceed 1,500 positions at grades GS–15 and below engaged in planning for and implementing the processing of claims for resident status which may be submitted by aliens already in the United States as authorized by immigration control and reform legislation. Employment under this authority is not to exceed 4 years from the effective date of such legislation. New appointments under this authority may not be made after March 30, 1985 unless applicable authorizing legislation has been enacted.

(2) Not to exceed 500 positions of interpreters and language specialists, GS–1040–5/9.

(c) *Drug Enforcement Administration.* (1) [Reserved].

(2) One hundred and fifty positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

(3) Not to exceed 200 positions of Criminal Investigator (Special Agent). New appointments may be made under this authority only at grades GS–7/11.

Section 213.3112 Department of the Interior.

(a) *General.* (1) Technical, maintenance, and clerical positions at or below grades GS–7, WG–10, or equivalent in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS–7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided,* that an employee may work as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services

to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) [Reserved].

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) [Reserved].

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) [Reserved].

(2) Not to exceed 4 positions of Territorial Management Interns, grades GS–5, GS–7, or GS–9, when filled by territorial residents who are U.S. citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. citizens upon termination of the U.S. trusteeship. Employment under this authority may not exceed 6 months.

(3) [Reserved].

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS–2 through GS–5 to perform practical and technical work supporting the management of Park Service areas and resources in the functional areas of interpretation, resources management, visitor protection, and visitor services; and positions at salaries equivalent to grades GS–6 and GS–7 in which the duties are supervisory or consist of highly specialized technical work in support of National Park Service operations in the functional areas delineated above. The total number of Park Ranger positions at salaries equivalent to GS–6 and GS–7 excepted under this paragraph shall not exceed 200. Employment under this paragraph is limited to persons who meet the qualification standards for each salary level that have been agreed upon by OPM and the Department of the Interior. These standards include as a minimum the following number of previous seasons' experience at a salary equivalent to the next lower grade or equivalent experience in a Federal, State, or local park:

(i) For IGS–7: Two seasons at IGS–6 level in the National Park Service.

(ii) For IGS–6: Two seasons at IGS–5 level in the National Park Service.

(iii) For IGS–5: One season at IGS–4 level or its equivalent in experience.

(iv) For IGS–4: One season at IGS–3 level or its equivalent in experience.

(v) For IGS–3: One season at IGS–2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) [Reserved].

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95–250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided,* that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

Section 213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service or the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)–(4) [Reserved].

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided,* that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of § 213.3102.

(6) [Reserved].

(7) Not to exceed 30 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1985.

(b) [Reserved].

(c) *Forest Service.* (1) [Reserved].

(2) Positions in Alaska of Laborers, Boat Operaters, Mechanics, Equipment Operators, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.*

(1) Not to exceed 24 positions of Agricultural Program Specialist, GS–1145–7/12, engaged in conversion of ASCS' directives and information system to a completely automated format. Appointments to these positions may be made initially at the GS–7/11 levels and may not exceed September 30, 1987.

(2) Members of State Committees: *Provided,* that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(3) [Reserved].

(e) *Farmers Home Administration.* (1) [Reserved].

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended for one additional period not to exceed 1 year, but may, with prior approval of OPM, be further extended for additional periods not to exceed 1 year each.

(4) [Reserved].

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior OPM approval for not to exceed one additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(7) Positions concerned with an economic emergency loan program authorized by the Agricultural Credit Act of 1978, for seasonal employment not to exceed August 31, 1982.

(f) *Agricultural Marketing Service.* (1) Positions of Cotton, Tobacco Dairy, and Poultry Agricultural Commodity Graders and Meat Acceptance Specialists, GS–11 and below, for employment not to exceed 1280 hours in a service year. (Agricultural Commodity Graders (Cotton), GS–5, may be employed as trainees for the first appointment for an initial period of 6 months for training without regard to the hour limitation. In addition, until December 31, 1987, Meat Acceptance Specialists engaged in work required by the Food Security Act of 1985 may be employed without regard to the hour limitation.) Positions of Agricultural Commodity Technicians, GS–5 through GS–7, Agricultural Commodity Aids, GS–2 through GS–5, Clerks, GS–4 and below, and laborers employed on a seasonal basis not to exceed 180 days or 1280 hours a year.

(2) Positions of Raisin Inspectors and Aids and Processed Fruit and Vegetable Graders and Aids, GS–9 and below, for employment not to exceed 180 days in a service year. In unforeseen situations such as bad weather or crop conditions, unanticipated plant demands, or increased imports, employees may work up to 240 days in a service year.

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(g)–(i) [Reserved].

(j) *Food and Nutrition Service.* (1) [Reserved].

(2) Three hundred and fifty positions of food assistance program specialist, GS–5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a fulltime, part-time, or intermittent basis.

(k) *Animal and Plant Health Inspection Service.*

(1) [Reserved].

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(l) *Food Safety and Inspection Service.* (1)–(2) [Reserved].

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Federal Grain Inspection Service.* (1) One hundred and fifty positions of Agricultural Commodity Aid (Grain), GS–2/4; 100 positions of Agricultural Commodity Technician (Grain), GS–4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS–5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

Section 213.3114 Department of Commerce

(a) *General.* (1)–(2) [Reserved].

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of. data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS–301–8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(c) [Reserved].

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature: *Provided,* that temporary, part-time employment will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior OPM approval

is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) Not to exceed 20 professional and scientific positions at grades GS–9 through GS–12 filled by participants in the ASA research trainee program. Employment of any individual under this authority may not exceed 2 years.

(e)–(h) [Reserved].

(i) *Office of the Under Secretary for International Trade.*

(1) Thirty positions at GS–12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(2) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed 2 years and may, with prior approval of OPM, be extended for an additional period of 2 years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) [Reserved].

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 8 months in any one calendar year.

(k) [Reserved].

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS–13 through GS–15.

Section 213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and eight members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS–6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1984.

(c) [Reserved].

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS–7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

Section 213.3116 Department of Health and Human Services.

(a) *Saint Elizabeth's Hospital.* (1)–(4) [Reserved].

(5) Fifteen positions of psychodrama trainees, including interns and first- and second-year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6)–(8) [Reserved].

(9) Positions of Chaplain Residents: *Provided,* that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. 5351 and 5352.

(10) [Reserved].

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(12) Ten positions of Interns, Residents and Fellows for work in mental health and deafness. Employment under this authority may not exceed 1 year for any individual.

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed 2 years for any individual.

(b) *Public Health Service.* (1) Not to exceed five positions a year of Medical Technologist Resident, GS–644–7/9, in the Blood Bank Department, Clinical Center, of the National Institutes of Health. Appointments under this authority will not exceed 1 year.

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, La.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* that appropriate exclusions of the positions under the authority of Pub. L. 80–330 have been approved by OPM.

(7) Not to exceed 50 positions associated with health screening programs for refugees.

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351–5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS–7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS–9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(13) Not to exceed 30 positions of Cancer Control Science Associate in the Division of Cancer Prevention and Control, National Cancer Institute, National Institutes of Health, for assignments at a level of difficulty and responsibility at or equivalent to GS–11/13. No one may be employed under this authority for more than 3 years, and no more than 10 appointments will be made under the authority in any 1 year.

(14) Not to exceed 30 positions at grades GS–11/13 associated with the postdoctoral training program for interdisciplinary toxicologists in the National Institute of Environmental Health Sciences, National Institutes of Health, Research Triangle Park, North Carolina.

(c) [Reserved].

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fouth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(4) [Reserved].

(5) Eleven clerical and technical positions at grade GS–5 in the Social Security Administration that involve contact with recent Indochinese immigrants and that require a knowledge of Indochinese languages and an understanding of and sympathy for the problems faced by recent Indochinese immigrants.

(6) [Reserved].

(e) [Reserved].

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants, The President's Council on Physical Fitness.

(g)–(i) [Reserved].

(j) *Health Care Financing Administration.* (1) [Reserved].

(2) Not to exceed 10 professional positions, GS–9 through GS–15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.* (1) Not to exceed 75 positions providing direct services to Cuban and Haitian entrants.

(2) Not to exceed 10 positions at grades GS–9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS–9/12. Employment of any individual under this authority may not exceed 2 years.

Section 213.3117 Department of Education.

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

Section 213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

Section 213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS–3 through GS–11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved].

(d) Not to exceed 600 positions at grades GS–3 through GS–11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after August 31, 1988.

Section 213.3128 U.S. Information Agency.

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS–14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS–13 and GS–14, located in USIA's field offices of New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

Section 213.3130 Securities and Exchange Commission.

(a)–(b) [Reserved].

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC Accounting Fellow Program, as follows:

(1) Four positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Fellowship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Fellowship or have been selected as replacement Fellows for a 2-year term. Appointments of outgoing Fellows under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointments.

(d) Positions of Economist, GS–13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than 2 years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

Section 213.3131 Department of Energy.

(a) [Reserved].

(b) *Bonneville Power Administration.*

(1) Five Area Managers.

Section 213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior OPM approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) of this section. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 or the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic-Industrial Planner, GS–7 through 12, when filled by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

Section 213.3133 Federal Deposit Insurance Corporation.

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks. New appointments may be made under this authority only during the 5-year period following a bank closing and/or establishment of a consolidated liquidation site.

Section 213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

Section 213.3137 General Services Administration.

(a) [Reserved].

(b) Not to exceed 25 positions at grades GS–14/15, in order to bring into the agency current industry expertise in various program areas. Appointments under this authority may not exceed 2 years.

Section 213.3141 National Labor Relations Board.

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

Section 213.3142 Export-Import Bank of the United States.

(a) One Special Assistant to the Board of Directors, grade GS–14 and above.

Section 213.3146 Selective Service System.

(a) State Directors.

(b)–(c) [Reserved].

(d) Executive Secretary, National Selective Service Appeal Board.

Section 213.3148. National Aeronautics and Space Administration.

(a) One hundred and fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator of the National Aeronautics and Space Administration to be necessary in the public interest.

(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.

(c)–(e) [Reserved].

(f) Positions of Program Coordinator/Counselor at grades GS–7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

Section 213.3152 U.S. Government Printing Office.

(a) Not to exceed three positions of Research Associate at grades GS–15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed one additional year.

(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

Section 213.3154 Federal Home Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.

(b) [Reserved].

(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

Section 213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS–11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commission under Pub. L. 88–352, as amended. No new appointments may be made under this authority after March 31, 1976.

Section 213.3174 Smithsonian Institution.

(a) Not to exceed 25 positions at grades GS–11 and below that support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.

(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

(c) One Russian Studies Program Administrator, one East Asian Studies Program Administrator, one International Security Studies Program Administrator, and one Latin American Program Administrator in the Woodrow Wilson International Center for Scholars.

Section 213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.*

(1) Until September 30, 1990, one position of Assistant Director, Artists-in-

Education Programs, Office for Partnership, GS–301–14.

(2) [Reserved]

(3) Until September 30, 1990, one position of Director of Literature Programs.

(4) Until September 30, 1990, one position of Assistant Director of Theatre Programs.

(5) Until September 30, 1990, one position of Director of Folk Arts Programs.

(6) Until September 30, 1990, one position of Director, Opera/Musical Theatre Programs.

(7) Until September 30, 1990, one position of Assistant Director of Opera/Musical Theatre Programs.

(8) Until September 30, 1990, one position of Assistant Director of Literature Programs.

(9) Until September 30, 1990, one position of Director of Locals Test Programs, Office of the Deputy to the Chairman for Public Partnership.

(10) Until September 30, 1990, one position of Deputy to the Chairman for Public Partnership.

(11) Until September 30, 1990, four Project Evaluators.

(12) Until September 30, 1990, one position of Director of Museum Programs.

(13) Until September 30, 1990, one position of Assistant Director of Folk Arts, Office of the Deputy Chairman for Programs.

(14) Until September 30, 1990, one position of Assistant Director of Music Programs.

(15) Until September 30, 1990, one position of Director of Expansion Arts Programs.

(16) Until September 30, 1990, one position of Director of Media Arts Programs.

(17) Until September 30, 1990, one position of Director, Challenge and Advancement Grant Program.

(18)–(19) [Reserved].

(20) Until September 30, 1990, one position of Director of Inter Arts Program.

(21) Until September 30, 1990, one position of Assistant Director of Expansion of Arts Programs.

(22) Until September 30, 1990, one position of Assistant Director of Media Arts Programs.

(23) Until September 30, 1990, one position of Assistant Director of Design Arts Program.

(24) Until September 30, 1990, one position of Assistant Director of Dance Programs.

(25) Until September 30, 1990, one position of Assistant Director of Visual Arts Programs.

(26) Until September 30, 1990, one position of Assistant Director of Museum Programs.

(27)–(29) [Reserved].

(30) Until September 30, 1990, one position of Director of Education Programs.

(31) Until September 30, 1990, one position of Director of Music Programs.

(32) Until September 30, 1990, one position of Director of Theater Programs.

(33) Until September 30, 1990, one position of Director of Dance Programs.

(34) Until September 30, 1990, one position of Director of Visual Arts Programs.

(35) Until September 30, 1990, one position of Director of Design Arts Program.

(36) [Reserved].

(37) Until September 30, 1990, one Director for State Programs.

(38) Until September 30, 1990, one Director for Artists-in-Education Programs.

Section 213.3184 Department of Housing and Urban Development.

(a) One position of Special Advisor to the Regional Administrator, GS–301–14, in San Francisco. Employment under this authority may not exceed 2 years.

Section 213.3191 Office of Personnel Management.

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b)–(c) [Reserved].

(d) Part-time and intermittent positions of test examiners at grades GS–8 and below.

Section 213.3194 Department of Transportation.

(a) *U.S. Coast Guard.* (1) Not to exceed 25 positions of Marine Traffic Controller (Pilot), at grade GS–11 and below for temporary, intermittent or seasonal employment in the State of Louisiana. Temporary appointments may not exceed 1 year, and temporary appointees may be reappointed under this authority only after a break in service of at least 6 months. Intermittent or seasonal employment may not exceed 180 working days in a service year, except that this limitation for an individual employee may be extended to 220 days when necessitated by emergencies caused by unusual flooding conditions or high river stages.

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) [Reserved].

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) [Reserved].

(e) *Maritime Administration.* (1)–(2) [Reserved].

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)–(5) [Reserved].

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers: including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Asssistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

Section 213.3195 Federal Emergency Management Agency.

(a) Field positions at grades GS–15 and below, or equivalent, that are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Pub. L. 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency. Persons may not be employed under this authority for long-term duties or for work not directly necessitated by the emergency response effort.

(b) Not to exceed 30 positions at grades GS–15 and below in the Offices of Executive Administration, General Counsel, Inspector General, Comptroller, Public Affairs, Personnel, Acquisition Management, and the State and Local Program and Support Directorate that are engaged in work directly related to unique response efforts to environmental emergencies not covered by the Disaster Relief Act of 1974, Pub. L. 93–288, as amended. Employment under this authority may not exceed 36 months on any single emergency, or for long-term duties or work not directly necessitated by the emergency response effort. No one may be reappointed under this authority for service in connection with a different emergency unless at least 6 months have elapsed since the individual's latest appointment under this authority.

(c) Not to exceed 350 professional and technical positions at grades GS–5 through GS–15, or equivalent, in Mobile Emergency Response Support Detachments (MERS).

Section 213.3199 Temporary organizations.

(a) Positions at GS–15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions at GS–15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a single organization during a period longer than 4 years only with prior approval of OPM.

Schedule B

Section 213.3202 Entire executive civil service.

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

(a) Student positions established in connection with a bachelor's degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hours, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with a least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience necessary for career or career-conditional appointment in selected occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93–642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) Positions at shipyards, air rework facilities and other major industrial activities in the Department of the Navy which prepare students at the high school level, upon satisfactory completion of a cooperative education program of at least 1,040 hours for employment in preapprentice positions or in helper positions at the WG–5 level as pipefitters, marine machinist, inside machinist, welder, sheet metal machanic, and such other occupations where the journeyman level is WG–9 or above as the Associate Director, Staffing Group, shall have approved, provided that: (1) Not more than 25 percent of the positions in covered occupations will be filled annually at any single installation through this conversion authority, and (2) the maximum time during which any student will be employed in the program is 18 months, and (3) except for conditions specified in this authority, students will be subject to instructions governing all other high school vocational education students in cooperative education programs, and (4) any student who completes a program without a diploma must have an authenticated certificate from the school indicating satisfactory completion in his/her personnel folder.

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g)–(i) [Reserved].

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS–15 and below when filled by individuals who: (1) Are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

(l) Professional and administrative career (PAC) positions at the GS–5 or GS–7 grade level which are subject to the decree entered on November 19, 1981, by the United States District Court for the District of Columbia in the civil action known as *Luevano* v. *Horner* and numbered as No. 79–271, which were not removed from coverage of the Professional and Administrative Career Examination (PACE) prior to the effective date of the consent decree, and which are to be filled, under the conditions described below, by appointment of individuals other than those who at the time of such appointment already have competitive status in the Federal civil service. When a Federal agency needs to fill a PAC position that was not removed from PACE coverage before the consent decree became effective, and the agency has made maximum use of priority placement sources and has given appropriate consideration to available and qualified status applicants, then OPM may authorize the agency to make a new appointment under this paragraph. Such appointments shall be authorized and made pursuant to such Schedule B requirements for PAC positions as shall be prescribed in the Federal Personnel Manual. Terms of use of this appointment authority shall be established by an appointment authority agreement to be executed for each position excepted from the competitive service pursuant to this authority. An incumbent of a Schedule B PAC position may be appointed to a competitive position upon a demonstration that the employee has met qualifications on the basis of an examination of the employee's experience and such other measures as may be prescribed for such position in civil service laws, rules, and regulations, including the Federal Personnel Manual.

Section 213.3203 Executive Office of the President.

(a) [Reserved].

(b) *Office of the Special Representative for Trade Negotiations.* (1) Seventeen positions of economist at grades GS–12 through GS–15.

Section 213.3204 Department of State.

(a)–(c) [Reserved].

(d) Eight positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS–11 and GS–12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS–12 to GS–15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

Section 213.3205 Department of the Treasury.

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from assessments against national banks and other financial institutions.

(b) Not to exceed 10 positions engaged in functions mandated by Pub. L. 99–190, the duties of which require expertise and knowledge gained as a present or former employee of the Synthetic Fuels Corporation, as an employee of any organization carrying out projects or contracts for the Corporation, or as an employee of a Government agency involved in the Synthetic Fuels Program. Appointments under this authority may not exceed 4 years.

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employment under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

Section 213.3206 Department of Defense.

(a) *Office of the Secretary.* (1) [Reserved].

(2) Professional positions at GS–11 through GS–15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)–(4) [Reserved].

(5) Four Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty-one positions of professor, GS–13/15, for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in 1-, 2-, or 3-year increments indefinitely thereafter.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS–301–15, U.S. European Command.

(e) *Office of the Inspector General.* (1) Positions of Criminal Investigator, GS–1811–5/15.

Section 213.3207 Department of the Army.

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

(b) *Brooke Army Medical Center, Fort Sam Houston, Texas.*

(1) Two Medical Officer (Surgery) positions, GS–12, in the Clinical Division, U.S. Army Institute of Surgical Research, whose incumbents are enrolled in medical school surgical residency programs. Employment under this authority shall not exceed 12 months.

Section 213.3208 Department of the Navy.

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS–14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

(c) One Director and four Research Psychologists at the professor or GS–15 level in the Defense Personnel Security Research and Education Center.

Section 213.3209 Department of the Air Force.

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Initial appointments are made not to exceed 3 years, with an option to renew or extend the appointments in increments of 1, 2, or 3 years indefinitely thereafter.

(b) [Reserved].

(c) One Director of Instruction and 14 civilian Instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual on an initial appointment not to exceed 3 years, which may be renewed in 1-, 2-, or 3-year increments indefinitely thereafter.

Section 213.3210 Department of Justice.

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS–5 through GS–11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) Not to exceed 50 positions at grades GS–7 through GS–15 assigned to regional task forces established to conduct special investigations to combat drug trafficking and organized crime.

(d) Until September 30, 1986, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

Section 213.3213 Department of Agriculture.

(a) *Office of International Cooperation and Development.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

(b) *General.* (1) Temporary positions of professional Research Scientists, GS–15 or below, in the Agricultural Research Service and the Forest Service, when such positions are established to support the Research Associateship Program and are filled by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and the agency. Appointments are limited to proposals approved by the appropriate Administrator and may not exceed 2 years.

Section 213.3214 Department of Commerce.

(a) *Bureau of the Census.* (1) [Reserved].

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS–5 through GS–12.

(b) [Reserved].

(c) *Minority Business Development Agency.* (1) One position of minority business opportunity specialist at grades GS–9 through GS–15. This authority may not be used for new appointments after December 31, 1977.

(d) *National Telecommunications and Information Administration.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS–11 through 15. Employment under this authority may not exceed 2 years.

Section 213.3215 Department of Labor.

(a) Positions of Chairman and Member, Wage Appeals Board.

(b) *Office of the Inspector General.* (1) Not to exceed 110 positions of Criminal Investigator (Special Agent), GS–1811–5/15, in the Office of Labor Racketeering.

Section 213.3216 Department of Health and Human Services.

(a) *Public Health Service.* (1) Not to exceed 68 positions at GS–11 and below on the Health and Nutrition Examination Survey teams of the National Center for Health Statistics.

(b)–(c) [Reserved].

(d) *National Library of Medicine.* (1) Ten positions of Librarian, GS–7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

Section 213.3217 Department of Education.

(a) Seventy-five positions, not in excess of GS–13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS–7 through GS–11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of OPM, be extended for an additional period of 1 year.

Section 213.3227 Veterans Administration.

(a) Not to exceed 800 principal investigatory, scientific, professional and technical positions at grades GS–11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

Section 213.3228 U.S. Information Agency.

(a) *Voice of America.* (1) Not to exceed 150 positions at grades GS–15 and below in the Cuba Service. Appointments may not be made under

this authority to administrative, clerical, and technical support positions.

(b) Positions of English Language Radio Broadcast Intern, GS–1001–5/7/9. Employment is not to exceed 2 years for any intern.

Section 213.3231 Department of Energy.

(a) Twenty Exceptions and Appeals Analyst positions at grades GS–7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C. Appointments under this authority shall not exceed 3 years.

Section 213.3234 Federal Trade Commission.

(a) Positions filled under the Economic Fellows Program. No more than five new appointments may be made under this authority in any fiscal year. Service of any individual Fellow may not exceed 4 years.

Section 213.3237 General Services Administration.

(a) One position of Deputy Director of Network Services.

Section 213.3242 Export-Import Bank of the U.S.

(a) One position of Food Service Worker WG–7804–3/4/5, in the Office of the President and Chairman.

Section 213.3248 National Aeronautics and Space Administration.

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS–7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

Section 213.3254 Federal Home Loan Bank Board.

(a) Positions of Accounting Policy Analyst, GS–13/14/15, in the Office of Examinations and Supervision filled in connection with a fellowship program. Appointments under this authority may not exceed 2 years. No more than three new appointments may be made under this authority during any consecutive 12-month period.

(b) Up to 287 positions at GS–15 and below in the Federal Home Loan Bank Board engaged in exploring methods to promote stability in the thrift industry, restore the industry to profitability, and protect individual savers. No new appointments may be made under this authority after September 30, 1988.

Section 213.3257 National Credit Union Administration.

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS–13.

Section 213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS–9 through GS–15.

(b) *Office of Voluntary Liaison.* (1) Three positions of Program Specialist at grades GS–7 through GS–15.

Section 213.3264 U.S. Arms Control and Disarmament Agency.

(a) Twenty-five scientific, professional, and technical positions at grades GS–12 through GS–15 when filled by persons having special qualifications in the fields of foreign policy, foreign affairs, arms control, and related fields. Total employment under this authority may not exceed 4 years.

Section 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 18 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or Pretrial Services Officers on active service in the U.S. Courts.

(b) [Reserved].

(c) Six positions of Clerks Liaison Officer in the Division of Clerks of Court.

Section 213.3274 Smithsonian Institution.

(a) National Zoological Park. (1) Four positions of Veterinary Intern, GS–8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS–9 through GS–15.

Section 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

Section 213.3282 National Foundation on the Arts and the Humanities.

(a) [Reserved].

(b) *National Endowment for the Humanities.* (1) Until September 30, 1990, Humanist Administrator, Reference Materials Programs, Division of Research Programs.

(2) Until September 30, 1990, Humanist Administrator (Assistant Director), Central Disciplines in Undergraduate Education Program, Division of Education Programs.

(3) Until September 30, 1990, Deputy Director, Division of Education Programs.

(4) Until September 30, 1990, Director, Division of Research Grants.

(5) Until September 30, 1990, one position of Director, GS–1701–15, one position of Deputy Director, GS–1701–14, and six positions of Humanist Administrator, GS–1701–13, Division of State Programs.

(6) Until September 30, 1990, one Director and one Deputy Director, Division of Fellows and Seminars.

(7) Until September 30, 1990, one Humanist Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1990, four positions of Humanist Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1990, one position of Humanist Administrator (Assistant Director), Exemplary Projects, Nontraditional Learners, and Teaching Materials Program, Division of Education Programs.

(10) Until September 30, 1990, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1990, one position of Assistant Director for the Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1990, three positions of Humanist Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1990, two positions of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1990, Director of General Programs.

(15) Until September 30, 1990, one Assistant to the Director, General Programs.

(16) Until September 30, 1990, one Humanist Administrator, Younger Scholars Programs, Division of Fellowships and Seminars.

(17) Until September 30, 1990, one Humanist Administrator, Humanities Programs for Adults, Division of General Programs.

(18) Until September 30, 1990, one position of Director, Division of Education Programs.

(19) Until September 30, 1990, one Humanist Administrator (Assistant Director), Texts Programs, Division of Research Programs.

(20) Until September 30, 1990, one Humanist Administrator, Centers for

Advanced Study, Division of Research Programs.

(21) Until September 30, 1990, one Challenge Grants Officer.

(22) Until September 30, 1990, one Assistant Director, Media Program, Division of General Programs.

(23) Until September 30, 1990, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1990, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1990, one Humanist Administrator, Summer Seminars for College Teachers, Division of Fellowships and Seminars.

(26) Until September 30, 1990, two positions of Humanist Administrator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1990, one position of Humanist Administrator, GS–14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1990, one position of Humanist Administrator, Humanities Programs for Adults, Division of General Programs, GS–14.

(29) Until September 30, 1990, one position of Humanist Administrator, GS–1701–14, in the Interpretive Research Programs, Division of Research Programs.

(30) Until September 30, 1990, one Humanist Administrator, Office of Challenge Grants.

(31)–(32) [Reserved].

(33) Until September 30, 1990, one Assistant Director, Special Projects Program, GM–1701–14, Division of General Programs.

(34) Until September 30, 1990, one Humanist Administrator, GS–1701–12, Central Disciplines in Undergraduate Education Program, Division of Education Programs.

(35) Until September 30, 1990, two Humanist Administrators, Central Disciplines in Undergraduate Education Program, Division of Education Programs.

(36) Until September 30, 1990, three Humanist Administrators, Exemplary Projects, Nontraditional Learners, and Teaching Materials Program, Division of Education Programs.

(37) Until September 30, 1990, one Humanist Administrator, Summer Seminars for Secondary School Teachers, Division of Fellowships and Seminars.

(38) Until September 30, 1990, one Humanist Administrator, Summer Stipends, Division of Fellowships and Seminars.

(39) Until September 30, 1990, one Humanist Administrator, Travel to Collections, Division of Fellowships and Seminars.

(40) Until September 30, 1990, one Humanist Administrator, Translation Program, Reference Works Program, Division of Research Programs.

(41) Until September 30, 1990, one Humanist Administrator, Editions Program, Reference Works Program, Division of Research Programs.

(42) [Reserved].

(43) Until September 30, 1990, one Humanist Administrator, Bicentennial of the Constitution Program, Division of General Programs.

(44) Until September 30, 1990, one Humanist Administrator, Humanities Projects in Museums and Historical Organizations, Division of General Programs.

(45) Until September 30, 1990, two Humanist Administrators, Office of Preservation.

(46) Until September 30, 1990, one Director Office of Preservation.

(47) Until September 30, 1990, one Humanist Administrator (Program Officer), Regrant Programs, Division of Research Programs.

(48) Until September 30, 1990, one Director, Office of Planning and Budget.

(49) Until September 30, 1990, one Humanist Administrator, Tools Program, Reference Materials Program, Division of Research Programs.

(50) Until September 30, 1990, one Humanist Administrator, Access Program, Reference Materials Program, Division of Research Programs.

(51) Until September 30, 1990, one Humanist Administrator, Project Research, Interpretive Research Program, Division of Research Programs.

(52) Until September 30, 1990, one Humanist Administrator, Humanities, Science, and Technology Program, Interpretive Research Program, Division of Research Programs.

Section 213.3285 Pennsylvania Avenue Development Corporation.

(a) One position of Civil Engineer (Construction Manager).

Section 213.3291 Office of Personnel Management.

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS–13 and GS–14. Appointments may be made for any period up to 3 years, and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS–13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

Section 213.3294 Department of Transportation.

(a) *Federal Railroad Administration.* (1) Regional Director of Railroad Safety, Fort Worth, Texas.

Schedule C

Section 213.3303 Executive Office of the President

Council of Economic Advisors

CEA 4 Secretary to the Council Member.

Council on Environmental Quality

CEQ 2 Executive Assistant to the Chairman.

CEQ 3 Confidential Assistant to a Member.

Office of Management and Budget

OMB 8 Secretary to the Deputy Director.

OMB 10 Secretary to the Associate Director for Public Affairs.

OMB 11 Secretary to the Associate Director, National Security and International Affairs.

OMB 21 Confidential Assistant to the Director.

OMB 25 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 30 Special Assistant to the Assistant Director for Legislative Affairs.

OMB 31 Executive Secretary to the Executive Associate Director for Budget and Legislation.

OMB 33 Executive Assistant to the Deputy Director.

OMB 38 Confidential Secretary to the Counsel to the Director for Policy Analysis and Law.

OMB 41 Administrative Assistant to the Assistant Director for Legislative Affairs.

OMB 46 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 50 Legislative Assistant to the Assistant Director for Legislative Affairs.

OMB 52 Secretary to the Director.

OMB 53 Legislative Clerk to the Assistant Director for Legislative Affairs.

OMB 56 Secretary to the Director.

OMB 57 Confidential Secretary to the Associate Director for Natural Resources, Energy and Science.

OMB 59 Public Affairs Assistant to the Assistant Director for Public Affairs.

President's Commission on Executive Exchange

PCEE 1 Confidential Assistant to the Executive Director.

PCEE 2 Confidential Assistant to the Executive Director.

PCEE 4 Secretary (Typing) to the Executive Director.

PCEE 5 Public Information Officer to the Executive Director.

PCEE 6 Staff Assistant (Typing) to the Executive Director.

Office of the United States Trade Representative

USTR 10 Confidential Assistant to the United States Trade Representative.

USTR 13 Confidential Assistant to the General Counsel.

USTR 14 Confidential Secretary to the United States Trade Representative.

USTR 17 Public Affairs Specialist to the Director for Public and Intergovernmental Affairs.

USTR 21 Confidential Assistant to the Deputy United States Trade Representative.

USTR 24 Public Affairs Specialist to the Assistant United States Trade Representative for Public, Private and Intergovernmental Affairs.

USTR 25 Confidential Secretary to the General Counsel.

USTR 26 Executive Assistant to the Deputy United States Trade Representative.

Section 213.3304 Department of State

ST 8 Secretary (Steno) to the Secretary.

ST 9 Secretarial Assistant (Steno) to the Secretary.

ST 59 Secretary (Steno) to the Under Secretary for Economic Affairs.

ST 79 Special Assistant to the United States Representative to the United Nations.

ST 81 Secretary (Steno) to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.

ST 83 Assistant Chief of Protocol to the Chief of Protocol.

ST 86 Foreign Affairs Officer to the Assistant Secretary, Bureau of International Organization Affairs.

ST 90 Foreign Affairs Officer to the Chief of Protocol.

ST 91 Secretary (Steno) to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.

ST 102 Special Assistant to the Under Secretary.

ST 105 Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.

ST 109 Secretary (Steno) to the Director, Management Operations.

ST 116 Special Assistant to the Counselor.

ST 117 Confidential Clerk to the Secretary.

ST 120 Special Assistant to the Spokesman, Office of the Spokesman.

ST 122 Staff Assistant to the Under Secretary for Management.

ST 124 Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.

ST 127 Secretary (Steno) to the Assistant Secretary for Human Rights and Humanitarian Affairs.

ST 128 Legislative Officer to the Assistant Secretary for Legislative and Intergovernmental Affairs.

ST 132 Secretary (Typing) to the Assistant Secretary, Bureau of International Organizational Affairs.

ST 134 Secretary (Steno) to the Deputy Secretary.

ST 137 Foreign Affairs Officer to the Assistant Secretary, Policy Planning Staff.

ST 139 Protocol Officer (Visits) to the Chief of Protocol.

ST 155 Protocol Officer (Visits) to the Chief of Protocol.

ST 156 Member, Policy Planning Staff to the Chairman, Policy Planning Council.

ST 157 Member, Policy Planning Staff to the Chairman, Policy Planning Council.

ST 159 Protocol Officer (Visits) to the Chief of Protocol.

ST 161 Secretary (Steno) to the Under Secretary for Management.

ST 162 Secretary (Steno) to the Assistant Secretary, Bureau of Consular Affairs.

ST 164 Manager, President's Guest House.

ST 167 Protocol Officer to the Chief of Protocol.

ST 168 Staff Assistant to the Legal Adviser.

ST 173 Special Assistant to the Under Secretary for Management.

ST 174 Public Affairs Specialist to the Deputy Assistant Secretary for Public Affairs.

ST 175 Congressional Relations Officer to the Principal Deputy Assistant Secretary for Congressional Relations.

ST 177 Special Assistant to the Chairman, International Joint Commission.

ST 178 Secretary (Steno) to the Assistant Secretary for International Narcotics Matters.

ST 179 Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.

ST 180 Policy and Program Officer to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.

ST 181 Director, Office of Intergovernmental and Public Liaison to the Assistant Secretary for Legislative and Governmental Affairs.

ST 182 Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.

ST 183 Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.

ST 184 Special Assistant to the Assistant Secretary, Office of African Affairs.

ST 187 Secretary (Steno) to the Chairman, International Joint Commission.

ST 188 Staff Assistant to the Assistant Secretary for International Narcotics Matters.

ST 190 Special Assistant to the Ambassador-at-Large and Special Advisor to the Secretary.

ST 192 Staff Assistant to the Deputy Secretary of State.

ST 193 Assistant to the Under Secretary for Security Assistance, Science and Technology.

ST 195 Staff Assistant to the Assistant Secretary for Congressional Relations.

ST 199 Executive Assistant to the Ambassador-at-Large.

ST 200 Staff Assistant to the Deputy Secretary of State.

ST 201 Staff Assistant to the Ambassador on Space and Defense Arms and Head of the U.S. Delegation to Geneva.

ST 202 Special Assistant to the Ambassador-at-Large.

ST 203 Special Assistant to the Counselor.

ST 206 Special Assistant to the Under Secretary for Security Assistance, Science and Technology.

ST 208 Foreign Affairs Officer to the Assistant Secretary, Bureau of International Organization Affairs.

ST 209 Protocol Officer (Visits) to the Chief of Protocol.

ST 211 Protocol Officer (Visits) to the Chief of Protocol.

ST 213 Special Assistant to the Assistant Secretary for Human Rights and Humanitarian Affairs.

ST 214 Staff Assistant to the Under Secretary for Political Affairs.

ST 215 Special Assistant to the Assistant Secretary, Bureau of International Organization Affairs.

ST 219 Special Assistant to the Ambassador, U.S. Permanent Representative to the Organization of American States.

ST 221 Special Assistant to the Assistant Secretary for East Asian and Pacific Affairs.

ST 222 Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.

ST 224 Special Assistant to the Assistant Secretary, Bureau of East Asian and Pacific Affairs.

ST 226 Special Assistant to the Assistant Secretary, Bureau of Near Eastern and South Asian Affairs.

ST 227 Special Assistant to the Deputy Assistant Secretary for Private Sector Initiatives, Bureau of International Organization Affairs.

ST 229 Special Assistant to the Coordinator for Public Diplomacy for Latin America and the Caribbean.

ST 230 Special Assistant for Policy to the Under Secretary for Political Affairs.

ST 232 Secretary (Typing) to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms.

ST 233 Staff Assistant to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms.

ST 236 Special Assistant to the Under Secretary for Security Assistance, Science and Technology.

ST 238 Staff Assistant to the Ambassador on Space and Defense Arms and Head of the United States Delegation to Geneva.

ST 239 Protocol Assistant to the Chief of Protocol.

ST 240 Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.

ST 241 Protocol Specialist to the Chief of Protocol.

ST 242 Special Assistant to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.

ST 243 Protocol Assistant to the Chief of Protocol.

ST 244 Special Assistant to the Assistant Secretary, Bureau of Inter-American Affairs.

Section 213.3305 Department of the Treasury.

TREA 28 Special Assistant to the Director of the Mint.

TREA 33 Special Assistant to the Assistant Secretary for Business and Consumer Affairs.

TREA 39 Executive Assistant to the Assistant Secretary for Legislative Affairs.

TREA 47 Special Assistant to the Assistant Secretary for Legislative Affairs.

TREA 52 Special Assistant to the Assistant Secretary for Legislative Affairs.

TREA 56 Confidential Assistant to the Assistant Secretary for Legislative Affairs.

TREA 61 Special Assistant to the Assistant Secretary for Policy Planning and Communications.

TREA 72 Confidential Secretary to the Deputy Treasurer.

TREA 74 Confidential Assistant to the Assistant Secretary for Policy Planning and Communications.

TREA 89 Special Assistant to the Assistant Secretary for Legislative Affairs.

TREA 91 Staff Assistant to the Deputy Assistant Secretary for Administration.

TREA 92 Director, Consumer Affairs, to the Assistant Secretary for Business and Consumer Affairs.

TREA 93 Special Assistant to the Deputy Assistant Secretary for Public Affairs.

TREA 94 Executive Assistant to the Commissioner of Customs.

TREA 99 Staff Assistant to the Director, Office of Revenue Sharing.

TREA 101 Director, Office of Business Affairs, to the Assistant Secretary for Business and Consumer Affairs.

TREA 108 Staff Assistant to the Treasurer of the United States.

TREA 112 Assistant to the Director, Office of Revenue Sharing.

TREA 113 Executive Assistant to the Special Assistant to the Commissioner of Customs.

TREA 114 Staff Assistant to the Commissioner of Customs.

TREA 115 Staff Assistant to the Deputy Assistant Secretary for Financial Systems.

TREA 118 Staff Assistant to the Executive Secretary.

TREA 120 Special Assistant to the Assistant Secretary for Policy Planning and Communications.

TREA 122 Public Affairs Specialist to the Assistant Secretary for Policy Planning and Communications.

TREA 123 Public Affairs Specialist to the Treasurer.

TREA 125 Congressional Liaison Specialist to the Commissioner of Customs.

TREA 127 Special Assistant to the Assistant Secretary (Management).

TREA 128 Confidential Assistant to the Secretary.

TREA 129 Staff Assistant to the Assistant Secretary (Administration).

TREA 131 Staff Assistant to the Deputy General Counsel.

TREA 132 Deputy Assistant Secretary to the Assistant Secretary for Public Affairs and Public Liaison.

TREA 133 Confidential Assistant to the Assistant Secretary for Policy Planning and Communications.

TREA 134 Staff Assistant to the Deputy Secretary.

TREA 135 Staff Assistant to the Deputy Assistant Secretary (Administration).

TREA 136 Staff Assistant to the General Counsel.

TREA 137 Special Assistant to the Deputy Assistant Secretary.

TREA 138 Special Assistant to the Assistant Secretary (Management).

TREA 139 Director of Scheduling to the Assistant Secretary (Public Affairs and Public Liaison).

TREA 140 Staff Assistant to the Assistant Secretary (Management).

TREA 141 Staff Assistant to the Deputy Assistant Secretary (Public Affairs and Public Liaison).

TREA 142 Travel Assistant to the Deputy Assistant Secretary for Administration

TREA 143 Deputy Director of Scheduling to the Assistant Secretary for Public Affairs and Public Liaison.

TREA 144 Staff Assistant to the Deputy Assistant Secretary for Policy, Planning and Communications.

TREA 145 Travel Assistant to the Deputy Assistant Secretary for Administration.

TREA 146 Legislative Aide to the Assistant Secretary for Legislative Affairs.

TREA 147 Travel Assistant to the Deputy Assistant Secretary for Administration.

TREA 148 Director, Special Operations Division, to the Deputy Assistant Secretary for Administration.

TREA 149 Special Assistant to the Executive Secretary.

TREA 151 Staff Assistant to the Assistant Secretary (Management).

TREA 152 Confidential Assistant to the Deputy Assistant Secretary for Public Liaison.

TREA 153 Legislative Specialist to the Assistant Secretary (Legislative Affairs).

Section 213.3306 Department of Defense.

DOD 3 Private Secretary to the Secretary.

DOD 5 Private Secretary to the Deputy Secretary.

DOD 8 Private Secretary to the Deputy Under Secretary for Research and Engineering (Tactical Warfare Programs).

DOD 9 Private Secretary to the Deputy Under Secretary for Research and Engineering (Strategic and Theater Nuclear Forces).

DOD 10 Private Secretary to the Deputy Under Secretary for Research and Engineering (Research and Advanced Technology).

DOD 13 Private Secretary to the Assistant Secretary (Force Management and Personnel).

DOD 14 Private Secretary to the Assistant Secretary for International Security Affairs.

DOD 18 Private Secretary to the Assistant Secretary (Comptroller).

DOD 19 Private Secretary to the Director, Program Analysis and Evaluation.

DOD 20 Personal and Confidential Assistant to the General Counsel.

DOD 23 Private Secretary to the Military Assistant to the Secretary.

DOD 30 Secretary (Steno) to the Defense Advisor to US NATO.

DOD 32 Special Assistant to the Assistant Secretary for Legislative Affairs.

DOD 33 Personal Secretary to the Deputy Secretary.

DOD 34 Private Secretary to the Principal Deputy Assistant Secretary of Defense for International Security Affairs.

DOD 35 Confidential Assistant to the Executive Secretary.

DOD 37 Assistant to the Secretary for Personnel Security.

DOD 51 Private Secretary to the Assistant Secretary for Reserve Affairs.

DOD 54 Private Secretary to the Judge, U.S. Court of Military Appeals.

DOD 55 Private Secretary to the Chief Judge, U.S. Court of Military Appeals.

DOD 62 Administrative Services Specialist to the Chairman, President's Intelligence Oversight Board.

DOD 66 Private Secretary to the Physician to the President, White House Support Group.

DOD 73 Private Secretary to the Assistant Secretary of Defense for Health Affairs.

DOD 75 Chauffeur to the Deputy Secretary.

DOD 89 Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs).

DOD 100 Private Secretary to the Director of Net Assessment.

DOD 101 Personal and Confidential Assistant to the Director of Net Assessment.

DOD 112 Special Assistant to the Assistant Secretary for Legislative Affairs.

DOD 119 Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.

DOD 133 Special Assistant to the Principal Deputy Assistant Secretary (Public Affairs).

DOD 152 Special Assistant to the Assistant General Counsel (Legal Counsel).

DOD 171 Special Assistant to the Deputy Assistant Secretary (Reserve Affairs).

DOD 174 Private Secretary to the Under Secretary for Policy.

DOD 175 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.

DOD 178 Special Assistant to the Assistant Secretary for Legislative Affairs.

DOD 186 Counselor to the Assistant Secretary for Health Affairs.

DOD 187 Special Assistant for African Affairs to the Deputy Assistant Secretary for International Security Affairs.

DOD 199 Administrative Assistant to the Associate Director, Presidential Personnel Office.

DOD 209 White House Director of Television Services to the Assistant to the President/Director of Support Services.

DOD 211 Special Assistant to the Principal Deputy Assistant Secretary for Public Affairs.

DOD 212 Private Secretary to the Deputy Under Secretary, Research and Engineering (International Programs and Technology).

DOD 216 Private Secretary to the Principal Deputy Assistant Secretary for International Security Policy.

DOD 217 Private Secretary to the Assistant Secretary (Command, Control, Communications and Intelligence).

DOD 220 Assistant to the Director for Emergency Planning.

DOD 226 Special Assistant to the Assistant Secretary (Health Affairs).

DOD 227 Private Secretary to the Assistant Secretary for Research and Technology/Director, Defense Advanced Research Projects Agency.

DOD 228 Private Secretary to the Director, Defense Testing and Evaluation.

DOD 234 Deputy Assistant to the Secretary and Deputy Secretary of Defense.

DOD 235 Special Assistant to the Deputy Assistant Secretary, Near Eastern and South Asian Affairs.

DOD 236 Special Assistant to the Assistant Secretary for Public Affairs.

DOD 238 Special Assistant to the Assistant Secretary for Legislative Affairs.

DOD 239 Speechwriter to the Assistant Secretary for Public Affairs.

DOD 251 Assistant to the Deputy Assistant Secretary for East Asian and Pacific Affairs.

DOD 252 Confidential Assistant to the Secretary.

DOD 254 Special Assistant for Emergency Planning to the Assistant Secretary (Acquisition and Logistics).

DOD 255 Personal and Confidential Assistant to the Deputy Secretary.

DOD 256 Special Assistant to the Assistant Secretary for Force Management and Personnel.

DOD 257 Special Assistant for Technology Transfer Policy to the Deputy Under Secretary (Trade and Security Policy)/Director, Defense Technology Security Administration.

DOD 259 Staff Assistant to the Special Assistant to the President, White House Support Group.

DOD 261 Special Assistant for European Security and Political Affairs to the Deputy Assistant Secretary (European and NATO Policy).

DOD 263 Special Assistant to the Assistant Secretary for International Security Policy.

DOD 265 Special Assistant to the Deputy Assistant Secretary of Defense for East Asian and Pacific Affairs.

DOD 267 Joint Chiefs of Staff Representative to the Conference on Disarmament in Europe, to the Chairman, Joint Chiefs of Staff.

DOD 268 Private Secretary to the Senior Judge, U.S. Court of Military Appeals.

DOD 270 Private Secretary to the Director, Strategic Defense Initiative Organization.

DOD 271 Private Secretary to the Principal Deputy Assistant Secretary (Reserve Affairs).

DOD 272 Assistant for Policy Analysis to the Deputy Assistant Secretary (European and NATO Policy).

DOD 273 Staff Advisor to the Assistant to the President, White House Support Group.

DOD 274 Security Coordinator to the Assistant to the President, White House Support Group.

DOD 275 Assistant for European Security Negotiations to the Deputy Assistant Secretary (Negotiations Policy).

DOD 276 Counselor and Director, Long-Range Policy, to the Deputy Assistant Secretary (Negotiations Policy).

DOD 279 Personal and Confidential Assistant to the Director, Operational Testing and Evaluation.

DOD 280 Staff Assistant to the Principal Deputy Assistant Secretary for Public Affairs.

DOD 281 Assistant Deputy Under Secretary for Policy.

DOD 282 Assistant for Multilateral Negotiations to the Deputy Assistant Secretary of Defense (Negotiations Policy).

DOD 283 Special Assistant to the Assistant Secretary for Public Affairs.

DOD 284 Special Assistant to the Director, Office of Civilian Health and Medical Programs of the Uniformed Services.

DOD 286 Special Assistant for East African Affairs to the Deputy Assistant Secretary for African Affairs.

DOD 287 Special Assistant for Strategic Defense and Space Arms Control Policy to the Deputy Assistant Secretary of Defense (Nuclear Forces and Arms Control Policy).

DOD 288 Special Assistant to the Deputy Assistant Secretary for Near Eastern and South Asian Affairs.

DOD 289 Special Assistant and Polital/Military Counselor to the United States Ambassador to Austria.

Section 213.3307 Department of the Army.

ARMY 1 Staff Assistant to the Secretary.

ARMY 2 Secretary (Steno) to the Under Secretary.

ARMY 3 Secretary (Steno) to the Assistant Secretary of the Army, Manpower and Reserve Affairs.

ARMY 5 Secretary (Steno) to the Assistant Secretary for Installations and Logistics.

ARMY 6 Secretary (Steno) to the Assistant Secretary, Research, Development and Acquisition.

ARMY 17 Secretary (Steno) to the Assistant Secretary for Civil Works.

ARMY 21 Secretary (Steno) to the General Counsel.

ARMY 30 Secretary (Typing) to the Principal Deputy Assistant Secretary, Installations, Logistics and Financial Management.

ARMY 38 Plans Coordinator to the Chief of Public Affairs.

ARMY 41 Assistant Director to the Chairman and Executive Director of the President's Foreign Intelligence Advisory Board.

ARMY 44 Executive Director to the Deputy Assistant Secretary, Reserve Affairs.

ARMY 51 Confidential Staff Assistant to the Deputy Director, Office of Private Sector Initiatives.

ARMY 54 Staff Assistant to the Deputy Assistant to the President for Presidential Personnel.

Section 213.3308 Department of the Navy.

NAVY 5 Private Secretary to the Assistant Secretary of Research and Engineering Systems.

NAVY 20 Special Assistant to the Military Assistant to the President.

NAVY 23 Special Assistant to the Military Assistant to the President.

NAVY 24 Private Secretary to the Assistant Secretary (Manpower and Reserve Affairs).

NAVY 25 Special Assistant to the Director, White House Military Office.

NAVY 27 Special Assistant for Emergency Planning to the Military Assistant to the President.

NAVY 31 Staff Assistant to the Under Secretary.

NAVY 32 Private Secretary to the Assistant Secretary for Shipbuilding and Logistics.

NAVY 35 Staff Assistant to the Deputy Assistant Secretary (Logistics).

NAVY 36 Staff Assistant to the Principal Deputy Assistant Secretary (Manpower and Reserve Affairs).

NAVY 38 Private Secretary to the Under Secretary.

NAVY 40 Special Assistant to the Deputy Under Secretary (Policy).

Section 213.3309 Department of the Air Force.

AF 2 Secretary (Steno) to the Under Secretary.

AF 3 Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs and Installations.

AF 5 Secretary (Steno) to the Assistant Secretary for Research and Development Logistics.

AF 6 Secretary (Steno) to the Assistant Secretary (Financial Management).

AF 8 Secretary (Steno) to the General Counsel.

AF 17 Administrative Officer to the Assistant to the Vice President for National Security Affairs.

AF 18 Special Assistant to the Assistant to the Vice President for National Security Affairs.

AF 20 Secretary (Steno) to the Military Assistant to the President.

AF 21 Special Assistant to the Military Assistant to the President.

AF 22 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.

AF 26 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Installations.

AF 28 Special Assistant to the General Counsel.

AF 29 Staff Assistant to the Secretary.

AF 30 Special Assistant to the Assistant to the President/Director of the White House Military Office.

AF 31 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.

AF 32 Special Assistant to the Assistant Secretary (Financial Management).

Section 213.3310 Department of Justice.

JUS 21 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Antitrust Division.

JUS 25 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Criminal Division.

JUS 35 Confidential Assistant (Private Secretary) to the Assistant Attorney General, Office of Legal Counsel.

JUS 62 Special Assistant to the Assistant Attorney General, Office of Justice Assistance, Research and Statistics.

JUS 70 Special Assistant to the Assistant Attorney General, Civil Rights Division.

JUS 101 Confidential Assistant to the Associate Deputy Attorney General.

JUS 115 Confidential Assistant to the Assistant Attorney General, Legislation and Intergovernmental Affairs.

JUS 122 Staff Assistant to the Director, Office of Public Affairs.

JUS 132 Special Assistant to the Commissioner, Immigration and Naturalization Service.

JUS 133 Secretary (Steno) to the Counselor to the Attorney General.

JUS 135 Staff Assistant to the Assistant Attorney General, Antitrust Division.

JUS 149 Counselor to the Assistant Attorney General, Land and Natural Resources Division.

JUS 152 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 153 Special Assistant to the Director, Office of Public Affairs.

JUS 158 Secretary and Confidential Assistant to the U.S. Attorney.

JUS 162 Special Assistant to the Assistant Attorney General, Civil Division.

JUS 166 Special Assistant to the Attorney General, Offices, Boards and Divisions.

JUS 167 Special Assistant to the Attorney General.

JUS 168 Special Assistant to the Attorney General.

JUS 176 Associate Director of Public Affairs to the Director, Office of Public Affairs.

JUS 190 Staff Assistant to the Assistant Attorney General, Office of Legal Policy.

JUS 200 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 208 Confidential Assistant to the Director, Office of Public Affairs.
JUS 210 Secretary (Steno) to the Attorney General.
JUS 211 Confidential Assistant to the Deputy Attorney General.
JUS 213 Staff Assistant to the Counselor to the Attorney General.
JUS 217 Special Assistant to the Director, Bureau of Justice Statistics.
JUS 218 Confidential Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
JUS 220 Special Assistant to the Assistant Attorney General, Tax Division.
JUS 221 Special Assistant to the Director, Bureau of Justice Statistics.
JUS 227 Staff Assistant to the Director, Community Relations Service.
JUS 229 Special Assistant to the Director, National Institute of Justice.
JUS 230 Staff Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 234 Confidential Assistant to the Assistant Attorney General for Justice Assistance.
JUS 237 Secretary (Steno) to the Deputy Assistant Attorney General, Office of Justice Assistance, Research and Statistics.
JUS 238 Attorney-Advisor (Tax) to the Deputy Assistant Attorney General, Tax Division.
JUS 240 Special Assistant to the Deputy Assistant Attorney General, Civil Rights Division.
JUS 241 Confidential Assistant and Private Secretary to the Chairman, Foreign Claims Settlement Commission.
JUS 243 Staff Assistant to the Assistant Attorney General, Civil Rights Division.
JUS 245 Attorney-Advisor to the Assistant Attorney General, Land and Natural Resources Division.
JUS 246 Special Assistant to the Deputy Assistant Attorney General, Office of Justice Assistance, Research and Statistics.
JUS 247 Special Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 248 Missing Children Program Coordinator to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
JUS 249 Staff Assistant to the Attorney General.
JUS 250 Special Assistant (Public Relations) to the Director, Civil Division.
JUS 251 Confidential Assistant to the Special Assistant to the Attorney General for Cabinet Affairs.
JUS 253 Special Assistant to the Director, Office of Public Affairs.
JUS 254 Confidential Assistant to the Counselor to the Attorney General.
JUS 255 Confidential Assistant to the Assistant Attorney General, Civil Rights Division.
JUS 256 Special Assistant to the Director, Office of Public Affairs.
JUS 257 Special Assistant to the Assistant Attorney General, Civil Division.
JUS 258 Executive Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
JUS 260 Administrator, Office for Victims of Crime/Federal Crime Victims Assistance Administrator.
JUS 261 Special Assistant to the Administrator, Office of Juvenile Justice and Delinquency Prevention.
JUS 262 Confidential Assistant to the Director, Bureau of Justice Statistics.
JUS 263 Attorney-Advisor (Policy and Legislation) to the Assistant Attorney General, Civil Division.
JUS 264 Confidential Assistant to the Deputy Assistant Attorney General, Antitrust Division.
JUS 265 Staff Assistant to the Director, Office of Public Affairs.
JUS 267 Deputy Assistant Attorney General, Civil Rights Division
JUS 268 Attorney-Advisor (General) to the Assistant Attorney General, Civil Rights Division.
JUS 269 Special Assistant to the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs.
JUS 270 Special Assistant to the Assistant Attorney General, Civil Rights Division.
JUS 271 Confidential Assistant to the Assistant Attorney General, Office of Legal Policy.
JUS 272 Attorney-Advisor to the Director, Office of Regulatory and Legislative Affairs.
JUS 273 Deputy Associate Attorney General.
JUS 274 Special Assistant to the Assistant Attorney General, Office of Legal Counsel.
JUS 275 Deputy Assistant Attorney General, Office of Legal Policy.
JUS 277 Staff Assistant to the Assistant Attorney General/ Chief of Staff.
JUS 279 Confidential Assistant to the Deputy Assistant Attorney General, Office of Legislative Affairs.
JUS 280 Confidential Assistant to the Deputy Associate Attorney General.
JUS 281 Congressional and Public Liaison Officer to the Deputy Assistant Attorney General, Office of Justice Programs.
JUS 282 Assistant Director, Office of Liaison Services.

Section 213.3311 Federal Judicial Center.

FJC 2 Secretary (Steno) to the Director.

Section 213.3312 Department of the Interior.

INT 3 Special Assistant to the Assistant to the Secretary and Director, External Affairs.
INT 18 Special Assistant to the Assistant Secretary, Water and Science.
INT 25 Steward to the Secretary.
INT 73 Staff Assistant to the Executive Assistant to the Secretary.
INT 95 Director, Management Analysis Staff, to the Assistant Secretary for Policy, Budget and Administration.
INT 111 Staff Assistant to the Secretary.
INT 112 Confidential Assistant to the Assistant to the Secretary and Director, External Affairs.
INT 141 Executive Assistant to the Commissioner of Reclamation.
INT 143 Special Assistant to the Assistant Secretary, Fish, Wildlife and Parks.
INT 152 Special Assistant to the Deputy Director, National Park Service.
INT 155 Confidential Assistant to the Director, Office of Surface Mining and Reclamation.
INT 165 Special Assistant to the Director, Bureau of Land Management.
INT 171 Public Information Officer to the Commissioner, Bureau of Reclamation.
INT 177 Special Assistant to the Director, Office of Surface Mining.
INT 191 Special Assistant to the Director, Bureau of Land Management.
INT 193 Special Assistant to the Director, Office of Surface Mining and Reclamation.
INT 194 Staff Assistant to the Counselor to the Secretary.
INT 195 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 196 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 201 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 202 Special Assistant to the Director, National Park Service.
INT 204 Staff Assistant to the Counselor to the Secretary.
INT 205 Special Assistant to the Assistant Secretary, Indian Affairs.
INT 215 Confidential Assistant to the Executive Assistant.

INT 219 Staff Assistant to the Director, Public Affairs, Bureau of Reclamation.

INT 220 Special Assistant to the Assistant Secretary, Territorial and International Affairs.

INT 225 Special Assistant to the Director, Office of Surface Mining.

INT 231 Special Assistant to the Assistant to the Secretary and Director, Office of Public Affairs.

INT 232 Staff Assistant to the Assistant to the Secretary and Director, External Affairs.

INT 235 Confidential Assistant to the Director, Fish and Wildlife Service.

INT 238 Director, Office of Congressional and Legislative Affairs, to the Commissioner of Reclamation.

INT 241 Congressional Affairs Officer, to the Director, Fish and Wildlife Service.

INT 243 Confidential Assistant to the Secretary.

INT 246 Public Affairs Specialist to the Director, Minerals Management Service.

INT 248 Congressional Liaison Officer to the Director, Bureau of Mines.

INT 250 Special Assistant to the Chief, Office of Congressional Liaison, Bureau of Mines.

INT 252 Staff Assistant to the Associate Director, Offshore Minerals Management, Minerals Management Service.

INT 253 Special Assistant to the Assistant Secretary, Territorial and International Affairs.

INT 254 Assistant to the Director, Minerals Management Service.

INT 256 Staff Assistant to the Associate Director, Bureau of Land Management.

INT 259 Special Assistant to the Congressional Liaison Officer, Bureau of Mines.

INT 262 Supervisory Public Affairs Specialist to the Director, Bureau of Land Management.

INT 264 Confidential Assistant to the Special Assistant (Field Representative) to the Secretary.

INT 265 Special Assistant to the Director, Bureau of Land Management.

INT 268 Special Assistant to the Director, Office of Surface Mining.

INT 271 Special Assistant to the Director, Office of Policy Analysis.

INT 272 Special Assistant to the Director, Office of Policy Analysis.

INT 274 Congressional Liaison Specialist to the Director, Office of Surface Mining and Reclamation.

INT 275 Secretary (Steno) to the Assistant Secretary for Policy, Budget and Administration.

INT 276 Staff Assistant (Public Affairs and Congressional Liaison) to the Assistant Secretary for Water and Science.

INT 277 Staff Assistant to the Assistant Secretary for Indian Affairs.

INT 278 Special Assistant to the Assistant Secretary for Fish, Wildlife and Parks.

INT 279 Deputy Congressional Affairs Officer, Bureau of Land Management.

INT 280 Special Assistant to the Director, Fish and Wildlife Service.

INT 281 Confidential Assistant to the Inspector General.

INT 282 Confidential Assistant to the Solicitor.

INT 283 Deputy Assistant Secretary for Water.

INT 284 Deputy Assistant Secretary for Land and Minerals Management.

INT 285 Special Assistant to the Commissioner of Reclamation.

INT 286 Special Assistant to the Director, National Park Service.

INT 287 Assistant to the Director and Deputy Director, Office of External Affairs.

INT 288 Staff Assistant to the Director, Office of External Affairs.

INT 289 Special Assistant to the Commissioner of Reclamation.

INT 290 Congressional Affairs Officer to the Director, Bureau of Land Management.

INT 291 Special Assistant to the Commissioner of Reclamation.

INT 292 Special Assistant to the Director, Bureau of Land Management.

Section 213.3313 Department of Agriculture

AGR 1 Confidential Assistant to the Secretary.

AGR 2 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 3 Confidential Assistant to the Secretary.

AGR 5 Confidential Assistant to the Secretary.

AGR 6 Confidential Assistant to the Executive Assistant to the Secretary.

AGR 8 Chauffeur to the Secretary.

AGR 13 Private Secretary to the Assistant Secretary for Food and Consumer Services.

AGR 17 Confidential Assistant to the Administrator, Rural Electrification Administration.

AGR 18 Confidential Assistant to the Administrator, Rural Electrification Administration.

AGR 25 Staff Assistant to the Administrator, Farmers Home Administration.

AGR 27 Private Secretary to the Administrator, Farmers Home Administration.

AGR 28 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.

AGR 29 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.

AGR 30 Private Secretary to the Manager, Federal Crop Insurance Corporation.

AGR 31 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.

AGR 32 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.

AGR 33 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.

AGR 35 Private Secretary to the Administrator, Agricultural Stabilization and Conservation Service.

AGR 44 Private Secretary to the Assistant Secretary for Economics.

AGR 48 Confidential Assistant to the Administrator, Food and Nutrition Service.

AGR 56 Private Secretary to the Assistant Secretary for Governmental and Public Affairs.

AGR 61 Private Secretary to the Assistant Secretary for Natural Resources and Environment.

AGR 64 Confidential Assistant to the Under Secretary for Small Community and Rural Development.

AGR 66 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 74 Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services.

AGR 75 Private Secretary to the Deputy Under Secretary for Small Community and Rural Development.

AGR 77 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 79 Confidential Assistant to the Administrator, Farmers Home Administration.

AGR 95 Private Secretary to the Director, Rural Development Policy.

AGR 96 Confidential Assistant to the Assistant Secretary for Natural Resources and Environment.

AGR 97 Special Assistant to the Secretary.

AGR 102 Special Assistant to the Assistant Secretary for Food and Consumer Services.

AGR 103 Confidential Assistant to the Administrator, Foreign Agricultural Service.

AGR 105 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 106 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 109 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 110 Confidential Assistant to the General Counsel.
AGR 114 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 115 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 116 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 118 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 121 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 128 Private Secretary to the Administrator, Federal Grain Inspection Service.
AGR 129 Private Secretary to the Assistant Secretary, Marketing and Inspection Service.
AGR 130 Private Secretary to the Deputy Assistant Secretary, Marketing and Inspection Service.
AGR 131 Private Secretary to the Deputy Assistant Secretary for Natural Resources and Environment.
AGR 136 Confidential Assistant to the Administrator, Food Safety and Inspection Service.
AGR 139 Confidential Assistant to the Executive Assistant to the Secretary.
AGR 141 Confidential Assistant to the Administrator, Food Safety and Inspection Service.
AGR 143 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 151 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 152 Executive Assistant to the General Counsel.
AGR 154 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 156 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
AGR 157 Confidential Assistant to the Administrator, Foreign Agricultural Service.
AGR 159 Special Representative to the Administrator, Foreign Agricultural Service.
AGR 160 Confidential Assistant to the Administrator, Foreign Agricultural Service.
AGR 161 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 162 Confidential Assistant to the Administrator, Federal Grain Inspection Service.
AGR 163 Confidential Assistant to the Secretary.
AGR 164 Confidential Assistant to the Assistant Secretary for Science and Education.
AGR 169 Private Secretary to the Deputy Assistant Secretary for Economics.
AGR 175 Confidential Assistant to the Assistant Secretary for Intergovernmental Affairs.
AGR 177 Special Assistant to the Director, Office of Transportation.
AGR 178 Confidential Assistant to the Administrator, Rural Electrification Administration.
AGR 182 Assistant to the Administrator, Rural Electrification Administration.
AGR 183 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 184 Office Assistant (Receptionist) to the Executive Assistant to the Secretary.
AGR 185 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.
AGR 187 Confidential Assistant to the Assistant Secretary for Food and Consumer Services.
AGR 188 Northeast Area Director to the Deputy Administrator, Office of State and County Operations.
AGR 189 Southeast Area Director to the Deputy Administrator, Office of State and County Operations.
AGR 190 Midwest Area Director to the Deputy Administrator, Office of State and County Operations.
AGR 191 Northwest Area Director to the Deputy Administrator, Office of State and County Operations.
AGR 192 Southwest Area Director to the Deputy Administrator, Office of State and County Operations.
AGR 193 Assistant to the Deputy Secretary.
AGR 194 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
AGR 201 Confidential Assistant to the Executive Assistant to the Secretary.
AGR 203 Staff Assistant to the Executive Assistant.
AGR 204 Confidential Assistant to the Assistant Secretary for Science and Education.
AGR 205 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 206 Director, Office of the Consumer Advisor to the Assistant Secretary for Food and Consumer Services.
AGR 207 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
AGR 208 Member, Board of Directors, to the Secretary, Federal Crop Insurance Corporation.
AGR 209 Confidential Assistant to the Chief, Soil Conservation Service.
AGR 210 Staff Assistant to the Administrator, Office of International Cooperation and Development.
AGR 212 Special Assistant to the Assistant Secretary for Administration.
AGR 213 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 216 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 217 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 218 Special Assistant to the Deputy Assistant Secretary for Administration.
AGR 220 Private Secretary to the Deputy Assistant Secretary for Administration.
AGR 222 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 224 Director, Congressional and Public Affairs Division, to the Manager, Federal Crop Insurance Corporation.
AGR 225 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.
AGR 226 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 227 Private Secretary to the Chief, Soil Conservation Service.
AGR 228 Confidential Assistant to the Inspector General.
AGR 229 Secretary (Typing) to the Executive Assistant to the Secretary.
AGR 230 Private Secretary to the Assistant Secretary for Administration.
AGR 231 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 232 Confidential Assistant to the Administrator, Farmers Home Administration.
AGR 233 Private Secretary to the Special Assistant to the Secretary.
AGR 234 Confidential Assistant to the Administrator, Office of International Cooperation and Development.
AGR 236 Confidential Assistant to the Administrator, Animal and Plant Health Inspection Service.
AGR 237 Private Secretary to the Administrator, Agricultural Marketing Service.

AGR 238 Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 241 Staff Assistant to the Assistant Secretary for Administration.
AGR 242 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 243 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 244 Confidential Assistant to the Chief, Soil Conservation Service.
AGR 245 Confidential Assistant to the Administrator, Agricultural Marketing Service.
AGR 246 Confidential Assistant to the Chief, Soil Conservation Service.
AGR 247 Private Secretary to the Inspector General.
AGR 250 Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs.
AGR 252 Confidential Assistant (Typing) to the Chief, Soil Conservation Service.
AGR 256 Staff Assistant to the Assistant Secretary for Administration.
AGR 258 Confidential Assistant to the Administrator, Foreign Agricultural Service.
AGR 260 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 262 Confidential Assistant to the Assistant Secretary for Science and Education.
AGR 264 Confidential Assistant to the Assistant Secretary for Economics.
AGR 265 Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 266 Staff Assistant to the Administrator, Food and Nutrition Service.
AGR 267 Staff Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 269 Staff Assistant to the Secretary.
AGR 270 Director, Executive Secretariat to the Secretary.
AGR 271 Confidential Assistant to the Secretary.

Section 213.3314 Department of Commerce.

COM 1 Confidential Assistant to the Secretary.
COM 4 Confidential Assistant to the Secretary.
COM 5 Confidential Assistant to the Special Assistant to the Secretary.
COM 12 Private Secretary to the Deputy Secretary.
COM 16 Confidential Assistant to the General Counsel.
COM 18 Private Secretary to the Deputy General Counsel.
COM 19 Chauffeur to the Secretary.
COM 20 Confidential Assistant to the Deputy Assistant Secretary for Administration.
COM 22 Deputy Director to the Deputy Assistant Secretary for Congressional Affairs.
COM 73 Congressional Liaison Officer to the Director, Economic Development Administration.
COM 114 Private Secretary to the Director, Minority Business Development Agency.
COM 152 Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs.
COM 156 Special Assistant to the Assistant Secretary, Economic Development Administration.
COM 158 International Tourism Officer to the Deputy Under Secretary, Travel and Tourism Administration.
COM 159 Deputy Director to the Director, Office of Public Affairs.
COM 160 Confidential Assistant to the Deputy Assistant Secretary for Domestic Operations, International Trade Administration.
COM 161 Confidential Assistant to the Under Secretary for International Trade.
COM 162 Confidential Assistant to the Assistant Secretary for International Economic Policy, International Trade Administration.
COM 173 Special Assistant to the Deputy Assistant Secretary, Economic Development Administration.
COM 175 Congressional Liaison Specialist to the Assistant Secretary for Congressional Affairs.
COM 184 Confidential Assistant to the Director, National Bureau of Standards.
COM 186 Private Secretary to the Chief Economist.
COM 189 Private Secretary and Confidential Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.
COM 190 Director, Office of Congressional Affairs, to the Assistant Secretary for Communications and Information.
COM 191 Confidential Assistant to the General Counsel.
COM 192 Legislative Director to the Director, Office of Congressional Affairs.
COM 197 Congressional Liaison Officer to the Deputy Assistant Secretary for Congressional Affairs.
COM 198 Congressional Liaison Officer to the Assistant Secretary for Congressional and Intergovernmental Affairs.
COM 199 Congressional Liaison Specialist to the Deputy Assistant Secretary for Congressional Affairs.
COM 200 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.
COM 202 Congressional Liaison Assistant to the Deputy Assistant Secretary for Congressional Affairs.
COM 205 Special Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.
COM 207 Deputy Director to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.
COM 217 Special Assistant to the Director, Office of Public Affairs.
COM 218 Special Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.
COM 220 Confidential Assistant to the Deputy Assistant Secretary for East Asia and the Pacific, International Trade Administration.
COM 222 Private Secretary to the Inspector General.
COM 224 Confidential Assistant to the Under Secretary, International Trade Administration.
COM 237 Confidential Assistant to the Under Secretary, International Trade Administration.
COM 247 Private Secretary to the Under Secretary for International Trade.
COM 248 Special Assistant to the Deputy Secretary.
COM 254 Supervisory Public Affairs Specialist to the Director, Minority Business Development Agency.
COM 258 Confidential Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.
COM 259 Confidential Assistant to the Deputy Under Secretary, International Trade Administration.
COM 263 Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration.
COM 265 Confidential Assistant to the Deputy Assistant Secretary for Export Administration.
COM 266 Confidential Assistant to the Assistant Secretary for Trade Administration, International Trade Administration.
COM 270 Secretary (Typing) to the Special Assistant to the Secretary.
COM 275 Confidential Assistant to the Director, Office of Business Liaison.
COM 278 Confidential Assistant to the Assistant Secretary for Trade Administration, International Trade Administration.
COM 281 Special Assistant to the Deputy Assistant Secretary for Import

Administration, International Trade Administration.

COM 282 Special Assistant to the Deputy Assistant Secretary for Congressional Affairs.

COM 284 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.

COM 288 Confidential Assistant to the Director, Office of Business Liaison.

COM 290 Confidential Assistant to the Director, Office of Business Liaison.

COM 291 Special Assistant to the Director, Office of Public Affairs.

COM 292 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.

COM 293 Special Assistant to the Director, Office of Intergovernmental Affairs.

COM 294 Confidential Assistant to the Special Assistant to the Secretary.

COM 296 Confidential Assistant to the Special Assistant to the Secretary.

COM 297 Confidential Assistant to the Assistant Secretary for Administration.

COM 300 Confidential Assistant to the Deputy Under Secretary for International Trade, International Trade Administration.

COM 301 Special Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.

COM 303 Confidential Assistant to the Assistant Secretary for Administration.

COM 304 Special Assistant to the Under Secretary for Travel and Tourism.

COM 305 Private Secretary to the Under Secretary for Travel and Tourism.

COM 309 Confidential Assistant to the Director, Minority Business Development Agency.

COM 310 Private Secretary to the Deputy Under Secretary for Travel and Tourism.

COM 311 Confidential Assistant to the Special Assistant to the Secretary.

COM 312 Confidential Assistant to the Director General, U.S. and Foreign Commercial Service.

COM 317 Confidential Assistant to the Assistant Secretary for Trade Development.

COM 320 Confidential Assistant to the Special Assistant to the Secretary.

COM 321 Director, Office of Public Affairs to the Under Secretary for International Trade.

COM 323 Special Assistant to the Assistant Secretary for Economic Development Administration.

COM 324 Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy.

COM 325 Confidential Assistant to the Deputy Assistant Secretary for Africa, Near East, and South Asia, International Trade Administration.

COM 326 Confidential Assistant to the Deputy Assistant Secretary for U.S. and Foreign Commercial Service.

COM 327 Special Assistant to the Deputy Secretary.

COM 329 Congressional Liaison Specialist to the Director, Congressional Affairs, International Trade Administration.

COM 330 Confidential Assistant to the Assistant Secretary for Trade Development, International Trade Administration.

COM 331 Confidential Assistant to the Assistant Secretary for Tourism Marketing.

COM 332 Confidential Assistant to the Deputy Assistant Secretary for Capital Goods and International Construction, International Trade Administration.

COM 335 Congressional Liaison Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs.

COM 337 Congressional Liaison Specialist to the Assistant Secretary for Congressional and Intergovernmental Affairs.

COM 340 Special Assistant to the Assistant Administrator, National Oceanic and Atmospheric Administration.

COM 342 Confidential Assistant to the Special Assistant to the Deputy Secretary.

COM 343 Confidential Assistant to the Deputy Assistant Secretary for the U.S. and Foreign Commercial Service.

COM 344 ongressional Liaison Specialist to the Under Secretary, International Trade Administration.

COM 345 Confidential Assistant to the Under Secretary, International Trade Administration.

COM 348 Special Assistant to the Director, Office of Public Affairs.

COM 350 Deputy Director to the Director, Office of Business Liaison.

COM 356 Confidential Assistant to the Deputy Director, Minority Business Development Agency.

COM 357 Confidential Assistant to the Director, Office of Export Trading Company Affairs.

COM 358 Special Assistant to the Deputy Assistant Secretary for Import Administration, International Trade Administration.

COM 359 Confidential Assistant to the Deputy Assistant Secretary for International Economic Policy, International Trade Administration.

COM 360 Congressional Liaison Officer to the Under Secretary for Economic Affairs.

COM 362 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.

COM 363 Congressional Affairs Specialist to the Director, Office of Congressional Affairs, National Oceanic and Atmospheric Administration.

COM 365 Confidential Assistant to the Director, Minority Business Development Agency.

COM 367 Confidential Assistant to the Director of Policy and Planning, National Oceanic and Atmospheric Administration.

COM 368 Congressional Affairs Specialist to the Director of Congressional Affairs, National Oceanic and Atmospheric Administration.

COM 370 Congressional Affairs Officer to the Director, Minority Business Development Agency.

COM 372 Deputy Director, Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration

COM 376 Confidential Assistant to the Special Assistant to the Deputy Secretary.

COM 378 Congressional Liaison Specialist to the Under Secretary for Economic Affairs.

COM 379 Confidential Assistant to the General Counsel.

COM 380 Special Assistant to the Deputy Assistant Secretary for Impact Administration, International Trade Administration.

COM 381 Chief, Executive Services, Economic Development Administration.

COM 383 Confidential Assistant to the Assistant Secretary for Economic Development.

COM 384 Special Assistant to the Director, Minority Business Development Agency.

COM 385 Special Assistant to the Director, Bureau of the Census.

COM 386 Confidential Aide to the Deputy Under Secretary for Travel and Tourism.

COM 387 Confidential Assistant to the Director, Office of Business Affairs, National Oceanic and Atmospheric Administration.

COM 389 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.

COM 390 Confidential Assistant to the Under Secretary for Economic Affairs.

COM 391 Confidential Assistant to the Chief Economist, Office of the Under Secretary for Economic Affairs.

COM 392 Confidential Assistant to the Deputy Assistant Secretary for Basic Industries, International Trade Administration.

COM 394 Supervisory Public Affairs Specialist to the Director, Office of Public Affairs.

COM 396 Assistant Legislative Director to the Director of Congressional Affairs, National Oceanic and Atmospheric Administration.

COM 397 Congressional Affairs Advisor to the Director, Bureau of the Census.

COM 398 Confidential Assistant (Typing) to the Deputy Assistant Secretary for Domestic Operations, International Trade Administration.

COM 400 Confidential Assistant to the Deputy Under Secretary for International Trade, International Trade Administration.

COM 404 Special Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.

COM 405 Confidential Assistant to the Deputy Assistant Secretary for Science and Electronics, International Trade Administration.

COM 406 Associate Director, National Oceanic and Atmospheric Administration.

Section 213.3315 Department of Labor.

LAB 7 Private Secretary to the Under Secretary.

LAB 17 Assistant to the Deputy Under Secretary for Legislative Affairs.

LAB 18 Special Assistant to the Deputy Under Secretary for International Affairs.

LAB 25 Executive Director to the Deputy Under Secretary for Congressional Affairs.

LAB 35 Special Assistant to the Director, Women's Bureau.

LAB 41 Senior Liaison Officer to the Deputy Under Secretary for Congressional Affairs.

LAB 44 Senior Liaison Officer to the Deputy Under Secretary for Congressional Affairs.

LAB 45 Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 49 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 55 Staff Assistant to the Deputy Under Secretary for Legislative Affairs.

LAB 62 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 64 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 66 Special Assistant to the Director, Office of Federal Contract Compliance Programs.

LAB 79 Executive Assistant to the Assistant Secretary for Policy.

LAB 84 Special Assistant to the Deputy Under Secretary for Labor-Management Relations and Cooperative Programs.

LAB 89 Executive Assistant to the Deputy Under Secretary for Labor-Management Relations and Cooperative Programs.

LAB 91 Confidential Staff Assistant to the Deputy Under Secretary for Legislative Affairs.

LAB 93 Special Assistant to the Secretary.

LAB 94 Associate Under Secretary.

LAB 97 Confidential Assistant to the Assistant Secretary, Employment and Training Administration.

LAB 100 Executive Assistant to the Deputy Under Secretary for International Affairs.

LAB 103 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 104 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 105 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 106 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 107 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 108 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 109 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 111 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 112 Regional Representative to the Deputy Under Secretary for Intergovernmental Affairs.

LAB 114 Secretary to the Regional Representative.

LAB 115 Secretary (Typing) to the Regional Representative.

LAB 116 Secretary (Typing) to the Regional Representative.

LAB 117 Secretary (Typing) to the Regional Representative.

LAB 118 Secretary (Typing) to the Regional Representative.

LAB 121 Secretary (Typing) to the Regional Representative.

LAB 122 Secretary (Typing) to the Regional Representative.

LAB 125 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.

LAB 127 Staff Assistant to the Director, Office of Workers' Compensation Programs.

LAB 128 Special Assistant to the Assistant Secretary, Employment and Training Administration.

LAB 129 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 130 Special Assistant to the Secretary.

LAB 132 Associate Deputy Under Secretary for Legislative Affairs.

LAB 133 Special Assistant to the Director, Women's Bureau.

LAB 138 Special Assistant to the Assistant Secretary, Mine Safety and Health Administration.

LAB 141 Staff Assistant to the Director, Office of Workers' Compensation Programs.

LAB 146 Staff Assistant to the Solicitor.

LAB 154 Senior Liaison Officer to the Deputy Under Secretary for Legislative Affairs.

LAB 159 Special Assistant to the Deputy Under Secretary for International Affairs.

LAB 160 Confidential Assistant to the Secretary.

LAB 163 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 171 Special Assistent to the Secretary.

LAB 172 Special Assistant to the Under Secretary.

LAB 174 Special Assistant to the Under Secretary.

LAB 175 Special Assistant to the Under Secretary.

LAB 178 Executive Assistant to the Director, Office of Federal Contract Compliance Programs.

LAB 179 Executive Assistant to the Deputy Under Secretary, Employment Standards Administration.

LAB 180 Senior Liaison Officer to the Deputy Under Secretary for Legislative Affairs.

LAB 182 Staff Director of Industrial Relations Policy to the Deputy Under Secretary for Labor Management Relations and Cooperative Programs.

LAB 183 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 184 Special Assistant for Public Affairs to the Deputy Under Secretary for Employment Standards.

LAB 186 Special Assistant to the Director, Women's Bureau.

LAB 187 Special Assistant to the Assistant Secretary, Employment and Training Administration.

LAB 189 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 191 Secretary to the Secretary of Labor.

LAB 192 Staff Assistant to the Assistant Secretary for Pension and Welfare Benefits Programs.

LAB 195 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 196 Special Assistant to the Assistant Secretary for Veterans' Employment and Training.
LAB 199 Deputy Liaison Officer to the Deputy Under Secretary for Legislative Affairs.
LAB 202 Staff Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 203 Executive Assistant to the Assistant Secretary for Veterans' Employment and Training.
LAB 208 Deputy Liaison Officer to the Deputy Under Secretary for Legislative Affairs.
LAB 210 Special Assistant to the Assistant Secretary for Policy.
LAB 211 Executive Assistant to the Chief of Staff.
LAB 212 Staff Assistant to the Secretary.
LAB 213 Special Assistant to the Assistant Secretary for Education and Training.
LAB 214 Staff Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs.
LAB 217 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
LAB 220 Special Assistant to the Deputy Under Secretary for Public and Intergovernmental Affairs.
LAB 224 Confidential Staff Assistant to the Special Assistant to the Assistant Secretary, Mine Safety and Health Administration.
LAB 225 Special Assistant to the Administrator, Pension and Welfare Benefits Programs.
LAB 226 Staff Assistant to the Administrator for Pension and Welfare Benefit Programs.
LAB 228 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 229 Special Assistant to the Associate Deputy Under Secretary for Legislative Affairs.
LAB 230 Special Assistant to the Associate Deputy Under Secretary for Legislative Affairs.
LAB 231 Special Assistant to the Associate Deputy Under Secretary for Legislative Affairs.
LAB 232 Special Assistant to the Director, Office of Federal Contract Compliance Programs.
LAB 233 Special Assistant to the Director, Office of Federal Contract Compliance Programs.
LAB 235 Senior Liaison Officer to the Deputy Under Secretary for Legislative Affairs.

Section 213.3316 Department of Health and Human Services.

HHS 2 Special Assistant to the Chief of Staff.
HHS 5 Writer to the Secretary.
HHS 11 Special and Confidential Assistant to the Under Secretary.
HHS 14 Special Assistant to the Executive Secretary.
HHS 17 Staff Assistant to the Secretary.
HHS 22 Assistant to the Secretary for Special Programs.
HHS 23 Assistant to the Secretary for Special Programs.
HHS 26 Special Assistant to the Executive Secretary.
HHS 34 Assistant to the Secretary.
HHS 53 Special Assistant to the Assistant Secretary for Legislation.
HHS 62 Special Assistant to the Assistant Secretary for Legislation.
HHS 120 Assistant to the General Counsel.
HHS 129 Special Assistant for Special Groups to the Director, Office of Civil Rights.
HHS 130 Special Assistant for Special Groups to the Director, Office of Civil Rights.
HHS 167 Executive Director, Federal Council on Aging to the Assistant Secretary for Human Development Services.
HHS 171 Special Assistant/Advisory Committee Officer to the Under Secretary.
HHS 172 Director of Consumer Information to the Director of Consumer Affairs.
HHS 187 Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
HHS 196 Confidential Executive Assistant to the Assistant Secretary for Public Affairs.
HHS 213 Steward to the Secretary.
HHS 220 Confidential Assistant to the Deputy Assistant Secretary for Planning and Evaluation (Health).
HHS 236 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 237 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 239 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 240 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 241 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 242 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 244 Director, Intergovernmental and Congressional Affairs to the Regional Director.
HHS 246 Director, Public Affairs to the Regional Director.
HHS 247 Director, Public Affairs to the Regional Director.
HHS 248 Director, Public Affairs to the Regional Director.
HHS 249 Director, Public Affairs to the Regional Director.
HHS 250 Director, Public Affairs to the Regional Director.
HHS 251 Director, Public Affairs to the Regional Director.
HHS 252 Director, Public Affairs to the Regional Director.
HHS 253 Director, Public Affairs to the Regional Director.
HHS 254 Director, Public Affairs to the Regional Director.
HHS 259 Special Assistant to the Assistant Secretary for Human Development Services.
HHS 264 Special Assistant to the Secretary.
HHS 267 Special Assistant to the Secretary.
HHS 273 Special Assistant to the Deputy Assistant Secretary for Legislation.
HHS 276 Special Assistant to the Deputy Commissioner, Food and Drug Administration.
HHS 285 Confidential Assistant to the Secretary.
HHS 289 Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration.
HHS 290 Director of Public Affairs, Office of Human Development Services.
HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families, Office of Human Development Services.
HHS 295 Confidential Assistant to the Executive Secretary.
HHS 305 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 306 Special Assistant to the Director, Office of Policy and Legislation.
HHS 315 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 318 Confidential Assistant to the Executive Assistant to the Secretary.
HHS 336 Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services).
HHS 339 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.
HHS 344 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.

HHS 346 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.

HHS 349 Confidential Assistant to the Executive Assistant.

HHS 350 Special Assistant to the Surgeon General.

HHS 353 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.

HHS 354 Associate Commissioner for Children's Bureau, Administration for Children, Youth and Families.

HHS 355 Counselor to the Director, United States Office of Consumer Affairs.

HHS 359 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.

HHS 361 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.

HHS 362 Secretary (Steno) to the Assistant Secretary for Human Development Services.

HHS 363 Special Assistant to the Director, Office of Public Affairs, Office of Human Development Services.

HHS 368 Director, Office of Intergovernmental Affairs, Health Care Financing Administration.

HHS 370 Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration.

HHS 372 Special Assistant to the Director, Office of Program Coordination and Review.

HHS 373 Confidential Assistant to the Executive Secretary.

HHS 376 Confidential Secretary to the Regional Director.

HHS 387 Confidential Secretary to the General Counsel.

HHS 389 Special Assistant to the Director, Office of Private Sector Initiatives.

HHS 393 Special Assistant to the Director, Office of Community Services.

HHS 394 Confidential Assistant to the Executive Secretary.

HHS 395 Special Assistant to the Director, Office of Community Services.

HHS 397 Special Assistant to the Director, Office of State and Project Assistance, Office of Community Services.

HHS 399 Special Assistant to the Assistant Secretary for Human Development Services.

HHS 400 External Affairs Specialist to the Director, Office of Community Services.

HHS 402 Confidential Assistant to the Director, Office of Community Services.

HHS 404 Confidential Assistant to the Chief of Staff.

HHS 406 Special Assistant to the Assistant Secretary for Health.

HHS 407 Special Assistant to the Commissioner, Administration on Development Disabilities.

HHS 408 Confidential Assistant to the Director, Office of Community Services.

HHS 411 Confidential Assistant to the Associate Commissioner for Governmental Affairs, Social Security Administration.

HHS 412 Special Assistant to the Regional Director.

HHS 414 Director, Division of Legislative Services and Congressional Affairs to the Director of Legislation and Policy, Health Care Financing Administration.

HHS 415 Confidential Assistant to the Secretary.

HHS 416 Confidential Assistant to the Administrator, Alcohol, Drug Abuse and Mental Health Administration, Public Health Service.

HHS 418 Confidential Staff Assistant to the Chief of Staff.

HHS 420 Confidential Assistant to the Associate Administrator for Operations, Health Care Financing Administration.

HHS 424 Staff Assistant to the Secretary.

HHS 427 Executive Director, President's Committee on Mental Retardation.

HHS 429 Confidential Staff Assistant to the Secretary.

HHS 430 Director, Office of Intergovernmental Communications to the Associate Commissioner for Family Assistance, Social Security Administration.

HHS 432 Confidential Staff Assistant to the Associate Commissioner for Family Assistance, Social Security Administration.

HHS 434 Confidential Assistant to the Commissioner, Administration for Youth, Children and Families.

HHS 435 Executive Assistant to the Director, Office of Child Support Enforcement.

HHS 436 Associate Commissioner for Family and Youth Services Bureau, Administration for Children, Youth and Families.

HHS 437 Special Assistant to the Director, National Institutes of Health.

HHS 438 Confidential Assistant to the Director, Office of Intergovernmental Affairs, Health Care Financing Administration.

HHS 439 Director, Office of Family Planning, Public Health Service.

HHS 440 Confidential Assistant to the Associate Administrator for External Affairs, Health Care Financing Administration.

HHS 443 Confidential Staff Assistant to the Director, Office of Child Support Enforcement.

HHS 444 Special Assistant to the Director, Office of Public Affairs, Office of Human Development Services.

HHS 445 Special Assistant to the Associate Commissioner for Governmental Affairs, Social Security Administration.

HHS 446 Special Assistant to the Chief of Staff.

HHS 447 Confidential Assistant to the Deputy Administrator, Health Care Financing Administration.

HHS 448 Staff Assistant to the Associate Commissioner for Governmental Affairs, Social Security Administration.

Section 213.3317 Department of Education.

EDU 3 Confidential Assistant to the Chief of Staff/Counselor to the Secretary.

EDU 4 Special Assistant to the Director, Intergovernmental Affairs Staff.

EDU 6 Special Assistant to the Executive Secretary.

EDU 9 Special Assistant to the Assistant Secretary, Office of Elementary and Secondary Education.

EDU 11 Personal Assistant to the Assistant Secretary, Office of Educational Research and Improvement.

EDU 13 Personal Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.

EDU 14 Special Assistant to the Deputy Under Secretary for Management.

EDU 15 Special Assistant to the Deputy Under Secretary for Management.

EDU 16 Confidential Assistant to the General Counsel.

EDU 20 Steward to the Executive Assistant.

EDU 26 Personal Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.

EDU 28 Staff Assistant to the Director of Regional Liaison.

EDU 29 Special Assistant to the Executive Assistant.

EDU 35 Special Assistant to the Secretary.

EDU 37 Special Assistant to the Secretary.

EDU 38 Special Assistant to the Assistant Secretary, Office of Postsecondary Education.

EDU 42 Personal Assistant to the Assistant Secretary for Postsecondary Education.

EDU 44 Director of Policy Planning to the Assistant Secretary for Elementary and Secondary Education.

EDU 46 Special Assistant to the Assistant Secretary for Vocational and Adult Education.

EDU 47 Confidential Assistant to the Director, National Institute of Education.

EDU 49 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation and Public Affairs.

EDU 51 Special Assistant to the Deputy Under Secretary for Intergovernmental and Interagency Affairs.

EDU 52 Special Assistant to the Under Secretary.

EDU 53 Confidential Assistant to the Director, Office of Intergovernmental and Interagency Affairs.

EDU 54 Confidential Assistant to the Executive Assistant.

EDU 55 Special Assistant to the Director, Intergovernmental Affairs Staff.

EDU 63 Special Assistant to the Under Secretary.

EDU 64 Policy Advisor to the Director, Office of Educational Philosophy and Practice.

EDU 66 Special Assistant to the Chief of Staff/Counselor to the Secretary.

EDU 67 Staff Assistant to the Chief of Staff/Counselor to the Secretary.

EDU 70 Confidential Assistant to the Director, Intergovernmental Affairs Staff.

EDU 71 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.

EDU 72 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.

EDU 83 Special Assistant to the Deputy Under Secretary, Office of Planning, Budget and Evaluation.

EDU 84 Confidential Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.

EDU 86 Confidential Assistant to the Commissioner, Rehabilitation Services Administration.

EDU 87 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.

EDU 88 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.

EDU 90 Special Assistant to the Assistant Secretary for Vocational and Adult Education.

EDU 94 Confidential Assistant to the Assistant Secretary for Postsecondary Education.

EDU 96 Special Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs.

EDU 99 Special Assistant to the Assistant Secretary, Office of Educational Research and Improvement.

EDU 104 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.

EDU 105 Secretary's Regional Representative.

EDU 106 Secretary's Regional Representative.

EDU 107 Secretary's Regional Representative.

EDU 108 Secretary's Regional Representative.

EDU 109 Secretary's Regional Representative.

EDU 110 Secretary's Regional Representative.

EDU 111 Secretary's Regional Representative.

EDU 112 Special Assistant to the Assistant Secretary, Office of Educational Research and Improvement.

EDU 113 Special Assistant to the Assistant Secretary, Office of Educational Research and Improvement.

EDU 115 Special Assistant to the Deputy Assistant Secretary for Higher Education Programs.

EDU 117 Director, Historically Black Colleges and Universities Staff, Office of Postsecondary Education.

EDU 118 Confidential Assistant to the Counselor to the Secretary/Chief of Staff.

EDU 121 Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.

EDU 127 Special Assistant to the Secretary.

EDU 131 Secretary's Regional Representative.

EDU 132 Personal Assistant to the Deputy Under Secretary for Management.

EDU 136 Confidential Assistant to the Director, Bilingual Education and Minority Languages Affairs.

EDU 140 Special Assistant to the Deputy Assista?t Secretary for Operations, Office of Civil Rights.

EDU 142 Special Assistant to the Deputy Assistant Secretary for Operations, Office of Civil Rights.

EDU 143 Personal Assistant to the Special Assistant to the Secretary.

EDU 144 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.

EDU 147 Secretary's Regional Representative.

EDU 155 Special Assistant to the Under Secretary.

EDU 157 Personal Assistant to the Deputy Under Secretary for Management.

EDU 158 Confidential Assistant to the Deputy Assistant Secretary for Intergovernmental and Interagency Affairs.

EDU 161 Special Assistant to the Deputy Assistant Secretary for Higher Education Programs.

EDU 167 Director, Operations Support Services to the Deputy Assistant Secretary for Operations, Office of Civil Rights.

EDU 168 Confidential Assistant to the Under Secretary.

EDU 169 Special Assistant to the Executive Assistant to the Under Secretary.

EDU 173 Confidential Assistant to the Assistant Secretary for Civil Rights.

EDU 175 Confidential Assistant to the Assistant Secretary for Educational Research and Improvement.

EDU 177 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.

EDU 179 Special Assistant to the Executive Assistant to the Secretary for Private Education.

EDU 181 Deputy Director, Postsecondary Relations Staff to the Director, Postsecondary Relations Staff.

EDU 182 Special Assistant to the Director of Regional Liaison.

EDU 185 Staff Assistant to the Secretary's Regional Representative.

EDU 186 Staff Assistant to the Secretary's Regional Representative.

EDU 187 Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services.

EDU 188 Staff Assistant to the Secretary's Regional Representative.

EDU 189 Legislative Liaison to the Director, Legislative Liaison Staff.

EDU 190 Confidential Assistant to the Deputy Under Secretary for Management.

EDU 192 Deputy Director, Office of Bilingual Education and Minority Languages Affairs to the Director of Bilingual Education and Minority Languages Affairs.

EDU 193 Executive Secretary to the Chief of Staff.

EDU 194 Confidential Assistant to the Executive Assistant to the Secretary for Private Education.

EDU 195 Special Assistant to the Comptroller, Office of the Deputy Under Secretary for Management.

EDU 196 Special Assistant to the Director, Special Education Programs, Office of Special Education and Rehabilitative Services.

EDU 197 Confidential Assistant to the Special Assistant to the Chief of Staff.

EDU 198 Special Assistant to the Director, Issues Analysis Staff.

EDU 200 Director, Office of Intergovernmental Affairs to the Deputy

Under Secretary for Intergovernmental and Interagency Affairs.

EDU 201 Special Assistant to the Assistant Secretary for Vocational and Adult Education.

EDU 202 Confidential Assistant to the Director, Office of Intergovernmental Affairs.

EDU 203 Confidential Assistant to the Executive Assistant to the Under Secretary.

EDU 204 Special Assistant to the Secretary's Regional Representative.

EDU 205 Special Assistant to the Secretary.

EDU 206 Special Assistant to the Director, Office of Intergovernmental Affairs.

EDU 207 Director of Regional Liaison to the Under Secretary for Regional Liaison.

EDU 210 Special Assistant to the Director, Historically Black Colleges and Universities Staff, Office of Postsecondary Education.

EDU 211 Special Assistant to the Secretary's Regional Representative.

EDU 212 Special Assistant to the Executive Assistant to the Under Secretary.

EDU 213 Special Assistant to the Director, Center for International Education.

EDU 214 Special Assistant to the Secretary's Regional Representative.

EDU 215 Attorney-Advisor to the Assistant Secretary for Civil Rights.

EDU 216 Confidential Assistant to the Chief of Staff/Counselor to the Secretary.

EDU 217 Personal Assistant to the Deputy Under Secretary for Management.

EDU 218 Special Assistant to the Deputy Assistant Secretary for Higher Education, Office of Postsecondary Education.

EDU 219 Special Assistant to the Director, Office of Legislative Liaison.

EDU 220 Special Assistant to the Director, Programs for the Improvement of Practice, Office of Educational Research and Improvement.

EDU 221 Confidential Assistant to the Under Secretary.

EDU 222 Special Assistant to the Secretary's Regional Representative.

EDU 223 Confidential Assistant to the Chief of Staff/Counselor to the Secretary.

Section 213.3318 Environmental Protection Agency.

EPA 5 Confidential Assistant to the Deputy Administrator.

EPA 19 Program Advisor to the Assistant Administrator for Water.

EPA 52 Special Assistant to the Executive Assistant to the Administrator.

EPA 55 Assistant to the Deputy Administrator.

EPA 58 Congressional Liaison Specialist to the Director, Office of Congressional Liaison.

EPA 59 Special Assistant to the Deputy Administrator.

EPA 61 Special Assistant to the Assistant Administrator for Administration and Resource Management.

EPA 70 Congressional Relations Officer to the Director, Office of Congressional Liaison.

EPA 75 Congressional Relations Officer to the Deputy Director, Office of Congressional Liaison.

EPA 86 Special Assistant to the Regional Administrator.

EPA 89 Special Assistant to the Assistant Administrator for Water.

EPA 93 Staff Assistant to the Executive Assistant to the Administrator.

EPA 94 Special Assistant to the Regional Administrator.

EPA 99 Staff Assistant to the Deputy Assistant Administrator for Administration and Resources Management.

EPA 101 Special Assistant to the Assistant Administrator for External Affairs.

EPA 103 Staff Assistant to the Assistant Administrator for External Affairs.

EPA 106 Special Assistant to the Director, Office of Public Affairs.

EPA 107 Special Assistant to the Deputy Administrator.

EPA 108 Staff Assistant to the Associate Administrator for Regional Operations.

EPA 109 Special Assistant to the Assistant Administrator for Solid Waste and Emergency Response.

EPA 110 Special Assistant to the Executive Assistant to the Administrator.

Section 213.3322 Interstate Commerce Commission.

ICC 1 Confidential Assistant to a Commissioner.

ICC 2 Confidential Assistant to a Commissioner.

ICC 3 Confidential Assistant to a Commissioner.

ICC 5 Confidential Assistant to a Commissioner.

ICC 6 Confidential Assistant to a Commissioner.

ICC 8 Confidential Assistant to the Chairman.

ICC 10 Secretary (Steno) to a Commissioner.

ICC 22 Staff Advisor (Economics) to a Commissioner.

ICC 24 Staff Advisor (Economics) to a Commissioner.

Section 213.3323 Overseas Private Investment Corporation.

OPIC 1 Chauffeur to the President.

OPIC 19 Secretary (Steno) to the Executive Vice President.

OPIC 22 Assistant to the Treasurer.

Section 213.3325 The Tax Court of the United States.

TCOUS 40 Secretary and Confidential Assistant to the Judge.

TCOUS 42 Secretary and Confidential Assistant to the Judge.

TCOUS 43 Secretary and Confidential Assistant to the Judge.

TCOUS 44 Secretary to the Judge.

TCOUS 45 Secretary and Confidential Assistant to the Judge.

TCOUS 46 Secretary and Confidential Assistant to the Judge.

TCOUS 47 Secretary and Confidential Assistant to the Judge.

TCOUS 48 Secretary and Confidential Assistant to the Judge.

TCOUS 49 Secretary and Confidential Assistant to the Judge.

TCOUS 50 Secretary and Confidential Assistant to the Judge.

TCOUS 51 Secretary and Confidential Assistant to the Judge.

TCOUS 52 Secretary and Confidential Assistant to the Judge.

TCOUS 53 Secretary to the Judge.

TCOUS 54 Secretary and Confidential Assistant to the Judge.

TCOUS 55 Secretary and Confidential Assistant to the Judge.

TCOUS 56 Secretary and Confidential Assistant to the Judge.

TCOUS 57 Secretary and Confidential Assistant to the Judge.

TCOUS 58 Secretary and Confidential Assistant to the Judge.

TCOUS 59 Secretary and Confidential Assistant to the Judge.

TCOUS 60 Secretary and Confidential Assistant to the Judge.

TCOUS 61 Secretary and Confidential Assistant to the Judge.

TCOUS 62 Secretary and Confidential Assistant to the Judge.

TCOUS 63 Secretary and Confidential Assistant to the Judge.

TCOUS 64 Secretary and Confidential Assistant to the Judge.

TCOUS 65 Secretary and Confidential Assistant to the Judge.

TCOUS 66 Trial Clerk to the Judge.

TCOUS 67 Trial Clerk to the Judge.

TCOUS 68 Trial Clerk to the Judge.

TCOUS 69 Trial Clerk to the Judge.

TCOUS 70 Trial Clerk to the Judge.

TCOUS 74 Trial Clerk to the Judge.

Section 213.3327 Veterans Administration.

VA 3 Confidential Assistant to the Associate Deputy Administrator for Management.
VA 5 Confidential Assistant to the Associate Deputy Administrator for Logistics.
VA 6 Confidential Assistant to the Administrator.
VA 11 Confidential Assistant to the Administrator.
VA 15 Confidential Assistant to the Administrator.
VA 30 Confidential Assistant to the Director, Intergovernmental Affairs.
VA 31 Confidential Assistant to the Associate Deputy Administrator for Congressional and Public Affairs.
VA 33 Confidential Assistant to the Administrator.
VA 40 Confidential Assistant to the Associate Deputy Administrator for Congressional and Intergovernmental Affairs.
VA 41 Confidential Assistant to the Associate Deputy Administrator for Public and Consumer Affairs.
VA 42 Confidential Assistant to the Director, Congressional Affairs.
VA 43 Confidential Assistant to the Director, Office of Intergovernmental Affairs.
VA 45 Confidential Assistant to the Associate Deputy Administrator for Logistics.
VA 46 Confidential Assistant to the Associate Deputy Administrator for Logistics.

Section 213.3328 U.S. Information Agency.

USIA 2 Special Assistant to the Director.
USIA 14 Special Assistant to the Associate Director for Programs.
USIA 21 Staff Assistant to the Director.
USIA 22 Director, New York Foreign Press Center to the Associate Director for Programs.
USIA 29 Assistant Counselor for Press and Public Affairs to the Counselor for Press and Public Affairs.
USIA 30 Staff Assistant to the Special Assistant to the Director.
USIA 33 Staff Assistant to the Director, Office of Public Liaison.
USIA 34 Special Assistant to the Director, Private Sector Programs.
USIA 35 Staff Assistant to the Director.
USIA 37 Staff Assistant to the Special Assistant, Private Sector Liaison.
USIA 40 Staff Specialist to the Special Assistant, Private Sector Liaison.
USIA 41 Special Assistant (Private Sector Committees) to the Director, Office of Public Liaison.
USIA 42 Secretary (Typing) to the Associate Director for Management.
USIA 43 Special Assistant to the Associate Director, Bureau of Educational and Cultural Affairs.
USIA 49 Special Projects Officer to the Director.
USIA 56 Staff Specialist to the Director, Office of Private Sector Liaison.
USIA 57 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 58 Special Assistant to the Deputy Director.
USIA 59 Special Assistant to the Deputy Director.
USIA 60 Confidential Assistant to the Associate Director for Broadcasting.
USIA 63 Special Assistant to the Director of Public Liaison.
USIA 65 Special Assistant (Cultural Centers and Resources) to the Associate Director for Educational and Cultural Affairs.
USIA 67 Chief, Voluntary Visitor Division to the Associate Director for Educational and Cultural Affairs.
USIA 73 Special Assistant to the Associate Director for Educational and Cultural Affairs.
USIA 77 Special Assistant to the Associate Director for Management.
USIA 79 Special Projects Officer to the Associate Director for Broadcasting.
USIA 80 Special Assistant (Media Relations) to the Director, Office of Public Liaison.
USIA 81 Special Assistant to the Associate Director for Programs.
USIA 86 Public Affairs Specialist to the Associate Director for Broadcasting.
USIA 87 Staff Assistant to the Director, Office of Public Liaison.
USIA 89 Special Projects Officer to the Chairman, Advisory Board for Radio Broadcasting to Cuba.
USIA 90 Staff Assistant to the Coordinator, U.S.-Soviet Exchange Initiative.
USIA 91 Program Assistant to the Coordinator, U.S.-Soviet Exchange Initiative.
USIA 92 Special Assistant to the Associate Director for Programs.
USIA 93 Program Assistant to the Coordinator, U.S.-Soviet Exchange Initiative.
USIA 94 Special Assistant to the Director, Television and Film Service.

Section 213.3330 Securities and Exchange Commission.

SEC 3 Confidential Assistant to the Commissioner.
SEC 4 Confidential Assistant to the Commissioner.
SEC 5 Confidential Assistant to the Commissioner.
SEC 6 Confidential Assistant to the Commissioner.
SEC 8 Secretary (Steno) to the Chief Accountant.
SEC 9 Secretary to the General Counsel.
SEC 11 Confidential Assistant to the Chairman
SEC 12 Public Information Officer to the Chairman.
SEC 14 Secretary (Typing) to the Director of Economic and Policy Research.
SEC 15 Secretary (Steno) to the Director, Market Regulation Division.
SEC 16 Secretary to the Director, Division of Enforcement.
SEC 19 Secretary (Typing) to the Director, Division of Corporate Finance.
SEC 21 Confidential Adviser on Corporate Practices to the Director, Division of Enforcement.
SEC 22 Staff Assistant to the Regional Administrator.

Section 213.3331 Department of Energy.

DOE 2 Confidential Assistant (Secretary) to the Secretary.
DOE 7 Secretary (Confidential Assistant) to the Under Secretary.
DOE 8 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
DOE 11 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 12 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 19 Confidential Assistant (Secretary) to the Director, Energy Research.
DOE 38 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.
DOE 40 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 41 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 42 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 47 Technical Advisor, to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 49 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 52 Staff Assistant to the Assistant Secretary for International Affairs.

DOE 55 Staff Assistant to the Special Assistant to the Secretary.

DOE 59 Staff Assistant to the Director, Office of Energy Research.

DOE 68 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 69 Staff Assistant (Legislative Affairs) to the Assistant to the Secretary for Legislative Affairs.

DOE 73 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 75 Legal Adviser to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 77 Staff Assistant to the Administrative Assistant to the Secretary and Chief of Staff.

DOE 87 Staff Assistant to the Associate Director, Office of Resource Management.

DOE 95 Staff Assistant to the General Counsel.

DOE 104 Secretary (Confidential Assistant) to the Secretary.

DOE 105 Confidential Assistant to a Member, Federal Energy Regulatory Commission.

DOE 106 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 109 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 112 Private Secretary to the Chairman, Federal Energy Regulatory Commission.

DOE 114 Staff Assistant to the Administrator, Bonneville Power Administration.

DOE 171 Special Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 172 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 175 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 179 Staff Assistant to the General Counsel.

DOE 182 Staff Assistant to the Director, Office of Congressional, Intergovernmental and Public Affairs.

DOE 189 Staff Assistant to the General Counsel.

DOE 192 Staff Assistant to the Special Assistant, Office of Programs and Policy.

DOE 195 Staff Assistant to the Director, Minority Economic Impact.

DOE 197 Director, House Liaison Division to the Associate General Counsel for Legislation, Regulation and Congressional Affairs, Federal Energy Regulatory Commission.

DOE 198 Director, Senate Liaison Division to the Associate General Counsel for Legislation, Regulation and Congressional Affairs, Federal Energy Regulatory Commission.

DOE 200 Staff Assistant to the Deputy Secretary.

DOE 204 Director, Division of Public Liaison, Office of Communications, Office of the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

DOE 206 Executive Assistant to the Director, Office of Energy Research.

DOE 207 Staff Assistant to the Special Assistant to the Secretary.

DOE 213 Senate Liaison Specialist to the Deputy Assistant Secretary for Senate Liaison.

DOE 217 Confidential Assistant (Secretary-Steno) to the Director, Office of Regulatory Analysis, Federal Energy Regulatory Commission.

DOE 220 Staff Assistant to the Director, Office of Communications.

DOE 223 Confidential Assistant to the Acting Administrator, Economic Regulatory Administration.

DOE 225 Advisor to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 227 Technical Advisor to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 228 Advisor to a Member of the Commission, Federal Energy Regulatory Commission.

DOE 229 Deputy Assistant Secretary for House Liaison to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

DOE 232 Research Assistant to the Special Assistant to the Secretary.

DOE 234 Director, Office of Public Affairs to the Director, Office of Communications.

DOE 238 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 243 Staff Assistant to the Assistant Secretary for International Affairs.

DOE 244 Director, Office of Consumer Affairs to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

DOE 245 Staff Assistant to the Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

DOE 246 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 248 Confidential Assistant to the Chairman, Federal Energy Regulatory Commission.

DOE 251 Intergovernmental Affairs Specialist to the Director of Intergovernmental Affairs, Federal Energy Regulatory Commission.

DOE 252 Director, Office of Domestic Issues to the Director, Office of Communications.

DOE 259 Private Secretary to the Chairman, Federal Energy Regulatory Commission.

DOE 263 Staff Assistant to the Assistant Secretary for Management and Administration.

DOE 264 Staff Assistant to the Administrator, Energy Information Administration.

DOE 266 Staff Assistant to the Special Assistant to the Secretary.

DOE 265 Executive Assistant to the Secretary.

DOE 268 Secretary (Confidential Assistant) to the Assistant Secretary for Management and Administration.

DOE 269 Intergovernmental Affairs Specialist to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.

DOE 271 Special Assistant (Legislative) to the Deputy General Counsel.

DOE 272 Secretary (Confidential Assistant) to the Deputy Secretary.

DOE 274 Secretary (Confidential Assistant) to the Special Assistant to the Secretary.

DOE 279 Special Assistant to the Assistant Secretary for Nuclear Energy.

DOE 282 Staff Assistant to the Assistant Secretary for International Affairs and Energy Emergencies.

DOE 288 Special Assistant to the Deputy Assistant Secretary for Breeder Reactor Programs.

DOE 289 Director, Press Services Division, to the Director of Communications.

DOE 290 Staff Assistant to the Director of Energy Research.

DOE 291 Confidential Assistant to the Under Secretary.

DOE 292 Chauffeur to the Secretary.

DOE 293 Secretary (Confidential Assistant) to the Deputy Secretary.

DOE 295 Staff Assistant to the Deputy Secretary.

DOE 296 Staff Assistant to the Assistant Secretary for Conservation and Renewable Energy.

DOE 297 Staff Assistant to the Deputy Assistant Secretary for Security Affairs.

DOE 299 Legislative Affairs Assistant, Program Liaison Division, Office of Congressional Affairs.

DOE 300 Special Assistant to the Assistant Secretary for Environment, Safety and Health.

DOE 301 Secretary (Confidential Assistant) to the Associate Director for Geological Repositories, Office of Civilian Radioactive Waste Management.

DOE 302 Staff Assistant to the Deputy Assistant Secretary for Security Affairs.
DOE 303 Staff Assistant to the Assistant Secretary for Environment, Safety and Health.
DOE 304 Principal House Liaison Specialist to the Director of Congressional Affairs.
DOE 305 Staff Assistant to the Principal Deputy Assistant Secretary for Congressional, Intergovernmental and Public Affairs.
DOE 306 Special Assistant to the Assistant Secretary for Defense Programs.
DOE 307 Staff Assistant to the Assistant Secretary for Environment, Safety and Health.
DOE 308 Public Affairs Specialist to the Director, Office of Public Affairs.

Section 213.3332 Small Business Administration.

SBA 11 Deputy Assistant Administrator for Congressional and Legislative Affairs.
SBA 18 Special Assistant to the Administrator.
SBA 20 Special Assistant to the Associate Administrator for Minority Small Business and Capital Ownership Development.
SBA 30 Special Assistant to the Associate Administrator for Minority Small Business and Capital Ownership Development.
SBA 39 Assistant Administrator for Public Communications.
SBA 43 Special Assistant to the Assistant Administrator for Congressional and Legislative Affairs.
SBA 45 Special Assistant to the Associate Administrator for Procurement Affairs.
SBA 50 Special Assistant to the Administrator.
SBA 54 Special Assistant to the Assistant Administrator for Public Communication.
SBA 55 Special Assistant to the Associate Deputy Administrator for Management and Administration.
SBA 59 Director of Information Services to the Assistant Administrator for Public Communications.
SBA 60 Special Assistant to the Associate Deputy Administrator for Management and Administration.
SBA 64 Special Assistant to the Regional Administrator.
SBA 65 Special Assistant to the Regional Administrator.
SBA 66 Special Assistant to the Regional Administrator.
SBA 68 Special Assistant to the Regional Administrator.
SBA 69 Special Assistant to the Regional Administrator.
SBA 70 Special Assistant to the Regional Administrator.
SBA 71 Special Assistant to the Regional Administrator.
SBA 73 Special Assistant to the Regional Administrator.
SBA 76 Executive Assistant to the Director of Women's Business Ownership.
SBA 90 Confidential Program Assistant to the Chief of Staff.
SBA 91 Special Assistant to the Assistant Administrator for Public Communication.
SBA 92 Staff Assistant to the Administrator.
SBA 94 Special Assistant to the Associate Deputy Administrator for Management and Administration.
SBA 96 Special Assistant to the Associate Administrator for Management Assistance.
SBA 99 Special Assistant to the Regional Administrator.
SBA 100 Special Assistant to the Regional Administrator.
SBA 101 Special Assistant to the Associate Deputy Administrator for Management and Administration.
SBA 104 Special Assistant to the Associate Deputy Administrator for Special Programs.
SBA 105 Special Assistant to the Administrator.
SBA 107 Confidential Assistant to the Associate Deputy Administrator for Special Programs.
SBA 108 Director, Office of Public Affairs to the Assistant Administrator for Public Communications.
SBA 113 Director, Executive Secretariat to the Administrator.
SBA 115 Special Assistant to the Regional Administrator.
SBA 117 Staff Assistant to the Director of Women's Business Ownership.
SBA 118 Staff Assistant to the Director of Women's Business Ownership.
SBA 121 Special Assistant to the Regional Administrator.
SBA 122 Special Assistant to the Regional Administrator.
SBA 123 Special Assistant to the Regional Administrator.
SBA 125 Special Assistant to the Director of Women's Business Ownership.
SBA 126 Assistant to the Assistant Administrator for Public Communications.
SBA 127 Special Assistant to the Associate Deputy Administrator for Special Programs.
SBA 130 Confidential Assistant to the Administrator.
SBA 131 Confidential Assistant to the Associate Administrator for Management Assistance.
SBA 133 Director of Veterans Affairs to the Associate Deputy Administrator for Special Programs.

Section 213.3333 Federal Deposit Insurance Corporation

FDIC 2 Secretary to a Member.
FDIC 7 Special Assistant to the Director, Congressional Liaison Staff.
FDIC 9 Legislative Attorney and Advisor to the Director, Office of Congressional and Public Information.

Section 213.3334 Federal Trade Commission

FTC 2 Director, Office of Public Affairs to the Chairman.
FTC 5 Staff Assistant to a Commissioner.

Section 213.3337 General Services Administration

GSA 16 Confidential Assistant to the General Counsel.
GSA 24 Special Assistant to the Commissioner, Public Building Service.
GSA 52 Confidential Assistant to the Commissioner, Public Building Service.
GSA 64 Deputy (External Affairs) to the Associate Administrator for Operations.
GSA 66 Confidential Assistant to the Deputy Commissioner, Public Building Service.
GSA 72 Confidential Assistant to the Assistant Administrator for Federal Supply and Services.
GSA 79 Confidential Assistant to the Regional Administrator.
GSA 82 Confidential Assistant to the Director of Public Affairs.
GSA 87 Confidential Assistant to the Regional Administrator.
GSA 89 Confidential Assistant to the Director of Congressional Affairs.
GSA 90 Special Assistant to the Associate Administrator for Congressional Affairs.
GSA 91 Confidential Assistant to the Commissioner, Public Building Service.
GSA 100 Director of Executive Secretariat to the Administrator.
GSA 106 Special Assistant to the Associate Administrator for Public Affairs.
GSA 107 Special Assistant to the Executive Director, Office of Information Resources Management.
GSA 109 Confidential Assistant to the Regional Administrator.
GSA 110 Special Assistant to the Associate Administrator for Administration.
GSA 113 Confidential Assistant to the Regional Administrator.

GSA 114 Confidential Assistant to the Regional Administrator.

Section 213.3338 Federal Communications Commission.

FCC 9 Confidential Assistant to the Chief of Staff.
FCC 10 Legislative Affairs Officer to the Director, Office of Congressional and Public Affairs.
FCC 11 Special Assistant to the Director, Office of Congressional and Public Affairs.
FCC 12 Confidential Staff Assistant to the Managing Director.
FCC 13 Special Assistant to the Director, Office of Congressional and Public Affairs.

Section 213.3339 U.S. International Trade Commission.

ITC 1 Confidential Assistant to a Commissioner.
ITC 3 Staff Assistant (Economics) to a Commissioner.
ITC 5 Confidential Assistant to a Commissioner.
ITC 7 Special Assistant (Economics) to a Commissioner.
ITC 9 Confidential Assistant to a Commissioner.
ITC 12 Staff Assistant (Economics) to a Commissioner.
ITC 13 Staff Assistant (Legal) to a Commissioner.
ITC 15 Confidential Assistant to the Chairwoman.
ITC 17 Staff Assistant (Legal) to a Commissioner.
ITC 18 Confidential Assistant to a Commissioner.
ITC 19 Staff Assistant (Economics) to a Commissioner.
ITC 22 Staff Assistant (Legal) to a Commissioner.
ITC 25 Staff Assistant (Legal) to a Commissioner.
ITC 27 Congressional Liaison to the Chairwoman.
ITC 30 Confidential Assistant to a Commissioner.
ITC 32 Staff Assistant (Economics) to the Chairwoman.
ITC 33 Staff Assistant to a Commissioner.
ITC 34 Staff Assistant (Legal) to a Commissioner.

Section 213.3340 National Archives and Records Administration.

NARA 1 Congressional Relations Officer to the Archivist of the United States.

Section 213.3341 National Labor Relations Board.

NLRB 2 Confidential Assistant to the Chairman.
NLRB 3 Confidential Assistant to a Board Member.
NLRB 5 Confidential Assistant to a Board Member.
NLRB 6 Confidential Assistant to a Board Member.
NLRB 9 Confidential Staff Assistant to the General Counsel.

Section 213.3342 Export-Import Bank of the United States.

EXIM 3 Administrative Assistant to a Director.
EXIM 4 Private Secretary to a Director.
EXIM 5 Administrative Assistant to a Director.
EXIM 12 Secretary (Steno) to the Senior Vice President.
EXIM 16 Administrative Assistant to the General Counsel.
EXIM 24 Secretary (Steno) to the Senior Vice President-Director for Credits and Financial Guarantees.
EXIM 26 Assistant to the President and Chairman.
EXIM 31 Deputy Vice President for Public Affairs and Publications to the Vice President for Public Affairs and Publications.
EXIM 32 Special Assistant to the First Vice President and Vice Chairman.

Section 213.3346 Selective Service System.

SSS 9 Assistant Director for Government Affairs.
SSS 14 Deputy Director for Congressional Affairs.

Section 213.3347 Federal Mediation and Conciliation Service.

FMCS 2 Secretary to the Director.
FMCS 3 Public Affairs Director to the Executive Director.

Section 213.3348 National Aeronautics and Space Administration.

NASA 1 Secretary (Steno) to the Administrator.
NASA 17 Secretary (Steno) to the Acting Administrator.

Section 213.3351 Federal Mine Safety and Health Review Commission.

FM 1 Secretary (Steno) to a Commissioner.
FM 5 Confidential Assistant to the Chairman.
FM 7 Attorney-Adviser (General) to a Commissioner.
FM 9 Attorney-Adviser (General) to a Commissioner.
FM 12 Confidential Secretary to the General Counsel.

Section 213.3352 Government Printing Office.

GPO 1 Staff Assistant to the Public Printer.
GPO 6 Administrative Assistant to the Public Printer.
GPO 7 Confidential Assistant to the Deputy Public Printer.

Section 213.3354 Federal Home Loan Bank Board.

FHLB 1 Secretary to the Chairman.
FHLB 3 Secretary to a Board Member.
FHLB 11 Director, Office of Communications to the Chairman.
FHLB 19 Congressional Liaison to the Executive Staff Director.
FHLB 21 Secretary (Steno) to the Congressional Liaison.
FHLB 25 Staff Assistant to the Congressional Liaison.
FHLB 35 Congressional Relations Officer to the Executive Director and Chief of Staff.

Section 213.3356 Commission on Civil Rights.

CCR 1 Confidential Assistant to the Staff Director.
CCR 7 Supervisory Public Affairs Specialist to the Staff Director.
CCR 10 Special Assistant to the Staff Director.
CCR 11 Special Assistant to the Assistant Staff Director.
CCR 12 Confidential Assistant to a Commissioner.
CCR 13 Confidential Assistant to the Chairman.
CCR 15 Confidential Secretary to a Commissioner.
CCR 16 Confidential Secretary to a Commissioner.
CCR 17 Special Assistant to the Staff Director.
CCR 21 Special Assistant to the Vice Chairman.
CCR 22 Special Assistant to the General Counsel.
CCR 23 Special Assistant to a Commissioner.

Section 213.3357 National Credit Union Administration.

NCUA 6 Confidential Assistant to the Chairman.
NCUA 9 Staff Assistant to the Vice Chairman.
NCUA 12 Executive Assistant to the Vice Chairman.
NCUA 15 Secretary (Typing) to the President, Central Liquidity Facility.
NCUA 16 Confidential Assistant to the Board Member.
NCUA 17 Executive Assistant to the Chairman.

Section 213.3359 ACTION.

ACT 42 Legislative Officer to the Assistant Director, Office of Legislative and Governmental Affairs.

ACT 44 Special Assistant to the Associate Director for Domestic and Anti-Poverty Operations.
ACT 48 Special Assistant to the Deputy Director.
ACT 51 Special Assistant to the Assistant Director for Volunteer Liaison.
ACT 58 Special Assistant to the Director.
ACT 62 Special Assistant to the Assistant Director for Volunteer Liaison.
ACT 75 Special Assistant to the Assistant Director for Policy and Planning.
ACT 78 Assistant Director for Policy and Planning to the Associate Director for Management and Budget.
ACT 79 Assistant Director for VISTA and Service Learning Programs to the Associate Director for Domestic and Anti-Poverty Operations.
ACT 81 Special Assistant to the Director.

Section 213.3360 Consumer Product Safety Commission.

CPSC 6 Special Assistant to a Commissioner.
CPSC 7 Special Assistant (Legal) to a Commissioner.
CPSC 12 Special Assistant (Legal) to a Commissioner.
CPSC 14 Special Assistant to a Commissioner.
CPSC 16 Director, Office of Congressional Relations to the Chairman.
CPSC 20 Special Assistant to a Commissioner.
CPSC 22 Staff Assistant to the Executive Assistant to the Chairman.
CPSC 26 Staff Assistant to a Commissioner.
CPSC 28 Staff Assistant to a Commissioner.
CPSC 34 Special Assistant (Legal) to a Commissioner.
CPSC 37 Supervisory Public Affairs Specialist to the Executive Director, Office of Public Affairs.
CPSC 38 Staff Assistant to a Commissioner.
CPSC 39 Public Affairs Specialist to the Chairman.
CPSC 40 Congressional Relations Specialist to the Director, Office of Congressional Relations.
CPSC 41 Special Assistant to the Chairman.
CPSC 42 Public Affairs Specialist to the Chairman.
CPSC 45 Attorney-Advisor to the General Counsel.

Section 213.3364 U.S. Arms Control and Disarmament Agency.

ACDA 2 Private Secretary to the Deputy Director.
ACDA 4 Private Secretary to the Assistant Director for Verification and Intelligence.
ACDA 10 Deputy Director for Congressional Affairs to the General Counsel.
ACDA 11 Congressional Affairs Specialist to the Deputy Director.
ACDA 19 Private Secretary to the Special Advisor to the President and Secretary.
ACDA 20 Special Assistant to the Deputy Director for Public Affairs.
ACDA 23 Staff Assistant to the Assistant Director for Multilateral Affairs.
ACDA 24 Special Assistant to the Assistant Director for Multilateral Affairs.
ACDA 26 Secretary to the Representative to the Conference on Disarmament.
ACDA 27 Special Assistant to the Director.
ACDA 28 Staff Assistant to the Director.
ACDA 29 Congressional Affairs Specialist to the Director, Office of Congressional Affairs.
ACDA 30 Secretary (Steno) to the Special Representative for Arms Control and Disarmament.
ACDA 31 Special Assistant to the Director.

Section 213.3367 Federal Maritime Commission.

FMC 2 Confidential Assistant to a Commissioner.
FMC 3 Confidential Assistant to a Commissioner.
FMC 4 Confidential Assistant to a Commissioner.
FMC 5 Confidential Assistant to a Commissioner.
FMC 7 Secretary (Steno) to a Commissioner.
FMC 8 Secretary (Steno) to a Commissioner.
FMC 9 Secretary (Typing) to a Commissioner.
FMC 10 Secretary (Steno) to a Commissioner.
FMC 11 Secretary to the Chairman.
FMC 23 Secretary (Steno) to the Counsel to the Chairman.

Section 213.3368 Agency for International Development.

AID 20 Special Assistant to the Assistant Administrator, Bureau for Asia.
AID 21 Special Assistant to the Assistant Administrator, Bureau for Africa.
AID 33 Legislative Research Assistant to the Director, Legislative Affairs.
AID 34 Special Assistant to the Assistant Administrator, Bureau for Private Enterprise.
AID 36 Deputy Director to the Assistant Administrator, Bureau of Program and Policy Coordination.
AID 37 Associate Director for Legislative Affairs.
AID 44 Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Service.
AID 45 Deputy Assistant to the Administrator for Public Affairs to the Assistant Administrator, External Affairs.
AID 47 Special Assistant to the Assistant Administrator, Bureau for Food for Peace and Voluntary Service.
AID 48 Special Assistant to the Director of Policy Development and Program Review.
AID 54 Special Assistant to the Deputy Assistant Administrator for External Affairs.
AID 55 Special Assistant to the Assistant to the Administrator, External Affairs.
AID 57 Program Operations Assistant to the Director, Office of Private and Voluntary Cooperation.
AID 58 Special Assistant to the Coordinator, Office of Public Diplomacy for Latin America and the Caribbean.
AID 60 Special Assistant to the Assistant Administrator, Bureau for Asia.
AID 61 Public Affairs Specialist to the Assistant to the Administrator for External Affairs.
AID 63 Administrative Operations Assistant to the Deputy Assistant Administrator for External Affairs.
AID 64 Special Assistant to the Deputy Assistant Administrator for Management.
AID 65 Supervisory Public Affairs Specialist to the Deputy Assistant Administrator for External Affairs.
AID 66 Supervisory Public Affairs Specialist to the Director, Office of Publications.
AID 67 Administrative Operations Assistant to the Deputy Assistant Administrator for External Affairs.

Section 213.3372 Administrative Office of United States Courts.

AOUSC 4 Supervisory Attorney-Advisor (Legal) to the Legislative Affairs Officer.
AOUSC 5 Secretary (Steno) to the Deputy Legislative Affairs Officer.
AOUSC 6 Supervisory Attorney-Advisor (Legal) to the Legislative Affairs Officer.
AOUSC 7 Attorney-Advisor (Legal) to the Legislative Affairs Officer.

Section 213.3376 Appalachian Regional Commission.

ARC 8 Congressional Affairs Officer to the Federal Co-Chairman.
ARC 9 Special Assistant to the Alternate Federal Co-Chairman.

Section 213.3377 Equal Employment Opportunity Commission.

EEOC 5 Confidential Assistant to a Member.
EEOC 12 Media Contact Specialist to the Chairman.
EEOC 13 Confidential Assistant to the Chairman.
EEOC 17 Special Assistant to a Member.
EEOC 22 Director, Office of Congressional Affairs.
EEOC 23 Special Assistant to the Executive Director.
EEOC 26 Staff Assistant to the Chairman.
EEOC 29 Media Contact Officer to the Chairman.
EEOC 31 Attorney-Advisor (Civil Rights) to the Chairman.
EEOC 37 Social Science Research Specialist to the Director, Office of Program Research.
EEOC 38 Congressional Liaison Assistant to the Director, Office of Congressional Affairs.
EEOC 39 Confidential Assistant to the Chairman.
EEOC 40 Media Contact Specialist to the Chairman.

Section 213.3379 Commodity Futures Trading Commission.

CFTC 1 Administrative Assistant to the Chairman.
CFTC 3 Administrative Assistant to a Commissioner.
CFTC 4 Administrative Assistant to a Commissioner.
CFTC 5 Administrative Assistant to a Commissioner.
CFTC 6 Administrative Assistant to a Commissioner.
CFTC 7 Supervisory Public Affairs Specialist to the Chairman.
CFTC 12 Special Assistant to a Commissioner.
CFTC 14 Special Assistant to a Commissioner.
CFTC 21 Governmental Affairs Officer to the Chairman.

Section 213.3382 National Endowment for the Arts.

NEA 9 Congressional Liaison Officer to the Chairman.
NEA 45 Special Assistant to the Chairman.
NEA 49 Associate Deputy Chairman for Programs to the Deputy Chairman for Programs.
NEA 50 Special Assistant (Development) to the Chairman.
NEA 51 Executive Director, President's Committee on the Arts and Humanities, to the Chairman.
NEA 53 Special Assistant (Public Affairs) to the Chairman.

Section 213.3382 National Endowment for the Humanities.

NEH 47 Special Assistant to the Chairman.
NEH 48 Congressional Liaison Officer to the Chairman.
NEH 54 Confidential Assistant to the Director, Institute of Museum Services.
NEH 58 Administrative Assistant to the Acting Chairman.

Section 213.3384 Department of Housing and Urban Development.

HUD 6 Confidential Assistant to the General Counsel.
HUD 33 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 35 Senior Assistant for Legislation to the Deputy Assistant Secretary for Legislation.
HUD 36 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 37 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 39 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 41 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 42 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 60 Supervisory Public Affairs Specialist to the Assistant Secretary for Public Affairs.
HUD 64 Confidential Assistant to the Assistant Secretary for Community Planning and Development.
HUD 65 Special Assistant to the Deputy Assistant Secretary for Program Management.
HUD 68 Executive Assistant to the Assistant Secretary for Community Planning and Development.
HUD 78 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 120 Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.
HUD 126 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 135 Special Assistant to the General Deputy Assistant Secretary for Fair Housing and Equal Employment Opportunity.
HUD 143 Special Assistant to the Director, Executive Secretariat.
HUD 151 Confidential Assistant to the President, Government National Mortgage Association.
HUD 153 Executive Assistant to the President, Government National Mortgage Association.
HUD 160 Special Assistant to the Assistant Secretary for Policy Development and Research.
HUD 163 Special Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
HUD 172 Special Assistant to the Director, Office of Indian Housing.
HUD 175 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 177 Special Assistant to the Secretary.
HUD 184 Senior Assistant for Congressional Relations to the Deputy Assistant Secretary for Legislation and Congressional Relations.
HUD 193 Special Assistant to the Secretary.
HUD 198 Special Assistant to the Executive Assistant to the Secretary.
HUD 199 Staff Assistant (Typing) to the Assistant Secretary for Housing, Federal Housing Commissioner.
HUD 203 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
HUD 205 Senior Advisor to the Deputy Under Secretary for Field Coordination.
HUD 206 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 207 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 208 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 209 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 215 Executive Assistant to the Deputy Assistant Secretary for Multifamily Housing Programs.
HUD 217 Special Assistant to the Deputy Assistant Secretary for Policy Development.
HUD 218 Executive Assistant to the Regional Administrator.
HUD 222 Special Assistant for Congressional Relations and Public Affairs to the Regional Administrator.

HUD 224 Special Assistant to the Regional Administrator.
HUD 226 Special Assistant to the Regional Administrator.
HUD 227 Executive Assistant to the Regional Administrator.
HUD 238 Special Assistant to the Secretary.
HUD 245 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 255 Executive Assistant to the Assistant Secretary for Policy Development and Research.
HUD 258 Special Assistant to the Under Secretary.
HUD 259 Special Assistant to the Secretary.
HUD 260 Executive Assistant to the Assistant Secretary for Public and Indian Housing.
HUD 261 Special Assistant to the Secretary.
HUD 266 Special Assistant to the President, Government National Mortgage Association.
HUD 268 Executive Assistant to the Deputy Assistant Secretary for Housing.
HUD 272 Special Assistant to the Deputy Assistant Secretary for Program Policy Development and Evaluation.
HUD 274 Special Assistant to the Secretary.
HUD 279 Executive Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 280 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 281 Special Assistant to the Regional Administrator.
HUD 285 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislative and Congressional Relations.
HUD 287 Special Assistant to the Regional Administrator.
HUD 289 Special Assistant to the Deputy Assistant Secretary for Program Policy Development and Evaluation.
HUD 292 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 312 Special Assistant to the Regional Administrator.
HUD 314 Confidential Assistant to the Under Secretary.
HUD 315 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 316 Special Assistant to the Regional Administrator.
HUD 317 Special Assistant to the Regional Administrator.
HUD 318 Executive Assistant to the General Deputy Assistant Secretary for Public and Indian Housing.
HUD 320 Special Assistant to the Assistant Secretary for Administration.
HUD 322 Special Assistant to the Regional Administrator.
HUD 323 Executive Assistant to the General Deputy Assistant Secretary for Housing/Federal Housing Commissioner.
HUD 324 Special Assistant to the Regional Administrator.
HUD 329 Special Assistant to the Assistant Secretary for Labor Relations.
HUD 332 Special Assistant to the Regional Administrator.
HUD 334 Special Assistant for Public Affairs to the Regional Administrator.
HUD 336 Special Assistant (Advance) to the Assistant Secretary for Public Affairs.
HUD 337 Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.
HUD 341 Special Assistant to the Secretary.
HUD 346 Special Assistant to the Deputy Assistant Secretary for Operations and Management.
HUD 347 Special Advisor for Elderly Programs to the Deputy Under Secretary for Intergovernmental Relations.
HUD 349 Special Assistant to the Assistant Secretary for Housing/Federal Housing Commissioner.
HUD 351 Special Assistant to the Regional Administrator.
HUD 354 Special Assistant to the Assistant Secretary for Public and Indian Housing.
HUD 356 Executive Assistant to the Regional Administrator.
HUD 359 Special Assistant to the Regional Administrator.
HUD 361 Special Assistant to the Regional Administrator.
HUD 362 Staff Assistant to the Deputy Assistant Secretary for Housing.
HUD 363 Special Assistant to the Assistant Secretary for Policy Development and Research.
HUD 366 Special Assistant to the Assistant Secretary—Federal Housing Commissioner.
HUD 367 Special Assistant to the Regional Administrator.
HUD 370 Special Assistant to the Assistant Secretary for Public and Indian Housing.
HUD 373 Special Assistant (Speech Issues) to the Assistant Secretary for Public Affairs.
HUD 374 Executive Assistant to the Deputy Under Secretary for Field Coordination.
HUD 376 Special Assistant to the Regional Administrator.
HUD 377 Special Assistant to the Regional Administrator.
HUD 378 Staff Assistant to the Manager, Solar Energy and Energy Conservation Bank.
HUD 379 Assistant Director for Executive Secretariat Operations to the Executive Assistant to the Secretary.
HUD 382 Staff Assistant (Typing) to the Deputy Under Secretary for Intergovernmental Relations.
HUD 383 Special Assistant to the Regional Administrator.
HUD 384 Special Assistant to the Assistant Secretary for Public and Indian Housing.
HUD 385 Special Assistant (Speech Writer) to the Assistant Secretary for Public Affairs.
HUD 389 Associate Deputy Assistant Secretary for Policy Development and Research to the Assistant Secretary for Policy Development and Research.
HUD 390 Senior Legislative Specialist to the Deputy Assistant Secretary for Legislation.
HUD 391 Special Assistant to the Regional Administrator.
HUD 392 Special Assistant for Community Relations to the Regional Administrator.
HUD 393 Associate Deputy Assistant Secretary for Demonstration Projects to the Deputy Assistant Secretary for Policy Development.
HUD 395 Special Assistant to the Regional Administrator.
HUD 398 Special Assistant to the Deputy Under Secretary for Field Coordination.
HUD 399 Special Assistant to the President, Government National Mortgage Association.
HUD 400 Special Advisor to the Assistant Secretary for Legislation and Congressional Relations.
HUD 401 Special Assistant to the Deputy Assistant Secretary for Multifamily Housing.
HUD 402 Special Assistant to the Deputy Assistant Secretary for Single Family Housing.
HUD 403 Special Assistant to the Regional Administrator.

Section 213.3388 President's Commission on White House Fellows.

PCWHF 1 Assistant Director for Education Programs.
PCWHF 2 Associate Director to the Director.
PCWHF 3 Special Assistant to the Director.

Section 213.3389 National Mediation Board.

NMB 49 Special Assistant to the Chairman.

NMB 52 Confidential Assistant to a Member.
NMB 53 Confidential Assistant to the Chairman.
NMB 54 Confidential Assistant to a Member.

Section 213.3391 Office of Personnel Management

OPM 1 Special Assistant to the Director.
OPM 7 Supervisory Legislative Analyst to the Assistant Director for Congressional Relations.
OPM 8 Confidential Assistant to the Director.
OPM 9 Confidential Assistant (Typing) to the General Counsel.
OPM 10 Staff Assistant to the Assistant Director for Public Affairs.
OPM 11 Staff Assistant to the Director of Executive Administration.
OPM 20 Special Assistant to the Assistant Director for Public Affairs.
OPM 22 Supervisory Attorney-Advisor to the General Counsel.
OPM 24 Special Assistant to the Director, Office of Government Ethics.
OPM 25 Special Assistant to the Director, Office of Congressional Relations.
OPM 26 Confidential Assistant (Typing) to the Director, Office of Government Ethics.
OPM 28 Congressional Relations Officer to the Assistant Director for Congressional Relations.

Section 213.3392 Federal Labor Relations Authority

FLRA 6 Executive Assistant to a Member.
FLRA 8 Staff Assistant to a Member.
FLRA 9 Special Assistant to the General Counsel.

Section 213.3393 Pension Benefit Guaranty Corporation

PBGC 1 Staff Assistant to the Executive Director.
PBGC 4 Special Assistant to the Executive Director.
PBGC 6 Staff Assistant to the Executive Director.

Section 213.3394 Department of Transportation

DOT 1 Confidential Secretary to the Secretary.
DOT 3 Staff Assistant to the Secretary.
DOT 8 Staff Assistant to the Deputy Secretary.
DOT 14 Chauffeur to the Secretary.
DOT 20 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
DOT 21 Special Counsel to the Secretary.
DOT 38 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 43 Confidential Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
DOT 55 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
DOT 56 Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
DOT 57 Confidential Assistant to the Assistant Secretary for Governmental Affairs.
DOT 60 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
DOT 67 Secretary (Typing) to the Administrator, Federal Railroad Administration.
DOT 69 Supervisory Public Affairs Specialist to the Administrator, Federal Railroad Administration.
DOT 77 Special Assistant to the Assistant Secretary for Public Affairs.
DOT 94 Staff Assistant to the Administrator, Federal Aviation Administration.
DOT 100 Supervisory Public Affairs Specialist to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
DOT 105 Secretary (Steno) to the Administrator, Federal Highway Administration.
DOT 110 Confidential Staff Assistant to the Chief Counsel, Federal Aviation Administration.
DOT 115 Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
DOT 121 Deputy Director, Office of Congressional Affairs to the Director of Congressional Affairs.
DOT 122 Special Assistant to the Director, Executive Secretariat.
DOT 123 Intergovernmental Liaison Officer to the Director, Office of Intergovernmental Affairs.
DOT 126 Director, Office of Public Affairs, to the Administrator, Federal Highway Administration.
DOT 127 Special Assistant to the Assistant Secretary for Budget and Programs.
DOT 128 Special Assistant to the Administrator, Federal Highway Administration.
DOT 129 Special Assistant to the General Counsel.
DOT 130 Staff Assistant to the Deputy Secretary.
DOT 142 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Affairs.
DOT 143 Staff Assistant to the Deputy Administrator, Federal Railroad Administration.
DOT 147 Staff Assistant to the Assistant Secretary for Public Affairs.
DOT 148 Director, Office of Media Relations to the Assistant Secretary for Public Affairs.
DOT 150 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 153 Congressional Liaison Officer to the Director, Office of Congressional Affairs.
DOT 157 Secretary (Steno) to the Associate Administrator for Policy and International Aviation, Federal Aviation Administration.
DOT 158 Confidential Secretary to the General Counsel.
DOT 159 Special Assistant to the Administrator, Federal Highway Administration.
DOT 175 Special Assistant to the Assistant Secretary for Policy and International Affairs.
DOT 176 Staff Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 185 Special Assistant to the Deputy Assistant Secretary for Policy and International Affairs.
DOT 186 Director, Office of Public Affairs, to the Administrator, Urban Mass Transportation Administration.
DOT 192 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
DOT 193 Special Assistant to the Director, Office of Civil Rights.
DOT 203 Staff Assistant to the Assistant Secretary for Governmental Affairs.
DOT 207 Staff Assistant to the Inspector General.
DOT 208 Director, Executive Secretariat to the Administrator, Urban Mass Transportation Administration.
DOT 209 Special Assistant to the Administrator, Urban Mass Transportation Administration.
DOT 216 Confidential Special Assistant to the Administrator, Federal Aviation Administration.
DOT 218 Staff Assistant to the Director, Office of Congressional Affairs.
DOT 219 Executive Officer to the Director, Executive Secretariat.
DOT 220 Chief, Minority Business Resource Center to the Director, Small and Disadvantaged Business Utilization.
DOT 221 Secretary to the Administrator, Maritime Administration.
DOT 224 Special Assistant to the Director, Office of Public Affairs, Urban Mass Transportation Administration.

DOT 225 Special Assistant to the Regional Representative.
DOT 228 Special Assistant to the Associate Administrator for Budget and Policy, Urban Mass Transit Administration.
DOT 231 Policy Advisor to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.
DOT 232 Special Assistant to the Regional Administrator, Urban Mass Transportation Administration.
DOT 233 Special Assistant to the General Counsel.
DOT 235 Special Assistant to the Secretary.
DOT 236 Special Assistant to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
DOT 237 Special Assistant to the Assistant Secretary for Public Affairs.
DOT 239 Executive Assistant to the Administrator, Maritime Administration.
DOT 240 Special Assistant to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
DOT 241 Secretary (Typing) to the Coordinator for Minority Affairs.
DOT 244 Deputy Executive Secretary for Management to the Director, Executive Secretariat.
DOT 247 Private Sector Initiatives Coordinator to the Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration.
DOT 250 Staff Assistant to the Assistant Secretary for Governmental Affairs.
DOT 251 Staff Assistant to the Administrator, Maritime Administration.
DOT 252 Director, Executive Secretariat, to the Administrator, National Highway Traffic Safety Administration.
DOT 253 Intergovernmental Affairs Coordinator to the Administrator, Federal Railroad Administration.
DOT 254 Special Assistant to the Deputy Secretary.
DOT 255 Confidential Assistant to the Chief of Staff.
DOT 256 Staff Assistant to the Coordinator for Minority Affairs.
DOT 257 Staff Assistant to the Assistant Secretary for Public Affairs.
DOT 258 Deputy Director, Office of Intergovernmental Affairs.
DOT 263 Special Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
DOT 267 Receptionist to the Deputy Secretary.
DOT 268 Staff Assistant to the Assistant Secretary for Public Affairs.
DOT 269 Research Assistant to the Director, Executive Secretariat.
DOT 272 Deputy Director, Office of Small and Disadvantaged Business Utilization.
DOT 276 Special Assistant to the Administrator, Research and Special Programs Administration.
DOT 277 Special Assistant to the Deputy Administrator, Research and Special Programs Administration.
DOT 278 Staff Assistant to the Deputy Secretary.
DOT 280 Secretary (Typing) to the Assistant Administrator for Public Affairs, Federal Aviation Administration.
DOT 281 Special Assistant for Intergovernmental Relations to the Administrator, Saint Lawrence Seaway Development Corporation.
DOT 282 Confidential Staff Assistant to the Deputy Administrator, Federal Aviation Administration.
DOT 283 Marketing Assistant to the Administrator, Saint Lawrence Seaway Development Corporation.
DOT 284 Special Assistant to the Director, Office of Public and Consumer Affairs, National Highway Traffic Safety Administration.
DOT 285 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 287 Staff Assistant to the Deputy Secretary.
DOT 288 Deputy Director of Community and Consumer Affairs.
DOT 289 Attorney-Advisor (General) to the Chief Counsel.
DOT 291 Director, Office of Special Projects to the Assistant Secretary for Public Affairs.
DOT 293 Secretary to the Associate Deputy Secretary.
DOT 294 Special Assistant to the Associate Deputy Secretary.
DOT 295 Staff Assistant to the Associate Deputy Secretary.
DOT 296 Special Assistant to the Director, Office of External Affairs.

Section 213.3395 Federal Emergency Management Agency.

FEMA 14 Special Assistant to the Administrator, Federal Insurance Administration.
FEMA 29 Special Assistant to the Associate Director, State and Local Programs and Support Directorate.
FEMA 33 Director, Office of Regional Operations to the Director.
FEMA 34 Executive Assistant to the Deputy Director.

Section 213.3396 National Transportation Safety Board.

NTSB 2 Secretary (Typing) to the Chairman.
NTSB 30 Confidential Assistant to the Chairman.
NTSB 31 Confidential Assistant to a Board Member.
NTSB 33 Confidential Assistant to a Board Member.
NTSB 92 Government and Public Affairs Officer to the Managing Director, Office of Government and Public Affairs.
NTSB 98 Special Assistant to the Vice-Chairman.
NTSB 102 Special Assistant and Counsel to the Chairman.
NTSB 105 Special Assistant to the Chairman.

Section 213.3397 African Development Foundation.

ADF 1 Confidential Assistant to the President.

Section 213.3398 Architectural and Transportation Barriers Compliance Board.

ATBCB 1 Executive Assistant to the Chairman.

Authority: 5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 219.
U.S. Office of Personnel Management.
Constance Horner,
Director.
[FR Doc. 86-18866 Filed 8-20-86 8:45 am]
BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

State Agency Advisory Committee; meeting

AGENCY: The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

Status: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of its State Agency Advisory Committee, to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 1, 1–4. Activities will include:

- Discussions of changes in the electric market brought on by three factors.
  —Self generation.
  —Cogeneration
  —Natural gas deregulation.
- Discussion of the Western Energy Study Workplan.
- Discussion by Syd Berwager of Bonneville of the Super Good Cents Program being offered to Investor-owned Utilities.

- Discussion of the 6(c) issue paper.
- Other issues of interest to the task force.

DATE: Wednesday, August 27, 1986, 9:00 a.m.–5:00 p.m.

ADDRESS: The meeting will be held at the Northwest Power Planning Council; 1321 Lockey Street; First Floor (Behind the Capitol); Helena, Montana.

FOR FURTHER INFORMATION CONTACT: Jim Litchfield, (503)222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 86–18823 Filed 8–20–86; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–23534; File No. SR–CBOE–86–25]

Self-Regulatory Organizations; Proposed Rule Change by the Chicago Board Options Exchange, Incorporated; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 22, 1986, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The Exchange will rebate to a market-maker his membership dues for one quarter upon satisfactory participation by the market-maker in the experimental use of mark sense cards for a designated two-month period.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The Exchange is experimenting with the use of mark sense cards on the trading floor.[1] The first experiment will be a two-month pilot using these cards in one options class group, consisting of the options classes of Hewlett-Packard and Bethlehem Steel. CBOE Indicates there will likely be other experiments with the use of these cards. The proposed rule change allows the Exchange to rebate one quarter of Exchange dues to any market-maker who satisfactorily participates in the experiment.

The proposed rule change is consistent with the Securities and Exchange Act of 1934 and section 6(b)(5) thereof, in particular, because it is designed to assist in the development of technologically advanced trading cards for the purpose of enhancing trade clearance, reporting, and processing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Divison of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–18912 Filed 8–20–86; 8:45 am]

BILLING CODE 8010–01–M

[1] Make sense cards are computer readable trading cards.

[Released No. 34–23537; File No. SR–MSRB–86–10]

Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board; Relating to Supervision

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1986, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

A. The Municipal Securities Rulemaking Board ("Board") is filing amendments to rule G–27 concerning supervision (hereafter referred to as "the proposed rule change"), as follows:

Rule G–27. Supervision.

[Brackets] indicate deletions.

(a) thru (c) (iii) No change.

No municipal securities broker or municipal securities dealer that maintains and enforces written supervisory procedures in accordance with the rules of a registered securities association, [rule 15b10–4 under the Act,] or rules or regulations of an appropriate regulatory agency, to the extent applicable to such municipal securities broker or municipal securities dealer, shall be required to adopt a separate set of written supervisory procedures for the conduct of its municipal securities business if the procedures established under such other rules or regulations meet the requirements of section (c) of this rule. Nothing herein contained shall be construed to require the person designated as responsible for supervising the activities with respect to municipal securities of a branch office or other location or unit to be physically located at such branch office or other location or unit.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) In December 1983, the Securities and Exchange Commission rescinded rule 15b10–4 "Supervision of Associated Persons" in light of amendments to the Securities Exchange Act which eliminated the Commission's SECO program. As a result, the rule 15b10–4 reference in Board rule G–27 on Supervision should be deleted.

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, which directs the Board to propose and adopt rules which are

. . . designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest . . . .

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change would not impose any burden on competition since it merely deletes a reference to a rescinded Commission rule in rule G–27.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 11, 1986.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 15, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–18914 Filed 8–20–86; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–23535; File No. SR–NYSE–86–23]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Option Fees

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is waiving its Options Trading Right ("OTR") transfer charge for all transfers (purchases or leases) contracted in the period from July 21 through October 24, 1986.

The Exchange is also instituting an Option Trading Right Holder ("OTRH") fee of $1,000 per year for all non-NYSE member OTRHs. The new fee will be effective September 1, 1986.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in section A, B, and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

When NYSE options trading began on September 23, 1983, the Exchange amended its Constitution to grant each member of the New York Stock Exchange a permanent OTR. Each member of the New York Futures Exchange ("NYFE") was granted a temporary OTR to last for three years from the start of trading. With the expiration of these temporary OTRs on September 23, 1986, these NYFE members must find another means of access to the options floor. Their choices are the purchase or lease of an OTR. To encourage transfers to permanent OTRH status, the Exchange is waiving for a period of approximately three months the fee imposed on transfers of OTRs by either sale or lease. The transfer charge is 5% of the last purchase price of an OTR, with a cap at $5,000. The waiver will apply to all transfers contracted between July 21 and October 24, 1986, inclusive, whether or not they involve a NYFE member.

Effective September 1, 1986, the Exchange is implementing an annual fee for all non-NYSE member Option Trading Right Holders ("OTRHs") of $1,000 per year, payable on a monthly basis. Until September 23, 1986 those members of the NYFE who are using their temporary OTRs will not be charged this new OTRH fee. Regular NYSE members, including those members who are also OTRHs, pay an annual membership fee of $1,500 established by Article X of the NYSE Constitution and will pay no additional annual fee for trading in the NYSE Options market. Implementation of this fee will more reasonably allocate the costs of the options trading facility, as well as the other services the Exchange provides, to those parties using the facilities. The proposed fees are similar to fees collected by other exchanges.

The statutory basis under the Securities Exchange Act of 1934 (the "Act") is section 6(b)(4) and its requirement that a national securities exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed fees were reviewed and approved by the Options Subcommittee on Market Performance, comprised of Exchange members and representatives of member organizations.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 11, 1986.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 14, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–18915 Filed 8–20–86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–23533; File No. SR–PHLX–86–23]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Order Granting Accelerated Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 24, 1986, the Philadelphia Stock Exchange Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") proposes to amend Rule 1012 relating to series of options open for trading.

The following is the full text of the proposed rule change. (New language is italicized; deleted language is bracketed.)

Philadelphia Stock Exchange, Inc. Option Rules

* * * * *

Series of Options Open for Trading

Rule 1012. * * *

(b) On the business day prior to the expiration date of particular series of options, a closing rotation (as defined in Commentary .01 to Rule 1047) for such series shall commence at [4:00 p.m.] *4:10 p.m.* in the case of options on stocks.

* * *

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The rule change is merely a housekeeping matter that corresponds with an amendment to Rule 1047 (SR–PHLX–85–33) that has been approved by the Commission in Securities Exchange Act Release No. 22855 (February 4, 1986), 51 FR 5434. As a result of an oversight, Rule 1012 currently conflicts with the amendment to Rule 1047. This rule change is consistent with the Exchange Act in that it will harmonize Rule 1012 with the Commission approved substantive changes to the timing of certain closing rotations.

B. Self-Regulatory Organization's Statement on Competition

The Exchange believes that the proposed rule change will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Securities Exchange Act of 1934 ("Act") because the rule change is merely a "housekeeping matter" that corresponds with a previously approved amendment to Rule 1047. The Exchange states that the rule change will harmonize Rule 1012 with Rule 1047.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof because the proposed rule change conforms Phlx Rule 1012 with a previous approved amendment to Rule 1074, by which the Exchange extended, to 4:10 p.m., the time for commencement of closing rotations in equity options on the business day prior to expiration.[1]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications related to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within *21* days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18913 Filed 8-20-86; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No 22855 (February 4, 1986), 51 FR 5434.

[Release No. 34-23536; File No. SR-PCC-86-04]

Self-Regulatory Organizations; Proposed Rule Change by Pacific Clearing Corporation Relating to its Trades Settling Pacific Service

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on July 22, 1986, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

TSP is an interface operation that enables PCC members having New York executions to settle their trades at PCC without requiring them to become members of the National Securities Clearing Corporation ("NSCC") or the Depository Trust Company ("DTC"). To offer this service, PCC has joined NSCC as a full service member.

TSP offers trade settlement either through PCC's Continuous Net Settlement system ("CNS") or if the security is ineligible for CNS, through a delivery network for the handling of physicals.

Most TSP trades are eligible for CNS. Trades executed in New York are first entered into the NSCC clearing system. Trades eligible for CNS settlement at both NSCC and DTC will settle as any other interface (RIO) trade.

For executions ineligible for the bookentry system, TSP provides a link between NSCC's envelope delivery service and PCC's SCD service. A PCC New York messenger picks up physical deliveries from the NSCC window three times daily. PCC will process the envelopes in the box as a sealed draft through its present SCD system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

TSP is an interface operation that enables PCC members having New York executions to settle their trades at PCC without requiring them to become members of NSCC or DTC. This service exempts PCC members from the burden of direct NSCC/DTC membership fees.

TSP provides PCC members the opportunity to do an execution at a market of their choice and consolidate all their settlement activities in one clearing agency.

The proposed rule change is consistent with section 17A(b)(3)(F) of the Securities Exchange Act of 1934 ("Act"), in that it furthers the objectives of the Act with respect to supplementing the existing interface between registered clearing agencies, promoting the prompt and accurate clearance and settlement of securities transactions, fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and perfecting the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The proposed rule change also provides for the equitable allocation of reasonable fees and other charges among PCC members who use its services, and thus is also consistent with section 17A(b)(3)(D) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PCC perceives no burden on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth St., NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by September 11, 1986.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: August 15, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-18868 Filed 8-20-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 979]

Receipt of Application for a Permit for Pipeline Facilities To Be Constructed and Maintained on the Borders of the United States Polysar Hydrocarbons, Inc.

AGENCY: Department of State.

The Department of State has received an application from Polysar Hydrocarbons, Inc. for a permit, pursuant to Executive Order 11423 of August 20, 1968, to construct, connect, operate and maintain at the United States/Canada International Border four pipelines, crossing the St. Clair River between St. Clair County, Michigan and Lambton County, Ontario. Polysar Hydrocarbons, Inc. (a Michigan corporation having its principal office located in Akron, Ohio) is a wholly owned subsidiary of Polysar Limited, a Canadian international petrochemical company with its principal office located in Sarnia, Ontario, Canada. The pipelines to be constructed would be used for the transportation of natural gas liquids, propylene, and ethylene.

Dated: August 13, 1986.

W. Allen Wallis,

Under Secretary for Economic Affairs.

[FR Doc. 86-18877 Filed 8-20-86; 8:45 am]

BILLING CODE 4710-08-M

[Public Notice 978]

Privacy Act of 1974; New System of Records

Notice is hereby given that the Department of State proposes to create a new system of records, the "Bureau of Economic and Business Affairs Data Bank of Economic Officers, STATE-56," pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a(o)) and the Office of Management and Budget Circular No. A-130, Appendix I.

The Department's report was filed with the Office of Management and Budget on August 5, 1986.

Recently, the Secretary of State initiated significant steps to enhance the personnel and management policies of the Department in order to enable the Foreign Service to be more responsive to the complex economic priorities of the nation's foreign policy agenda. A major objective of this initiative is to insure that the Department is able to more effectively train, motivate, and utilize highly-qualified personnel who will be responsible for the development, negotiation, and implementation of international economic policy matters. A cornerstone of this effort is the Secretary's delegation to the Bureau of Economic and Business Affairs a significant role in the management of the Service's economic talent. The proposed system will facilitate the Bureau's function in the assignment process by providing a database which will include all individuals with primary or secondary economic skill codes. The Data Bank will contain information pertinent to the assignment process and will be utilized for that purpose only.

Any persons interested in commenting on the new system of records may do so by submitting comments in writing, on or before October 20, 1986, to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, DC 20520. This system of records will become effective October 20, 1986, unless a notice is published to the contrary. The new system, the "Bureau of Economic and Business Affairs, STATE-56," will read as set forth below.

Dated: August 5, 1986.

For the Secretary of State.

Donald J. Bouchard,

Assistant Secretary for Administration.

STATE-56

SYSTEM NAME:

Bureau of Economic and Business Affairs Data Bank of Economic Officers.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Bureau of Economic and Business Affairs, Executive Office, Department of State, 2201 C Street NW., Washington, DC 20520.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Foreign Service and Civil Service employees of the Department of State and other U.S. Foreign Affairs Agencies who have economics as a primary or secondary skill code; all International Relations Officers General (IROGs).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name; Social Security Account Number; current position, grade, organization functional skill, position pay class, transfer eligibility date, diplomatic title, tour type, arrival date; languages and competency levels; employment history; economic courses taken at the university level; and Bid List information including organization, location, position, position title, position pay class, language designation, officer preference, status of position in

personnel, status of position in the Bureau of Economic and Business Affairs, and comments submitted by employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Foreign Service Act of 1980, as amended, (22 U.S.C. 3901) and Civil Service Reform Act of 1978 (5 U.S.C. 1101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Bureau of Economic and Business Affairs will use this record system in the assignment, reassignment, transfer, detail, and training of those individuals with economics as a primary or secondary skill code. Information from this system will be made available to personnel offices of Government agencies having employment opportunities. Information may also be disclosed to multinational corporations, international organizations, business firms, foundations, and foreign governments who are interested in hiring an officer to perform a task commensurate with his/her work experience.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy, computer media.

RETRIEVABILITY:

By individual name or social security number, as well as by each of the data items listed as a category in this description.

SAFEGUARDS:

All employees of the Department of State have undergone a background security investigation. Access to the Department of State and its annexes is controlled by security guards, and admission is limited to those individuals possessing a valid identification card or individuals under proper escort. All records containing personal information are maintained in secured file cabinets or in restricted areas, access to which is limited to authorized personnel. All records containing personal information on a computerized data base are accessible only through computer media under Department of State jurisdiction and placed in restricted areas access to which is limited to authorized personnel. Access to computerized files is password-protected and under the direct responsibility of the system manager. The system manager has the capability of printing audit trails of access from the computer media, thereby permitting regular ad hoc monitoring of computer usage.

RETENTION AND DISPOSAL:

Biographic data may be maintained in the system for as long as the individual is employed by a U.S. Foreign Affairs Agency. Information pertaining to particular assignments will be maintained for the duration of the current bid cycle. More specific information may be obtained by writing to Director, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street NW., Washington, DC 20520.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Bureau of Economic and Business Affairs, Department of State, 2201 C Street, NW., Washington, DC 20520.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the EB Data Bank of Economic Officers might contain records pertaining to them should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, NW., Washington, DC 20520. The individual must specify that she/he wishes the records of the EB Data Bank of Economic Officers to be checked. At a minimum, the individual must include: date and place of birth; current mailing address and zip code; signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to themselves should write to the Information and Privacy Coordinator, Foreign Affairs Information Management Center (address above).

CONTESTING RECORD PROCEDURES:

(See above).

RECORD SOURCE CATEGORIES:

The individual employee and the Department's central personnel database.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 86-18603 Filed 8-20-86; 8:45 am]
BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80-2-69 established the first interim SFFL and Order 86-4-102 set the currently effective two-month SFFL applicable through May 31, 1986.

In establishing the SFFL for the two-month period beginning August 1, 1986, we have projected nonfuel costs based on the year ended March 31, 1986 data, and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department.

By Order 86-8-36 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic—0.9658
Latin America—1.1528
Pacific—1.1785
Canada—1.2074

FOR FURTHER INFORMATION CONTACT:
Julien R. Schrenk (202) 366-2441.

By the Department of Transportation.
Dated: August 16, 1986.

Matthew V. Scocozza,
Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-18883 Filed 8-20-86; 8:45 am]
BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 14, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0198
Form Number: ATF F 5110.28
Type of Review: Revision
Title: Distilled Spirits Plant (DSP) Processing Records and Report

Clearance Officer: Robert G. Masarsky (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

S.F. Timothy Mullen,

Departmental Reports Management Office.

[FR Doc. 86–18853 Filed 8–20–86; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: August 14, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS 8453–P
Type of Review: New
Title: U.S. Partnership Declaration for Magnetic Media/Electronic Filing

OMB Number: 1545–0054
Form Number: 1000
Type of Review: Extension
Title: Ownership Certificate

OMB Number: 1545–0115
Form Number: IRS Form 1099–MISC)
Type of Review: Revision
Title: Statement for Recipients of Miscellaneous Income

Clearance Officer: Garrick Shear (202) 566–6150, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224

OMB Reviewer: Robert Neal (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

S.F. Timothy Mullen,

Departmental Reports Management Office.

[FR Doc. 86–18854 Filed 8–20–86; 8:45 am]

BILLING CODE 4810-25-M

[Number: 150-02]

Establishment of Certain Offices in the National Office of the Internal Revenue Service

Dated: July 30, 1986.

By the authority vested in me as Secretary of the Treasury by section 1002 of 31 U.S.C.; section 7801(a) and 7803 of the Internal Revenue Code of 1954, as amended; section 321(b) of 31 U.S.C., and Reorganization Plan No. 1 of 1952 as made applicable to the Internal Revenue Code of 1954 by section 7804(a) of such Code and by Executive Order No. 10574, approved November 5, 1954; and as provided by section 7802(b) of the Internal Revenue Code of 1954, the following offices continue uninterrupted as they existed prior to this order, with the following changes:

The office of Assistant Commissioner (Support and Services) under the Associate Commissioner (Policy and Management) is abolished;

The title of Assistant Commissioner (Human Resources) is changed to Assistant Commissioner (Human Resources Management and Support); and

Certain functional responsibilities are moved from the Office of the Associate Commissioner (Policy and Management). Specifically, functional responsibility for disclosure and for administration of regulations governing the practice of representatives before the Service and the Bureau of Alcohol, Tobacco and Firearms are moved to the Associate Commissioner (Operations); functional responsibility for data security and for tax form and publication design is moved to the Associate Commissioner (Data Processing).

Also with this order, a paragraph on Assistant to the Commissioner (Legislative Liaison), published at the time of that position's creation, is dropped because that office is listed elsewhere, and other portions of text are resequenced and reworded solely for clarity, with no change in meaning.

1. *Office of Commissioner of Internal Revenue.* The Office of the Commissioner shall consist of the Commissioner, Deputy Commissioner, Assistants to the Commissioner, the Assistant to the Commissioner (Public Affairs), Assistant to the Commissioner (Legislative Liaison), Assistant to the Commissioner (Taxpayer Ombudsman), Assistant to the Commissioner (Equal Opportunity) and the Assistant to the Deputy Commissioner.

a. Except for the specific positions and titles in Sections 1 through 5 of this order, the Commissioner may create, abolish, or modify offices and positions within the Internal Revenue Service as may be necessary to effectively and efficiently provide for the administration of the tax laws or other responsibilities assigned to the Internal Revenue Service. The authority of the Commissioner to create, abolish, or modify offices under this delegation is subject only to limitations that exist by law or Department of the Treasury rules and regulations.

2. *Office of the Associate Commissioner (Operations).* The Associate Commissioner (Operations) is the principal advisor to the Commissioner on policy matters affecting operations. The Associate Commissioner (Operations) is responsible for the following activities:

a. Serves as the spokesperson for the operating functions, which are: Collection of delinquent accounts and securing of delinquent returns; investigation of criminal fraud involving any internal revenue laws (except those concerning alcohol, tobacco, or firearms); examination of tax returns; approval and subsequent examination of Employee Plans and Exempt Organizations; guidance on tax treaty administration, international compliance, and foreign tax administration assistance; disclosure; and administration of regulations governing the practice of representatives before the Internal Revenue Service and the Bureau of Alcohol; Tobacco and Firearms.

b. Supervises and provides policy guidance and direction to the Assistant Commissioner (Collection), Assistant Commissioner (Examination), Assistant Commissioner (Criminal Investigation), Assistant Commissioner (Employee Plans and Exempt Organizations); and the Assistant Commissioner (International).

c. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, foreign tax authorities and the public on major cross-functional issues and discusses or explains the Service's policy formulation and long-term plans.

3. *Office of Associate Commissioner (Policy of Management.)* The Associate Commissioner (Policy and Management) is the principal advisor to the Commissioner on policy matters affecting agency administration. The Associate Commissioner (Policy and Management) is responsible for the following activities:

a. Serves as the spokesperson for the management functions, which are: Personnel administration; financial

management; planning; research; training and employee development; management of the Service's real and personal property, equipment and support services; and operation of the Data Center.

b. Supervises and provides policy guidance and direction to the Assistant Commissioner (Human Resources Management and Support) and the Assistant Commissioner (Planning, Finance, and Research).

c. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, and the public on major policy and management issues, and discusses or explains the Service's policy formulation and long-term plans.

4. *Office of Associate Commissioner (Data Processing).* The Associate Commissioner (Data Processing) is the principal advisor to the Commissioner on policy matters affecting data processing. The Associate Commissioner (Data Processing) is responsible for the following activities:

a. Serves as the spokesperson for the data processing functions, which are: Processing of tax returns and information documents; accounting for all revenues collected by the Service; maintaining master files of all taxpayer accounts; managing all large-scale tax-processing computers in the Service; the tax information program; tax form and publication design; data security; and designing, developing, testing, and maintaining computer software used on large-scale tax-processing computers in the Service.

b. Supervises and provides policy guidance and direction to the Assistant Commissioner (Computer Services), the Assistant Commissioner (Returns and Information Processing), and the Assistant Commissioner (Tax System Redesign).

c. Represents the Service, as designated by the Commissioner, to the Department of the Treasury, Office of Management and Budget, Congress, and the public on major data processing issues, and discusses or explains the Services' policy formulation and long-term plans.

5. *The Assistant Commissioner (Inspection) and the Deputy Assistant Commissioner (Inspection)* will, to ensure objectivity and integrity, report directly to the Commissioner and Deputy Commissioner.

6. *The Chief Counsel,* pursuant to delegated authority from the General Counsel, is authorized to take necessary action on all personnel and administrative matters pertaining to the Office of Chief Counsel, including but not limited to those for the appointment, classification, promotion, demotion, reassignment, transfer or separation of officers or employees; however, all personnel and administrative matters concerning Senior Executive Service or Performance Management Recognition System employees in the Office of Associate Chief Counsel (International) whose primary duties do not involve litigation or in the Office of Associate Chief Counsel (Technical), shall be approved by the Commissioner of Internal Revenue prior to implementation.

a. The Corporation Tax and Individual Tax Divisions are under the supervision of the Chief Counsel, with the authority to supervise and evaluate the work of all officers and employees of these functions.

b. The Appeals Division is under the supervision of the Chief Counsel, and the Commissioner of Internal Revenue will exercise line supervision over the Chief Counsel for this function.

c. The Commissioner of Internal Revenue will exercise the Service's final authority concerning substantive interpretation of the tax laws as reflected in legislative and regulatory proposals, revenue rulings, letter rulings, and technical advice memoranda.

7. The above changes shall be implemented at a date determined by the Commissioner of Internal Revenue. Effective immediately, the Commissioner of Internal Revenue is authorized to effect, at appropriate times and in an orderly manner, such transfers of functions, personnel, positions, equipment and funds as may be necessary to implement the provisions of this order.

8. All offices in existence within the Internal Revenue Service but not mentioned in this order are continued without interruption.

9. *Effect on Other Treasury Department Orders.* This order supersedes Treasury Department Order: 150–02, February 27, 1986.

James A. Baker III,

Secretary of the Treasury.

[FR Doc. 18855 Filed 8–20–86; 8:45 am]

BILLNG CODE 4810-25-M

Office of the Secretary

Senior Executive Service; Performance Review Board

ACTION: This notice lists the membership of the Office of the Secretary Performance Review Board (PRB), superseding the list published in 51 FR 11868, April 7, 1986, in accordance with 5 U.S.C. 4313(c)(4).

Scope: This notice applies to all components within the Office of the Secretary, except the Legal Division.

Purpose: The purpose of the Board is to review performance appraisals, ratings, recommendations for performance awards, and other personnel actions, and to make recommendations to the appointing authority, who is the Deputy Secretary or his designee.

Composition of PRB: Each session of the Performance Review Board will be attended by the Chairperson or his designee and at least two of the members listed below. The Board will be composed of more than 50 percent career appointees in cases involving the appraisal of an SES career appointee. The names and titles of the PRB members are as follows:

Chairperson, John F.W. Rogers, Assistant Secretary of the Treasury (Management)
Paul W. Bateman, Deputy Treasurer of the United States
Thomas J. Berger, Deputy Assistant Secretary (International Monetary Affairs)
William J. Bremner, Deputy Assistant Secretary (Federal Finance)
Philip E. Carolan, Director of Personnel
Francis X. Cavanaugh, Director, Office of Government Finance and Market Analysis
James W. Conrow, Deputy Assistant Secretary (Developing Nations)
Paul H. Cooksey, Deputy Assistant Secretary (Management) for Administration
Roger M. Cooper, Deputy Assistant Secretary (Management) for Information Systems
Robert A. Cornell, Deputy Assistant Secretary (Trade and Investment Policy)
Stephen J. Entin, Deputy Assistant Secretary (Economic Forecasting)
Don Fullerton, Deputy Assistant Secretary (Tax Analysis)
Richard A. Greenstein, Director, Office of Information Resources Management
Michael F. Hill, Deputy Assistant Secretary for Departmental Management
Michael R. Hill, Inspector General
J. Michael Hudson, Assistant Secretary (Legislative Affairs)
Francis A. Keating, II, Assistant Secretary (Enforcement)
Jill E. Kent, Deputy Assistant Secretary (Departmental Finance and Planning)
Arthur W. Long, Senior National Intelligence Adviser
J. Roger Mentz, Assistant Secretary (Tax Policy)

David C. Mulford, Assistant Secretary (International Affairs)
S.F. Timothy Mullen, Director, Office of Administrative Programs
Gerald Murphy, Fiscal Assistant Secretary
Robert P. Newcomb, Director, Office of Trade and Tariff Affairs
Thomas P. O'Malley, Director, Office of Procurement
Katherine D. Ortega, Treasurer of the United States
David D. Queen, Deputy Assistant Secretary (Enforcement)
Charles Schotta, Deputy Assistant Secretary (Arabian Peninsula Affairs)
Charles O. Sethness, Assistant Secretary (Domestic Finance)
Margaret D. Tutwiler, Assistant Secretary (Public Affairs and Public Liaison)
D. Edward Wilson, Jr., Deputy General Counsel
Robert B. Zoellick, Executive Secretary to the Department

FOR FURTHER INFORMATION CONTACT: Jack R. Howard, Acting Executive Secretary, PRB, Room 1314, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, Telephone: (202) 566–5468. This notice does not meet the Department's criteria for significant regulations.

John F.W. Rogers,

Assistant Secretary of the Treasury (Management).

[FR Doc. 86–18852 Filed 8–20–86; 8:45 am]

BILLING CODE 4810–25–M

Customs Service

Importations Bearing Recorded U.S. Trademarks; Solicitation of Public Comment on Gray Market Policy Options

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period of time within which interested members of the public may submit comments concerning the importation of parallel imports, or so-called gray market goods, which are products manufactured overseas bearing genuine trademarks that are purchased from foreign retailers or wholesalers and imported into the U.S. without the permission of the individual or corporation who owns the rights to the trademark in the U.S. market. Customs regulations traditionally have interpreted existing U.S. law to permit these goods to enter the U.S. when the foreign and American owners of the trademark are "related". Three U.S. Courts of Appeal recently reached different conclusions concerning the validity of the regulations.

A previous solicitation for comments was published in the **Federal Register** on June 17, 1986 (51 FR 22005). Comments were to have been received on or before August 18, 1986. Customs has received several requests to extend the comment period because additional time is required to prepare reasonably responsive comments. Customs believes the requests have merit. Accordingly, the period of time for the submission of comments is extended to October 17, 1986.

DATE: Comments and/or data are requested on or before October 17, 1986.

ADDRESS: Comments and/or data may be submitted to and inspected at the Regulations Control Branch, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, DC 20229.

All comments and/or data submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), between 9:00 a.m. and 4:30 p.m. on normal business days, at the address above.

FOR FURTHER INFORMATION CONTACT: Steven Pinter, Entry, Licensing and Restricted Merchandise Branch (202–566–5765).

Dated: August 15, 1986.

John P. Simpson,

Director, Office of Regulations and Rulings.

[FR Doc. 86–18916 Filed 8–20–86; 8:45 am]

BILLING CODE 4820–02–M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C Chapter 35). This document contains a revision and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96–511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Dick Eisinger, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before October 21, 1986.

Dated: August 18, 1986.

By direction of the Administrator.

David Cox,

Associate Deputy Administrator for Management.

Revision

1. Department of Veterans Benefits.
2. Requests for Information Concerning Medical, Legal or Other Expenses.
3. VA Form 21–8416.
4. On occasion.
5. Individuals or households.
6. 56,400 responses.
7. 11,280 hours.
8. Not applicable.

Revision

1. Department of Veterans Benefits.
2. Certification of Delivery of Advance Payment and Enrollment.
3. VA Form 22–1999V.
4. On occassion.
5. State or local governments; Non-profit institutions; Small business or organizations.
6. 57,600 responses.
7. 4,800 hours.
8. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Income-Net Worth and Employment Statement.
3. VA Form 21–527.
4. On occasion.
5. Individuals or households.
6. 104,440 responses.
7. 104,440 hours.
8. Not applicable.

Extension

1. Department of Veterans Benefits.
2. Request for Employment Report in Connection with a Claim for Disability Insurance Benefits.
3. VA Form Letter 29–30a.
4. On occasion.
5. Individuals or households.
6. 8,198 responses.

7. 2,050 hours.
8. Not applicable.

Reinstatement

1. Department of Medicine and Surgery.
2. National Needs Assessment Study of Vietnam Veterans.
3. VA Form 10–20769c(NR) through 10–20769dd(NR)
4. On occasion.
5. Individuals or households.
6. 9,738 responses.
7. 16,535 hours.
8. Not applicable.

[FR Doc. 86–18890 Filed 8–20–86; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 162
Thursday, August 21, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FARM CREDIT ADMINISTRATION

SUMMARY: Notice is hereby given pursuant to the Government in the Sunshine Act (5 U.S.C. 5526(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board ("Board").

DATE AND TIME: The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 15, 1986, from 3:00 p.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Auberger, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This special meeting of the Farm Credit Administration Board will be closed to the public pursuant to exemption prescribed in 5 U.S.C. 5526(c)(8) and (9). The meeting is being called to discuss examination and supervision matters.

Dated: August 15, 1986.

Frank W. Naylor, Jr.,

Chairman, Farm Credit Administration Board.

[FR Doc. 86–18959 Filed 8–21–86; 11:30 am]

BILLING CODE 6705–01–M

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NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 27110, July 29, 1986.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, August 5, 1986.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was added to the agenda and discussed in closed session.

7. *Opinion and Order:* Administrator v. Towner, Docket SE–7497, disposition of the appeals of both parties.

CONTACT PERSON FOR MORE INFORMATION: H. Ray Smith (202) 386–6527.

Ray Smith,

Federal Register Liaison Officer.

August 18, 1986.

[FR Doc. 86–18967 Filed 8–19–86; 12:07 pm]

BILLING CODE 7533–01–M

3

NATIONAL TRANSPORTATION SAFETY BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 28912, August 12, 1986.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, August 19, 1986.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following two items were deleted and the last item was added to the agenda.

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.

Board Response to FAA Petition for Rulemaking, "Regulation of VFR Cruising Altitude of Flight Level."

CONTACT PERSON FOR MORE INFORMATION: H. Ray Smith (202) 386–6527.

Ray Smith,

Federal Register Liaison Officer.

August 18, 1986.

[FR Doc. 86–18968 Filed 8–19–86; 12:07 pm]

BILLING CODE 7533–01–M

4

NUCLEAR REGULATORY COMMISSION

DATES: Weeks of August 18, 25, September 1, and 8, 1986.

PLACE: Commissioners' Conference Room 1717 H Street NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of August 18

No Commission meetings

Week of August 25—Tentative

Thursday, August 28

2:00 p.m.
Affirmation Meeting (Public Meeting) (if needed)

Week of September 1—Tentative

Wednesday, September 3

10:00 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)

2:00 p.m.
Briefing on IAEA Chernobyl Meeting (Open/Closed to be Determined)

Thursday, September 4

2:00 p.m.
Discussion/Possible Vote on Kerr-McGee Sequoyah Facility (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Comanche Peak Construction Permit Extension (*Postponed* from August 6)

Friday, September 5

10:00 a.m.
Discussion/Possible Vote on Full Power Operating License for Perry-1 (Public Meeting)

Week of September 8—Tentative

Thursday, September 11

2:00 p.m.
Meeting with the Advisory Committee on Reactor Safeguards on Standardization Policy Statement (Public Meeting)

3:30 p.m.
Affirmation Meeting (Public Meeting) (if needed)

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING) (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Andrew L. Bates,

Office of the Secretary.

August 14, 1986.

[FR Doc. 86–18923 Filed 8–19–86; 8:52 am]

BILLING CODE 7590–01–M

Federal Register

Thursday
August 21, 1986

Part II

Nuclear Regulatory Commission

10 CFR Part 50

Safety Goals for the Operations of Nuclear Power Plants; Correction and Republication of Policy Statement

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Safety Goals for the Operation of Nuclear Power Plants; Policy Statement; Correction and Republication

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement; correction and republication.

SUMMARY: This document corrects a number of typographical errors found in a policy statement that was published in the **Federal Register** on August 4, 1986 (51 FR 28044). The policy statement pertains to 10 CFR Part 50 and establishes goals that broadly define an acceptable level of radiological risk with regard to the operation of nuclear power plants. In addition, the policy statement is being republished in its entirety in order to highlight the key elements of the policy statement.

FOR FURTHER INFORMATION CONTACT: Merrill Taylor, Regional Operations and Generic Requirements Staff, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–4356.

In FR Doc. 86–17496, published in the **Federal Register** of Monday, August 4, 1986, make the following corrections:

1. On page 28044, in the first column, in the Summary statement, in the 12th line, the word "Commission" should read "Committee".

2. On page 28044, in the third column, in the 6th line, the word "on" should read "of", and in the 11th line following the word "everything" add the word "that".

3. On page 28045, in the heading of the first column, the word "This" should read "this".

4. On page 28045, in the second column, in the second complete paragraph, in the 13th line, the word "goals" should read "goal".

5. On page 28045, in the second column, the last word at the bottom of the column, "plants" should read "plant".

6. On page 28045, in the third column, in the third complete paragraph, in the 4th line, the last word "have" should read "has", and in the 11th line, the word "need" should read "needed".

7. On page 28046, in the first column, in the fourth paragraph under the C heading, in the 7th line, the word "exceed" should read "exceeds".

8. On page 28046, in the third column, in the second complete paragraph, in the 10th line, the word "estmates" should read "estimates".

9. On page 28047, in the first column, in the second paragraph under V, in the 2nd line, the word "goal" should read "goals".

10. On page 28047, in the first column, in the second paragraph under V, in the 18th line, the word "guidence" should read "guidance".

11. On page 28047, in the second column, in the 1st line, the word "Sitting" should read "Siting", and in the 2nd line, the word "in" should read "is".

12. On page 28047, in the third column, under General Performance Guideline, in the 2nd line, the phrase "to a low" should read "to an as low".

13. On page 28048, in the second column, in the second paragraph under Commissioner Bernthal's separate views, in the 4th line, place the word "does" between the words "it" and "all".

14. On page 28048, in the second column, in the last paragraph of the column, on the 7th line, the word "options" should read "option".

15. On page 28048, in the third column, in the 2nd line, the term "defense-in-dept" should read "defense-in-depth".

Dated at Bethesda, Maryland, this 14th day of August, 1986.

For the Nuclear Regulatory Commission.

John Philips,

Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration.

[FR Doc. 86–18771 Filed 8–20–86; 8:45 am]

BILLING CODE 7590-01

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10 CFR Part 50

Safety Goals for the Operations of Nuclear Power Plants; Policy Statement; Republication

[**Editorial Note.**—The following document was originally published at page 28044 in the issue of Monday, August 4, 1986. It is being republished in its entirety, with corrections, at the request of the agency.]

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement.

SUMMARY: This policy statement focuses on the risks to the public from nuclear power plant operation. Its objective is to establish goals that broadly define an acceptable level of radiological risk. In developing the policy statement, the NRC sponsored two public workshops during 1981, obtained public comments and held four public meetings during 1982, conducted a 2-year evaluation during 1983 to 1985, and received the views of its Advisory Committee on Reactor Safeguards.

The Commission has established two qualitative safety goals which are supported by two quantitative objectives. These two supporting objectives are based on the principle that nuclear risks should not be a significant addition to other societal risks. The Commission wants to make clear that no death attributable to nuclear power plant operation will ever be "acceptable" in the sense that the Commission would regard it as a routine or permissible event. The Commission is discussing acceptable risks, not acceptable deaths.

• The *qualitative safety goals* are as follows:

—Individual members of the public should be provided a level of protection from the consequences of nuclear power plant operation such that individuals bear no significant additional risk to life and health.

—Societal risks to life and health from nuclear power plant operation should be comparable to or less than the risks of generating electricity by viable competing technologies and should not be a significant addition to other societal risks.

• The following *quantitative objectives* are to be used in determining achievement of the above safety goals:

—The risk to an average individual in the vicinity of a nuclear power plant of prompt fatalities that might result from reactor accidents should not exceed one-tenth of one percent (0.1 percent) of the sum of prompt fatality risks resulting from other accidents to which members of the U.S. population are generally exposed.

—The risk to the population in the area near a nuclear power plant of cancer fatalities that might result from nuclear power plant operation should not exceed one-tenth of one percent

(0.1 percent) of the sum of cancer fatality risks resulting from all other causes.

EFFECTIVE DATE: August 4, 1986.

FOR FURTHER INFORMATION CONTACT: Merrill Taylor, Regional Operations and Generic Requirements Staff, Office of the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301/492–4356).

SUPPLEMENTARY INFORMATION: The following presents the Commission's Final Policy Statement on Safety Goals for the Operation of Nuclear Power Plants:

I. Introduction

A. Purpose and Scope

In its response to the recommendations of the President's Commission on the Accident at Three Mile Island, the Nuclear Regulatory Commission (NRC) stated that it was "prepared to move forward with an explicit policy statement on safety philosophy and the role of safety-cost tradeoffs in the NRC safety decisions." This policy statement is the result.

Current regulatory practices are believed to ensure that the basic statutory requirement, adequate protection of the public, is met. Nevertheless, current practices could be improved to provide a better means for testing the adequacy of and need for current and proposed regulatory requirements. The Commission believes that such improvement could lead to a more coherent and consistent regulation of nuclear power plants, a more predictable regulatory process, a public understanding of the regulatory criteria that the NRC applies, and public confidence in the safety of operating plants. This statement of NRC safety policy expresses the Commission's views on the level of risks to public health and safety that the industry should strive for in its nuclear power plants.

This policy statement focuses on the risks to the public from nuclear power plant operation. These are the risks from release of radioactive materials from the reactor to the environment from normal operations as well as from accidents. The Commission will refer to these risks as the risks of nuclear power plant operation. The risks from the nuclear fuel cycle are not included in the safety goals.

These fuel cycle risks have been considered in their own right and determined to be quite small. They will continue to receive careful consideration. The possible effects of sabotage or diversion of nuclear material are also not presently included in the safety goals. At present there is no basis on which to provide a measure of risk on these matters. It is the Commission's intention that everything that is needed will be done to keep these types of risks at their present very low level; and it is the Commission's expectation that efforts on this point will continue to be successful. With these exceptions, it is the Commission's intent that the risks from all the various initiating mechanisms be taken into account to the best of the capability of current evaluation techniques.

In the evaluation of nuclear power plant operation, the staff considers several types of releases. Current NRC practice addresses the risks to the public resulting from operating nuclear power plants. Before a nuclear power plant is licensed to operate, NRC prepares an environmental impact assessment which includes an evaluation of the radiological impacts of routine operation of the plant and accidents on the population in the region around the plant site. The assessment undergoes public comment and may be extensively probed in adjudicatory hearings. For all plants licensed to operate, NRC has found that there will be no measurable radiological impact on any member of the public from routine operation of the plant. (Reference: NRC staff calculations of radiological impact on humans contained in Final Environmental Statements for specific nuclear power plants; e.g., NUREG–0779, NUREG–0812, and NUREG–0854.)

The objective of the Commission's policy statement is to establish goals that broadly define an acceptable level of radiological risk that might be imposed on the public as a result of nuclear power plant operation. While this policy statement includes the risks of normal operation, as well as accidents, the Commission believes that because of compliance with Federal Radiation Council (FRC) guidance, (40 CFR Part 190), and NRC's regulations (10 CFR Part 20 and Appendix I to Part 50), the risks from routine emissions are small compared to the safety goals. Therefore, the Commission believes that these risks need not be routinely analyzed on a case-by-case basis in order to demonstrate conformance with the safety goals.

B. Development of this Statement of Safety Policy

In developing the policy statement, the Commission solicited and benefited from the information and suggestions provided by workshop discussions. NRC-sponsored workshops were held in Palo Alto, California, on April 1–3, 1981 and in Harpers Ferry, West Virginia, on July 23–24, 1981. The first workshop addressed general issues involved in developing safety goals. The second workshop focused on a discussion paper which presented proposed safety goals. Both workshops featured discussions among knowledgeable persons drawn from industry, public interest groups, universities, and elsewhere, who represented a broad range of perspectives and disciplines.

The NRC Office of Policy Evaluation submitted to the Commission for its consideration a Discussion Paper on Safety Goals for Nuclear Power Plants in November 1981 and a revised safety goal report in July 1982.

The Commission also took into consideration the comments and suggestions received from the public in response to the proposed Policy Statement on "Safety Goals for Nuclear Power Plants," published on February 17, 1982 (47 FR 7023). Following public comment, a revised Policy Statement was issued on March 14, 1983 (48 FR 10772) and a 2-year evaluation period began.

The Commission used the staff report and its recommendations that resulted from the 2-year evaluation of safety goals in developing this final Policy Statement. Additionally, the Commission had benefit of further comments from its Advisory Committee on Reactor Safeguards (ACRS) and by senior NRC management.

Based on the results of this information, the Commission has determined that the qualitative safety goals will remain unchanged from its March 1983 revised policy statement, and the Commission adopts these as its safety goals for the operation of nuclear power plants.

II. Qualitative Safety Goals

The Commission has decided to adopt qualitative safety goals that are supported by quantitative health effects objectives for use in the regulatory decisionmaking process. The Commission's first qualitative safety

goal is that the risk from nuclear power plant operation should not be a significant contributor to a person's risk of accidental death or injury. The intent is to require such a level of safety that individuals living or working near nuclear power plants should be able to go about their daily lives without special concern by virtue of their proximity to these plants. Thus, the Commission's first safety goal is—

Individual members of the public should be provided a level of protection from the consequences of nuclear power plant operation such that individuals bear no significant additional risk to life and health.

Even though protection of individual members of the public inherently provides substantial societal protection, the Commission also decided that a limit should be placed on the societal risks posed by nuclear power plant operation. The Commission also believes that the risks of nuclear power plant operation should be comparable to or less than the risks from other viable means of generating the same quantity of electrical energy. Thus, the Commission's second safety goal is—

Societal risks to life and health from nuclear power plant operation should be comparable to or less than the risks of generating electricity by viable competing technologies and should not be a significant addition to other societal risks.

The broad spectrum of expert opinion on the risks posed by electrical generation by coal and the absence of authoritative data make it impractical to calibrate nuclear safety goals by comparing them with coal risks based on what we know today. However, the Commission has established the quantitative health effects objectives in such a way that nuclear risks are not a significant addition to other societal risks.

Severe core damage accidents can lead to more serious accidents with the potential for life-threatening offsite release of radiation, for evacuation of members of the public, and for contamination of public property. Apart from their health and safety consequences, severe core damage accidents can erode public confidence in the safety of nuclear power and can lead to further instability and unpredictability for the industry. In order to avoid these adverse consequences, the Commission intends to continue to pursue a regulatory program that has as its objective providing reasonable assurance, while giving appropriate consideration to the uncertainties involved, that a severe core damage accident will not occur at a U.S. nuclear power plant.

III. Quantitative Objectives Used To Gauge Achievement of The Safety Goals

A. General Considerations

The quantitative health effects objectives establish NRC guidance for public protection which nuclear plant designers and operators should strive to achieve. A key element in formulating a qualitative safety goal whose achievement is measured by quantitative health effects objectives is to understand both the strengths and limitations of the techniques by which one judges whether the qualitative safety goal has been met.

A major step forward in the development and refinement of accident risk quantification was taken in the Reactor Safety Study (WASH–1400) completed in 1975. The objective of the Study was "to try to reach some meaningful conclusions about the risk of nuclear accidents." The Study did not directly address the question of what level of risk from nuclear accidents was acceptable.

Since the completion of the Reactor Safety Study, further progress in developing probabilistic risk assessment and in accumulating relevant data has led to a recognition that it is feasible to begin to use quantitative safety objectives for limited purposes. However, because of the sizable uncertainties still present in the methods and the gaps in the data base—essential elements needed to gauge whether the objectives have been achieved—the quantitative objectives should be viewed as aiming points or numerical benchmarks of performance. In particular, because of the present limitations in the state of the art of quantitatively estimating risks, the quantitative health effects objectives are not a substitute for existing regulations.

The Commission recognizes the importance of mitigating the consequences of a core-melt accident and continues to emphasize features such as containment, siting in less populated areas, and emergency planning as integral parts of the defense-in-depth concept associated with its accident prevention and mitigation philosophy.

B. Quantitative Risk Objectives

The Commission wants to make clear at the beginning of this section that no death attributable to nuclear power plant operation will ever be "acceptable" in the sense that the Commission would regard it as a routine or permissible event. We are discussing acceptable risks, not acceptable deaths. In any fatal accident, a course of conduct posing an acceptable risk at one moment results in an unacceptable death moments later. This is true whether one speaks of driving, swimming, flying or generating electricity from coal. Each of these activities poses a calculable risk to society and to individuals. Some of those who accept the risk (or are part of a society that accepts risk) do not survive it. We intend that no such accidents will occur, but the possibility cannot be entirely eliminated. Furthermore, individual and societal risks from nuclear power plants are generally estimated to be considerably less than the risk that society is now exposed to from each of the other activities mentioned above.

C. Health Effects—Prompt and Latent Cancer Mortality Risks

The Commission has decided to adopt the following two health effects as the quantitative objectives concerning mortality risks to be used in determining achievement of the qualitative safety goals—

- *The risk to an average individual in the vicinity of a nuclear power plant of prompt fatalities that might result from reactor accidents should not exceed one-tenth of one percent (0.1 percent) of the sum of prompt fatality risks resulting from other accidents to which members of the U.S. population are generally exposed.*
- *The risk to the population in the area near a nuclear power plant of cancer fatalities that might result from nuclear power plant operation should not exceed one-tenth of one percent (0.1 percent) of the sum of cancer fatality risks resulting from all other causes.*

The Commission believes that this ratio of 0.1 percent appropriately reflects both of the qualitative goals—to provide that individuals and society bear no significant additional risk. However, this does not necessarily mean that an additional risk that exceeds 0.1 percent would by itself constitute a significant additional risk. The 0.1 percent ratio to other risks is low enough to support an expectation that people living or working near nuclear power plants would have no special concern due to the plant's proximity.

The average individual in the vicinity of the plant is defined as the average individual biologically (in terms of age and other risk factors) and locationally who resides within a mile from the plant site boundary. This means that the average individual is found by accumulating the estimated individual

risks and dividing by the number of individuals residing in the vicinity of the plant.

In applying the objective for individual risk of prompt fatality, the Commission has defined the vicinity as the area within 1 mile of the nuclear power plant site boundary, since calculations of the consequences of major reactor accidents suggest that individuals within a mile of the plant site boundary would generally be subject to the greatest risk of prompt death attributable to radiological causes. If there are no individuals residing within a mile of the plant boundary, an individual should, for evaluation purposes, be assumed to reside 1 mile from the site boundary.

In applying the objective for cancer fatalities as a population guideline for individuals in the area near the plant, the Commission has defined the population generally considered subject to significant risk as the population within 10 miles of the plant site. The bulk of significant exposures of the population to radiation would be concentrated within this distance, and thus this is the appropriate population for comparison with cancer fatality risks from all other causes. This objective would ensure that the estimated increase in the risk of delayed cancer fatalities from all potential radiation releases at a typical plant would be no more than a small fraction of the year-to-year normal variation in the expected cancer deaths from nonnuclear causes. Moreover, the prompt fatality objective for protecting individuals generally provides even greater protection to the population as a whole. That is, if the quantitiative objective for prompt fatality is met for individuals in the immediate vicinity of the plant, the estimated risk of delayed cancer fatality to persons within 10 miles of the plant and beyond would generally be much lower than the quantitative objective for cancer fatality. Thus, compliance with the prompt fatality objective applied to individuals close to the plant would generally mean that the aggregate estimated societal risk would be a number of times lower than it would be if compliance with just the objective applied to the population as a whole were involved. The distance for averaging the cancer fatality risk was taken as 50 miles in the 1983 policy statement. The change to 10 miles could be viewed to provide additional protection to individuals in the vicinity of the plant, although analyses indicate that this objective for cancer fatality will not be the controlling one. It also provides more representative societal protection, since the risk to the people beyond 10 miles will be less than the risk to the people within 10 miles.

IV. Treatment of Uncertainties

The Commission is aware that uncertainties are not caused by use of quantitative methodology in decisionmaking but are merely highlighted through use of the quantification process. Confidence in the use of probabilistic and risk assessment techniques has steadily improved since the time these were used in the Reactor Safety Study. In fact, through use of quantitative techniques, important uncertainties have been and continue to be brought into better focus and may even be reduced compared to those that would remain with sole reliance on deterministic decisionmaking. To the extent practicable, the Commission intends to ensure that the quantitative techniques used for regulatory decisionmaking take into account the potential uncertainties that exist so that an estimate can be made on the confidence level to be ascribed to the quantitative results.

The Commission has adopted the use of mean estimates for purposes of implementing the quantitative objectives of this safety goal policy (i.e., the mortality risk objectives). Use of the mean estimates comports with the customary practices for cost-benefit analyses and it is the correct usage for purposes of the mortality risk comparisons. Use of mean estimates does not however resolve the need to quantify (to the extent reasonable) and understand those important uncertainties involved in the reactor accident risk predictions. A number of uncertainties (e.g., thermal-hydraulic assumptions and the phenomenology of core-melt progression, fission product release and transport, and containment loads and performance) arise because of a direct lack of severe accident experience or knowledge of accident phenomenology along with data related to probability distributions.

In such a situation, it is necessary that proper attention be given not only to the range of uncertainty surrounding probabilistic estimates, but also to the phenomenology that most influences the uncertainties. For this reason, sensitivity studies should be performed to determine those uncertainties most important to the probabilistic estimates. The results of sensitivity of studies should be displayed showing, for example, the range of variation together with the underlying science or engineering assumptions that dominate this variation. Depending on the decision needs, the probabilistic results should also be reasonably balanced and supported through use of deterministic arguments. In this way, judgements can be made by the decisionmaker about the degree of confidence to be given to these estimates and assumptions. This is a key part of the process of determining the degree of regulatory conservatism that may be warranted for particular decisions. This defense-in-depth approach is expected to continue to ensure the protection of public health and safety.

V. Guidelines For Regulatory Implementation

The Commission approves use of the qualitative safety goals, including use of the quantitative health effects objectives in the regulatory decisionmaking process. The Commission recognizes that the safety goal can provide a useful tool by which the adequacy of regulations or regulatory decisions regarding changes to the regulations can be judged. Likewise, the safety goals could be of benefit in the much more difficult task of assessing whether existing plants, designed, constructed and operated to comply with past and current regulations, conform adequately with the intent of the safety goal policy.

However, in order to do this, the staff will require specific guidelines to use as a basis for determining whether a level of safety ascribed to a plant is consistent with the safety goal policy. As a separate matter, the Commission intends to review and approve guidance to the staff regarding such determinations. It is currently envisioned that this guidance would address matters such as plant performance guidelines, indicators for operational performance, and guidelines for conduct of cost-benefit analyses. This guidance would be derived from additional studies conducted by the staff and resulting in recommendations to the Commission. The guidance would be based on the following general performance guideline which is proposed by the Commission for further staff examination—

Consistent with the traditional defense-in-depth approach and the accident mitigation philosophy requiring reliable performance of containment systems, the overall mean frequency of a large release of radioactive materials to the environment from a reactor accident should be less than 1 in 1,000,000 per year of reactor operation.

To provide adequate protection of the public health and safety, current NRC regulations require conservatism in design, construction, testing, operation

and maintenance of nuclear power plants. A defense-in-depth approach has been mandated in order to prevent accidents from happening and to mitigate their consequences. Siting in less populated areas is emphasized. Furthermore, emergency response capabilities are mandated to provide additional defense-in-depth protection to the surrounding population.

These safety goals and these implementation guidelines are not meant as a substitute for NRC's regulations and do not relieve nuclear power plant permittees and licensees from complying with regulations. Nor are the safety goals and these implementation guidelines in and of themselves meant to serve as a sole basis for licensing decisions. However, if pursuant to these guidelines, information is developed that is applicable to a particular licensing decision, it may be considered as one factor in the licensing decision.

The additional views of Commissioner Asselstine and the separate views of Commissioner Bernthal are attached.

Dated at Washington, DC, this 30th day of July 1986.

For the Nuclear Regulatory Commission.

Lando W. Zech, Jr.,

Chairman.

Additional Views by Commissioner Asselstine on the Safety Goal Policy Statement

The commercial nuclear power industry started rather slowly and cautiously in the early 1960's. By the late 1960's and early 1970's the growth of the industry reached a feverish pace. New orders were coming in for regulatory review on almost a weekly basis. The result was the designs of the plants outpaced operational experience and the development of safety standards. As experience was gained in operational characteristics and in safety reviews, safety standards were developed or modified with a general trend toward stricter requirements. Thus, in the early 1970's, the industry demanded to know "how safe is safe enough." In this Safety Goal Policy Statement, the Commission is reaching a first attempt at answering the question. Much credit should go to Chairman Palladino's efforts over the past 5 years to develop this policy statement. I approve this policy statement but believe it needs to go further. There are four additional aspects which should have been addressed by the policy statement.

Containment Performance

First, I believe the Commission should have developed a policy on the relative emphasis to be given to accident prevention and accident mitigation. Such guidance is necessary to ensure that the principle of defense-in-depth is maintained. The Commission's Advisory Committee on Reactor Safeguards has repeatedly urged the Commission to do so. As a step in that direction, I offered for Commission consideration the following containment performance criterion:

> In order to assure a proper balance between accident prevention and accident mitigation, the mean frequency of containment failure in the event of a severe core damage accident should be less than 1 in 100 severe core damage accidents.

Since the Chernobyl accident, the nuclear industry has been trying to distance itself from the Chernobyl accident on the basis of the expected performance of the containments around the U.S. power reactors. Unfortunately, the industry and the Commission are unwilling to commit to a level of performance for the containments.

The argument has been made that we do not know how to develop containment performance criteria (accident mitigation) because core meltdown phenomena and containment response thereto are very complex and involve substantial uncertainties. On the other hand, to measure how close a plant comes to the quantitative guidelines contained in this policy statement and to perform analyses required by the Commission's backfit rule, one must perform just those kinds of analyses. I find these positions inconsistent.

The other argument against a containment performance criterion is that such a standard would overspecify the safety goal. However, a containment performance objective is an element of ensuring that the principle of defense-in-depth is maintained. Since we cannot rule out core meltdown accidents in the foreseeable future, given the current level of safety, I believe it unwise not to establish an expectation on the performance of the final barrier to a substantial release of radioactive materials to the environment, given a core meltdown.

General Performance Guideline

While I have previously supported an objective of reducing the risks to an as low as reasonably achievable level, the general performance guideline articulated in this policy (i.e., ". . . the overall mean frequency of a large release of radioactive materials to the environment from a reactor accident should be less than 1 in 1,000,000 per year of reactor operation.") is a suitable compromise. I believe it is an objective that is consistent with the recommendations of the Commission's chief safety officer and our Director of Research, and past urgings of the Advisory Committee on Reactor Safeguards. Unfortunately, the Commission stopped short of adopting this guideline as a performance objective in the policy statement, but I am encouraged that the Commission is willing at least to examine the possibility of adopting it. Achieving such a standard coupled with the containment performance objective given above would go a long way toward ensuring that the operating reactors successfully complete their useful lives and that the nuclear option remains a viable component of the nation's energy mix.

In addition to preferring adoption of this standard now, I also believe the Commission needs to define a "large release" of radioactive materials. I would have defined it as "a release that would result in a whole body dose of 5 rem to an individual located at the site boundary." This would be consistent with the EPA's emergency planning Protective Action Guidelines and with the level proposed by the NRC staff for defining an Extraordinary Nuclear Occurrence under the Price-Anderson Act. In adopting such a definition, the Commission would be saying that its objective is to ensure that there is no more than a 1 in 1,000,000 chance per year that the public would have to be evacuated from the vicinity of a nuclear reactor and that the waiver of defenses provisions of the Price-Anderson Act would be invoked. I believe this to be an appropriate objective in ensuring that there is no undue risk to the public health and safety associated with nuclear power.

Cost-Benefit Analyses

I believe it is long overdue for the Commission to decide the appropriate way to conduct cost-benefit analyses. The Commission's own regulations require these analyses, which play a substantial role in the decisionmaking on whether to improve safety. Yet, the Commission continues to postpone addressing this fundamental issue.

Future Reactors

In my view, this safety goal policy statement has been developed with a steady eye on the apparent level of safety already achieved by most of operating reactors. That level has been arrived at by a piecemeal approach to designing, constructing and upgrading of the plants over the years as experience

was gained with the plants and as the results of required research became available. Given the performance of the current generation of plants, I believe a safety goal for these plants is not good enough for the future. This policy statement should have had a separate goal that would require substantially better plants for the next generation. To argue that the level of safety achieved by plant designs that are over 10 years old is good enough for the next generation is to have little faith in the ingenuity of engineers and in the potential for nuclear technology. I would have required the next generation of plants to be substantially safer than the currently operating plants.

Separate Views of Commissioner Bernthal on Safety Goals Policy

I do not disapprove of what has been said in this policy statement, but too much remains unsaid. The public is understandably desirous of reassurance since Chernobyl; the NRC staff needs clear guidance to carry out its responsibilities to assure public health and safety; the nuclear industry needs to plan for the future. All want and deserve to see clear, unambiguous, practical safety objectives that provide the Commission's answer to the question, "How safe is safe enough?" at U.S. nuclear power plants. The question remains unanswered.

It is unrealistic for the Commission to expect that society, for the foreseeable future, will judge nuclear power by the same standard as it does all other risks. The issue today is not so much calculated risk; the issue is public acceptance and, consistent with the intent of Congress, preservation of the nuclear option.

In these early decades of nuclear power, TMI-style incidents must be rendered so rare that we would expect to recount such an event only to our grandchildren. For today's population of reactors, that implies a probability for severe core damage of 10^{-4} per reactor year; for the longer term, it implies something better. I see this as a straightforward policy conclusion that every newspaper editor in the country understands only too well. If the Commission fails to set (and realize) this objective, then the nuclear option will cease to be credible before the end of the century. In other words, if TMI-style events were to occur with 10–15 year regularity, public acceptance of nuclear power would almost certainly fail.

And while the Commission's primary charge is to protect public health and safety, it is also the clear intent of Congress that the Commission, if possible, regulate in a way that preserves rather than jeopardizes the nuclear option. So, for example, if the Commission were to find 100 percent confidence in some impervious containment design, but ignored what was inside the containment, the primary mandate would be satisfied, but in all likelihood, the second would not. Consistent with the Commission's long-standing defense-in-depth philosophy, both core-melt and containment performance criteria should therefore be clearly stated parts of the Commission's safety goals.

In short, this pudding lacks a theme. Meaningful assurance to the public; substantive guidance to the NRC staff; the regulatory path to the future for the industry—all these should be provided by plainly stating that, consistent with the Commission's "defense-in-depth" philosophy:

(1) Severe core-damage accidents should not be expected, on average, to occur in the U.S. more than once in 100 years;

(2) Containment performance at nuclear power plants should be such that severe accidents with substantial offsite damages are not expected, on average, to occur in the U.S. more than once in 1,000 years;

(3) The goal for offsite consequences should be expected to be met after conservative consideration of the uncertainties associated with the estimated frequency of severe core-damage and the estimated mitigation thereof by containment.[1]

The term "substantial offsite damages" would correspond to the Commission's legal definition of "extraordinary nuclear occurrence." "Conservative consideration of associated uncertainties" should offer at least 90 percent confidence (typical good engineering judgment, I would hope) that the offsite release goal is met.

The broad core-melt and offsite-release goals should be met "for the average power plant"; i.e., for the aggregate of U.S. power plants. The decision to fix or not to fix a specific plant would then depend on achieving "the goal for offsite consequences." As a practical matter, this offsite societal risk objective would (and should) be significantly dependent on site-specific population density.

The absence of such explicit population density considerations in the Commission's 0.1 percent goals for offsite consequences deserves careful thought. Is it reasonable that Zion and Palo Verde, for example, be assigned the same theoretical "standard person" risk, even though they pose considerably different risks for the U.S. population as a whole? As they stand, these 0.1 percent goals do not explicitly include population density considerations; a power plant could be located in Central Park and still meet the Commission's quantitative offsite release standard.

I believe the Commission's standards should preserve the important principle that site-specific population density be quantitatively considered in formulating the Commission's societal risk objective; e.g., by requiring that for the *entire* U.S. population, the risk of fatal injury as a consequence of U.S. nuclear power plant operations should not exceed some appropriate specified fraction of the sum of the expected risk of fatality from all other hazards to which members of the U.S. population are generally exposed.

I am further concerned by the arbitrary nature of the 0.1 percent incremental "societal" health risk standard adopted by the Commission, a concept grounded in a purely subjective assessment of what the public might accept. The Commission should seriously consider a more rational standard, tied statistically to the average variations in natural exposure to radiation from all other sources.

Finally, as noted in its introductory comments, the Commission long ago committed to "move forward with an explicit policy statement on safety philosophy and the role of safety-cost tradeoffs in NRC safety decisions." While this policy statement may not be very "explicit", as discussed above, it contains nothing at all on the subject of " 'safety-cost' tradeoffs in NRC safety decisions." For example, *is* $1,000 per person-rem an appropriate cost-benefit standard for NRC regulatory action? While I have long argued that such fundamental decisions are more rightly the responsibility of Congress, the NRC staff continues to use its own ad-hoc judgment in lieu of either the Commission or the Congress speaking to the issue.

In summary, while the Commission has produced a document which is not in conflict with my broad philosophy in such matters, I doubt that the public expected a philosophical dissertation, however erudite. It is a tribute to Chairman Palladino's efforts that the Commission has come this far. But the task remains unfinished.

[1] Interestingly enough, the Commission has adopted proposed goals similar to the above core-melt and containment performance objectives—without clearly saying so. Taken together, the Commission's: (1) 0.1 percent offsite prompt fatality goals; (2) proposed 10^{-4} per-reactor-year "large offsite release" criterion; (3) commitment "to provide reasonable assurance . . . that a severe core-damage accident will not occur at a U.S. nuclear power plant," though they may be ill-defined, can be read to be more stringent than the plainly stated criteria suggested above.

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August 21, 1986

Part III

Department of Labor

Wage and Hour Division, Employment Standards Administration

29 CFR Part 530

Employment of Homeworkers in Certain Industries; Notice of Proposed Rulemaking

DEPARTMENT OF LABOR

Wage and Hour Division, Employment Standards Administration

29 CFR Part 530

Employment of Homeworkers in Certain Industries

AGENCY: Wage and Hour Division, ESA, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides a notice of proposed rulemaking on restrictions affecting the employment of industrial homeworkers in certain industries under section 11(d) of the Fair Labor Standards Act (FLSA). Under this proposal, any employer who would employ any homeworker in six currently restricted industries would be required to first obtain a certificate from the Department of Labor (the Department) authorizing such employment. Any such employer who did not first obtain a certificate could not legally employ any homeworkers (other than those homeworkers issued special certificates under certain specified conditions) and would be subject to the existing restrictions and sanctions provided by the FLSA .

DATE: Comments are due on or before October 20, 1986.

ADDRESS: Submit comments to Paula V. Smith, Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card.

FOR FURTHER INFORMATION CONTACT: Herbert J. Cohen, Deputy Administrator, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8305. This is not a toll free number.

SUPPLEMENTARY INFORMATION: .

Background

Statutory Provisions and Homework Regulations

Section 11(d) of the FLSA provides that the Secretary of Labor is "authorized to make such regulations and orders regulating, restricting or prohibiting industrial homework as are necessary or appropriate to prevent the circumvention or evasion of and to safeguard the minimum wage rate prescribed in this Act." Pursuant to this authority, the Secretary has issued regulations, published as Part 530 of Title 29 of the Code of Federal Regulations. As originally issued in the 1940's, these regulations restricted the employment of industrial homework in seven industries: knitted outerwear; women's apparel; jewelry manufacturing; gloves and mittens; button and buckle manufacturing; handkerchief manufacturing; and embroideries. Homework in other industries has not been restricted. The regulations essentially provide that the production of goods in these restricted industries may not be carried on by employees in or about a home, apartment, tenement, or room in a residential establishment except by a certified homeworker. Under specified conditions, an employer may obtain a certificate for employees who are unable to adjust to factory work because of age or physical or mental disability or who are unable to leave home because their presence is required to care for an invalid there. Individuals may also be employed as industrial homeworkers in the restricted industries under the supervision of a sheltered workship without obtaining a certificate under Part 530.

Final Rule Establishing a Certification System in Knitted Outerwear Industry Effective December 5, 1984

In 1980, in light of the fact that the homework regulations had been in effect for almost 40 years without substantive revision, the Department undertook a review of the status of industrial homework. The Department published a proposal in the Federal Register on May 5, 1981 (46 FR 25108) to remove the existing restrictions on homework in all seven industries. On October 9, 1981, after reviewing the entire record, the Department issued a final rule rescinding the restrictions on the employment of homeworkers in the knitted outerwear industry only (46 FR 50348).

This rulemaking action was challenged in court by the International Ladies' Garment Workers' Union (ILGWU), various knitgoods manufacturers, the New York and California State Labor Commissioners, and others who sought to enjoin the rescission. The United States District Court for the District of Columbia upheld the rule. However, on November 29, 1983, the Court of Appeals for the District of Columbia Circuit vacated the rescission of the restriction and remanded the case to the district court resulting in the reinstatement of restrictions in the knitted outerwear industry on May 23, 1984.

The Court of Appeals ruled that the final rule had been promulgated in violation of the Administrative Procedure Act, in that the Department had failed to articulate adequately the reasons for its action (*ILGWU* v. *Donovan*, 722 F.2d 795 (D.C. Cir. 1983)). The court was concerned that the Department had failed to consider alternatives to the complete lifting of the ban, and that the record lacked factual support for the Department's assertion that an effective enforcement program would be feasible if the ban were lifted. In this connection, the court focused on four factors which arguably rendered the enforcement of the minimum wage for homeworkers difficult or impossible:

1. Difficulty of locating and identifying homeworkers;
2. Inadequate or nonexistent recordkeeping by employers and employees;
3. Strain on departmental resources required by excessive investigative time in homework cases; and
4. Difficulty in recovering back wages when violations were discovered.

Thereafter, the Department published a proposal on March 27, 1984 (49 FR 11786) to repromulgate a permanent rule rescinding the restrictions in knitted outerwear, and solicited comments on various alternatives to total rescission. A second comment period was announced on June 22, 1984 (49 FR 25641) inviting comments on the alternatives to total rescission, and in particular comments pertaining to licensing/registration of employers of industrial homeworkers.

On March 27, 1984, the Department also promulgated an "emergency" rule (49 FR 11792) temporarily rescinding the restrictions on homework in knitted outerwear for 120 days, to avoid potential disruption to homeworkers while the new rulemaking was pending. On May 8, 1984, the District Court ruled that the emergency rule was invalid, and ordered that it be rescinded forthwith.

On November 5, 1984, a final rule was published in the Federal Register (49 FR 44262) which permits the use of homeworkers in the knitted outerwear industry, provided the employer first obtains a certificate from the Department. Those knitted outerwear employers who do not obtain such certificates remain subject to the ban on homework and to the same restrictions applicable in the case of the other six restricted industries. The authority of the Department to promulgate this regulation was never challenged.

Inconsistencies in Current Regulations

Except for the 1981 and 1984 revisions to the homework regulations for the knitted outerwear industry, these

regulations have not been substantively changed since the early 1940s. The theory behind these regulations was that people working in their homes in these industries would invariably be abused through denial of federally mandated minimum wages. We know, today, however, that the prohibition on homework in these industries did not prevent homework from being done in them or prevent wage abuse of workers. We believe the prohibition on homework merely prevented homeworkers from reporting wage violations because reporting such violations would result in the loss of homework employment opportunity.

Today, we also know that many individuals prefer and choose to work at home instead of in a factory for a variety of personal reasons. These reasons include the desire to be at home to care for their children; an inability to afford the costs of employment outside the home including child care, clothing, transportation, and meals; a lack of transportation or difficulty in commuting to a factory; and a desire to work part-time and/or to be able to set their own work schedule. These individuals not only prefer to work at home, but consider the ability to work at home their right.

In the 1980s homework is being performed by men and women in a variety of industries throughout the country. Yet, homework remains prohibited in only six specific industries by regulations that have not been substantively changed since the 1940s.

The current regulations prohibit the manufacture at home of certain articles while other similar articles may be manufactured at home without restrictions. Men's apparel can be producted by a homeworker, while women's apparel cannot be produced at home. Bathrobes can be produced at home but housecoats cannot. Women's ski suits may be made at home, but infants ski suits may not. Leather watch straps can be produced at home while metal watch straps cannot. Golf gloves can be produced at home while work gloves cannot. Metal buttons can be produced at home while wooden buttons cannot. And, under the present certification system, a homeknitter whose employer has obtained a certificate may knit sweaters and hats at home, but may not knit mittens. The extension of the certification system to the remaining six industries would alleviate these inequities and inconsistencies in the current regulations.

Petitions To Lift the Remaining Restriction on Homework

Since the implementation of the certification system, the Department has received several petitions requesting amendment of Regulations Part 530 to rescind the remaining restrictions on homework.

On July 2, 1985, the President of Maine Brand Manufacturing, Inc., Houlton, Maine petitioned the Department to rescind the restrictions in the gloves and mittens industry.

On March 13, 1986, the Director of The Center on National Labor Policy also petitioned the Department to lift the restrictions in the gloves and mittens industry. He requested that the Department issue a regulation under the "emergency temporary rulemaking" procedures to protect homeworkers employed by the Tom Thumb Glove Co., Wilkesboro, North Carolina who may lose their jobs if the restrictions are not lifted.

On May 7, 1986, Congressman Stephen L. Neal forwarded a petition to the Secretary signed by 884 of his constituents in the Wilkesboro, North Carolina, area. The petition urged the lifting of all the restrictions on homework and cited the economic hardship these regulations are causing in the 5th Congressional District of North Carolina. The Department also received two other petitions with a total of 609 signatures, urging a rescission of all the restrictions on homework.

Opposition To Lifting the Remaining Restrictions on Homework

The ILGWU is strongly opposed to any further attempts to lift the restrictions on homework. When the Department published its existing rule permitting homework in the knitted outerwear industry under a certification system, the ILGWU stated it would not challenge the rule in court, but would view the new system as an experiment. The ILGWU stated it would closely monitor the enforcement experience of the Department for 12 to 24 months to give the Department a reasonable period of time to demonstrate that the certification system was a viable alternative to an outright ban on homework.

Between March 1984, and July 1986, the Department responded to several extensive requests under the Freedom of Information Act (FOIA) from the ILGWU and provided nearly 6750 pages of documents related to the homework enforcement program, particularly in the knitted outerwear industry.

In three meetings with the Department staff on April 14, 1986, June 12, 1986, and July 10, 1986, the ILGWU stated its opposition to any further deregulation of homework, and its contention that the enforcement effort to date in the knitted outerwear industry had been ineffective.

In addition to the ILGWU, other garment industry unions and manufacturer associations in the knitted outerwear and other restricted industries have expressed their opposition to deregulation of homework, although none of these parties formally challenged the present rule. The Amalgamated Clothing and Textile Workers Union (AFL–CIO) has joined the ILGWU in its opposition to extension of the certification system to other restricted industries, particularly the gloves and mittens industry.

Enforcement Experience in Knitted Outerwear Industry

The knitted outerwear certification program has been in place since December 1984. After 17 months, 58 certificates have been requested, of which 56 have been granted. Two employers were not issued certificates because of investigations revealing monetary and recordkeeping violations of the FLSA. In one of these cases, litigation has been instituted, and the other case is currently being considered for litigation. One certificate was revoked because of the firm's refusal to pay back wages due its employees.

All employers of homeworkers in the knitted outerwear industry who were issued certificates to employ homeworkers have been scheduled for investigation within 60 days of certification. During the 17 month period investigations were completed of 37 of the 58 firms which requested certificates. Seventeen firms requesting certificates were not investigated because they did not currently employ homeworkers covered by the FLSA. Investigations of the remaining firms were still in process.

Upon completion of the initial investigation, a reinvestigation of each employer has been scheduled for a future date not to exceed one year from the first investigation. Reinvestigations of four certified employers were completed as of April 30, 1986. These employers were found to be in compliance with the monetary provisions of the FLSA and three of the four have corrected the specific recordkeeping violations found in the initial investigations.

These investigations have been undertaken pursuant to the Department's enforcement program established specifically to assure FLSA protections for homeworkers in the

knitted outerwear industry. Under this enforcement program, the Department has closely monitored the certification system, and has provided extensive guidance and instructions to its compliance staff on the handling of investigations of certified and uncertified employers. The importance of the homework enforcement program has been continually emphasized in management conferences and staff meetings. The Field Operations Handbook (FOH) used by all Wage and Hour Division compliance staff has been regularly revised and updated to provide specific instructions regarding FLSA enforcement under the certification system. Included in these FOH instructions are detailed definitions of the knitted outerwear and other restricted industries; instructions regarding review of certificates and the conduct of time studies; a detailed listing of homeworker employer recordkeeping requirements; instructions on investigation leads; and special instructions for investigations of firms in the knitted outerwear industry.

The enforcement experience in knitted outerwear has demonstrated the effectiveness of the certification program in improving the Department's ability to enforce the FLSA and in fostering FLSA compliance. During the pre-certification period of October 1981 through December 1984, 18 of 50 (36 percent) knitted outerwear homeworker investigations disclosed monetary violations which averaged $1,000 in back wages due per underpaid worker. By contrast, during the period of December 1984 through April 1986, 10 of 44 knitted outerwear homeworker investigations (23 percent) revealed monetary violations. Significantly, only 5 of 35 (14 percent) investigations of certified employers of knitted outerwear homeworkers disclosed monetary violations which averaged only $100 in back wages due per underpaid worker. The 14 percent violation rate for certified employers of knitted outerwear homeworkers since the certification process has been in place is extremely low in comparison with the results of all Wage-Hour investigations, which, although primarily based on complaints, historically disclose back wages due employees in 66 percent of the cases. The traditional pattern of back wage violations affecting homeworkers in the other (non-knitted outerwear) restricted industries has continued during the period of certification. Investigations of 123 firms using homeworkers in the other restricted industries that were completed between December 1984 through April 1986 disclosed back wages due employees in 44 (36 percent) of the cases, with an average underpayment of $340 per worker.

While 27 of the 35 (77 percent) certified employers investigated were in violation of one or more FLSA recordkeeping requirements, three out of the four employers for which reinvestigations were completed by April 30, 1986, had corrected the recordkeeping violations found in the initial investigation. It is important to note that the recordkeeping requirements for employers of homeworkers are much more stringent than the recordkeeping requirements for other employers subject to the FLSA. In addition to the records required of all employers who have employees subject to the FLSA minimum wage (including a record of daily and weekly hours worked), an employer of homeworkers must maintain records containing the following information for each and every homeworker employed:

(1) With respect to each lot of work:

(i) Date on which work is given out to worker, or begun by worker, and amount of such work given out or begun,

(ii) Date on which work is turned in by worker, and amount of such work,

(iii) Kind of articles worked on and operations performed,

(iv) Piece rates paid,

(v) Hours worked on each lot of work turned in,

(vi) Wages paid for each lot of work turned in,

(vii) Date of wage payment and pay period covered by payment.

(2) With respect to any agent, distributor, or contractor: The name and address of each such agent, distributor, or contractor through whom homework is distributed or collected and name and address of each homeworker to whom homework is distributed or from whom it is collected by each such agent, distributor, or contractor.

In addition, an employer of homeworkers must:

(1) Maintain homeworker handbooks for each homeworker;

(2) Distribute such handbooks to each homeworker employed;

(3) Assure that the required entries are made in the handbooks;

(4) See that the handbook remains in the possession of the homeworker until such time as the handbook is filled or the homeworker is no longer employed;

(5) Retain filled handbooks and those of former homeworkers for the required 2-year period.

All but one of the 27 employers with recordkeeping violations agreed to future compliance with these requirements. One employer refused to pay back wages due and stated she would no longer employ homeworkers. This employer's certificate was revoked.

The Department did not consider it appropriate to revoke the certificates of employers who, in the first investigation, were found to be in violation of one or more of the recordkeeping requirements. However, as a result of the high rate of recordkeeping violations in initial investigations, the Department has accelerated its enforcement efforts by scheduling reinvestigations of these employers within three months of the first investigation. Any employer who does not correct the recordkeeping or other violations found in the initial investigation will be subject to certificate revocation.

Thus, the Department's enforcement experience in the knitted outerwear industry demonstrates that the certification system has resulted in increased FLSA compliance in this industry, including compliance with the recordkeeping requirements.

In the first seventeen months of the certification program, the increased willingness of employers and homeworkers in the knitted outerwear industry to identify themselves has resolved a major obstacle to effective FLSA enforcement which existed prior to the certification program, namely, the difficulty of locating homeworkers and obtaining their cooperation in investigations. The ability of the Department to locate homeworkers under this program is demonstrated by the identification and investigation over the period December 1984—April 1986 of 44 knitted outerwear employers (35 certified and 9 noncertified employers) employing approximately 665 homeworkers during the first seventeen months of the certification program. The number of knitted outerwear employers investigation in the years from 1981 to 1984 prior to the certification system ranged from 8 to 20 annually.

As previously indicated, two applicants did not receive certificates, and these cases have been referred for consideration of litigation. The remaining seven noncertified employers in the knitted outerwear industry were advised of the requirement to obtain a certificate if they wished to employ homeworkers in the future. Two of these employers have gone out of business; and one employer is in a State which bans homework (Massachusetts), and was informed by the State that homework was illegal. The remaining four employers agreed to apply for a certificate should they wish to employ homeworkers. The Department has

scheduled reinvestigations of these employers.

Through investigations of certified employers, five leads were obtained identifying employers of homeworkers. One of these is among the 35 certified employers. The remaining four were being investigated or were scheduled for investigation as of April 30, 1986.

The certification program in knitted outerwear was implemented to permit law-abiding employers to employ homeworkers who want or need to work in their homes and to enable the Department to effectively enforce the FLSA with respect to such homeworkers. An informal telephone survey in May 1986 reflects that approximately 500 homeworkers are currently employed by certified knitted outerwear employees, at an estimated total annual payroll of over $3 million. It appears that these 500 homeworkers represent a sizable portion of the universe of homeworkers in the knitted outerwear industry. In the 1981 hearings, the testimony regarding estimates of the number of homeworkers in the industry indicated that there were fewer than 1000 homeworkers nationwide. In 1985, at the request of the Department, the Census Bureau prepared a Work at Home Tabulation based on the 1980 census which indicated there were less then 636 homeworkers in the knitted outerwear industry.

The experience under the knitted outerwear certification program has demonstrated that this program is an acceptable alternative to a total ban on the use of homeworkers in promoting FLSA compliance.

Increased Homeworker Enforcement Efforts

Since 1981, the Department has conducted a concerted compliance effort to detect violations of the FLSA among homeworkers. As part of this effort, the Department has given priority to investigating all complaints received involving homework and it has actively sought to ensure that homework activity, wherever it occurs, is in compliance with the FLSA. Between October 1981, and April 30, 1986, 1442 investigations of employees utilizing homeworkers were conducted, as compared with approximately 75 to 80 such investigations during the entire previous six-year period.

The Department is fully committed to maintaining a strong and effective FLSA enforcement program in industries utilizing homeworkers and will continue to provide a sufficient level of resources to insure the accomplishment of this goal.

It is the Department's view that the existing prohibition against homework in the remaining restricted industries has been counterproductive. Of prime significance is the fact that a ban on homework reduces an employee's incentive to file a complaint regarding minimum wage violations, since a successful complaint may lead to a loss of the homeworker's job. Unlike a certification system, a ban provides no alternative basis for identifying those firms employing homeworkers. Also, homework firms operating in the restricting industries are operating in violation of the law simply by employing homeworkers. Thus, these firms have little incentive to comply with the FLSA wage provisions, since, in any event, their very existence violates the FLSA, and if found by the Department, their homework operations must be discontinued regardless of any minimum wage or overtime pay violations.

The Department has carefully reviewed its experience with the certification system in the knitted outerwear industry which has been in effect since December 5, 1984, and believes that the FLSA can be effectively enforced under this system while allowing persons employed in this type of work the same basic freedom to work at home that is allowed to almost all other workers. Accordingly, the Department proposes to apply the same certification procedure to the remaining restricted industries.

Interest in Removing Remaining Restrictions on Homework

Since the implementation of the certification system in the knitted outerwear industry the Department has received five petitions with 1493 signatures requesting further deregulation of homework, as well as over 400 letters from individuals and organizations urging that the remaining homework restrictions be lifted. Among the reasons for wishing to work at home cited by employees are: the desire to be at home to care for their children; their inability to afford the costs of child care, transportation, clothing, and meals, if they had to work in a factory; the lack of transportation or the difficulty in commuting from their homes to a factory; their desire to set their own work schedules; and their ability to engage in farming operations or other pursuits while working part-time at home.

Individuals who write to the Department regarding the homework restrictions continually point out the inequity and incongruity of regulations which permit the manufacture at home of certain articles of clothing and prohibit the manufacture at home of other similar articles of clothing. For example homeknitters whose employer has obtained a certificate may knit sweaters and hats at home, but they may not knit mittens which are in a restricted industry. Men's apparel can be produced by a homeworker, while women's apparel cannot be produced at home. The extension of the certification system to the remaining six restricted industries will alleviate these inequities while permitting the Department to enforce compliance with the FLSA more effectively.

Scope of the Proposed Rule

Under the proposed rule, employers in the remaining six restricted industries who obtain certificates would be permitted to employ homeworkers, while employers without such certificates would continue to be subject to the existing prohibitions on the employment of homeworkers. The same certification procedures used in knitted outerwear would be used in all restricted industries. Employers legally utilizing homeworkers would be known to the Department and their compliance with the FLSA could be determined by investigation. Employers who do not identify themselves and obtain certificates would remain subject to the current restrictions on the use of homeworkers. Homeworkers who will be paid properly will not be deprived of employment opportunities and employers of homeworkers who fail to identify themselves could not legally employ homeworkers.

Under this rule, employers in the restricted industries who wish to utilize homeworkers will notify the Department of the name(s), physical address and mailing address of their firm(s). The certification procedure has been made as simple as possible in order to avoid unnecessary paperwork burdens.

Authorization for such firms to employ homeworkers may be denied or revoked should it be determined that they have failed to notify the Department of changes in the information already provided, or have failed to comply with any of the provisions of the FLSA.

The Department is prepared to commit the necessary resources and to use available sanctions where appropriate to ensure effective enforcement of this rule.

Violations of any provision of the FLSA could result in the employer's homeworker certificate being revoked for up to one year. In determining whether to deny a certificate or to revoke an existing certificate for FLSA

violations, the Department will give careful consideration to an employer's past compliance record and the employer's willingness to comply in the future and to restore the full amount of any back wages found due employees. Consistent with the existing provisions of Part 530, before a certificate is denied, interested parties will be given written notice and afforded an opportunity to demonstrate or achieve compliance. In appropriate circumstances, the Administrator of the Wage and Hour Division will afford an opportunity for a hearing to resolve a disputed matter. By this procedure, due process will be provided to affected employers.

Executive Order 12291

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

The proposed rule, if promulgated, will not have a significant effect on a substantial number of small entities. This conclusion is based on all information presently available to the Department concerning the employment of homeworkers. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, the recordkeeping provisions that are included in this regulation have been or will be submitted for approval to the Office of Management and Budget (OMB).

This document was prepared under the direction and control of Paula V. Smith, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 530

Employment, Investigations, Labor, Law enforcement, Minimum wages, Wages, Licenses.

Accordingly, it is proposed to amend 29 CFR Part 530 as set forth below. In addition, the complete text of existing 29 CFR Part 530 is reprinted as an appendix solely for information purposes and ease of reference for interested parties. As indicated by the regulatory text below, the Department is proposing changes only to the introductory text of paragraph (c) and paragraph (c)(2)(i) of § 530.4 and comments are requested only on these paragraphs.

Signed at Washington, D.C., on this 15th day of August 1986.

William E. Brock,

Secretary of Labor.

Susan R. Meisinger,

Deputy Under Secretary for Employment Standards.

Paula V. Smith,

Administrator, Wage and Hour Division.

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

1. The authority citation for Part 530 is revised to read as set forth below and the authority citations following all of the sections in Part 530 are removed.

Authority: Sec. 11, 52 Stat. 1066 (29 U.S.C. 211) as amended by Sec. 9, 63 Stat. 910 (29 U.S.C. 211(d)); Secretary's Order No. 6–84, 49 FR 32473, August 14, 1984; and Employment Standards Order No. 85–01, June 5, 1985.

2. In § 530.4, the introductory text of paragraph (c) and paragraph (c)(2)(i) are revised to read as follows:

§ 530.4 Terms and conditions for the issuance of certificates.

* * * * *

(c) A certificate may be issued to an employer authorizing the employment of homeworkers in any industry defined in paragraphs (d) through (j) of § 530.1 of this part; this certificate may be issued irrespective of whether individual homeworkers meet the conditions set forth in paragraph (a) of this section. In the absence of a certificate, the employment of homeworkers in these industries is prohibited, and an employer violating this prohibition is subject to all the sanctions provided in this Act and in this subpart, including an injunction restraining the employment of homeworkers. Certificates authorizing such employment may be issued on the following terms and conditions upon written notice to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210:

* * * * *

(2) * * *

(1) Employment of homeworkers in an industry defined in paragraphs (d) through (j) of § 533.1 without a certificate may be cause for denial of a request for certification for a period of up to one year from the final date of the violation.

* * * * *

Appendix

Note.—The following is the existing text of 29 CFR Part 530 as it appears in the Code of Federal Regulations, revised as of July 1, 1986.

PART 530—EMPLOYMENT OF HOMEWORKERS IN CERTAIN INDUSTRIES

Sec.

Authority: Sec. 11, 52 Stat. 1066 (29 U.S.C. 211) as amended by sec. 9, 63 Stat. 910 (29 U.S.C. 211(d)); Secretary's Order No. 6–84, 49 FR 32473, Aug. 14, 1984; and Employment Standards Order No. 78–1, 43 FR 51469, Nov. 3, 1978, unless otherwise noted.

Source: 24 FR 729, Feb. 3, 1959, unless otherwise noted.

§ 530.1 Definitions.

(a) The meaning of the terms "person," "employ," "employer," "employee," "goods," and "production," as used in this part, is the same as in the Fair Labor Standards Act of 1938, as amended.

(b) "Industrial homeworker" and "homeworker," as used in this part, mean any employee employed or suffered or permitted to perform industrial homework for an employer.

(c) "Industrial homework," as used in this part, means the production by any person in or about a home, apartment, tenement, or room in a residential establishment of goods for an employer who suffers or permits such production, regardless of the source (whether obtained from an employer or elsewhere) of the materials used by the homeworker in such production.

(d) The women's apparel industry is defined as follows: The production of women's, misses' and juniors' dresses, washable service garments, blouses, and neckwear from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear, and

negligees from woven fabrics; corsets and other body supporting garments from any material; other garments similar to the foregoing; and infants; and children's outerwear.

(e) The jewelry manufacturing industry is defined as follows:

(1)(i) The manufacturing, processing, or assembling, wholly or partially from any material, of jewelry, commonly or commercially so known. Jewelry as used herein includes without limitation, religious, school, college, and fraternal insignia; articles of ornament or adornment designed to be worn on apparel or carried on or about the person, including, without limitation, cigar and cigarette cases, holders, and lighters; watch cases; metal mesh bags and metal watch bracelets; and chain, mesh, and parts for use in the manufacture of any of the articles included in this definition. Jewelry as used in this part does not include pocket knives, cigar cutters, badges, emblems, military and naval insignia, belt buckles, and handbag and pocketbook frames and clasps, or commercial compacts and vanity cases, except when made from or embellished with precious metals or precious, semiprecious, synthetic or imitation stones, or the assaying, refining, and smelting of base or precious metals.

(ii) The term "parts" as used in paragraph (e)(1)(i) of this section does not include parts which are used predominantly for products other than jewelry, such as springs, blades, and nail files. The term "commercial compacts and vanity cases" as used means compacts and vanity cases which bear the trade name or mark of a cosmetic manufacturer and are made for the purpose of distributing or advertising said cosmetics.

(2) The manufacturing, cutting, polishing, encrusting, engraving, and setting of precious, semiprecious, synthetic, and imitation stones.

(3) The manufacturing, drilling, and stringing of pearls, imitation pearls, and beads designed for use in the manufacture of jewelry.

(4) The term "hand-fashioned jewelry" as used in § 530.12(b) means articles of jewelry commonly known as genuine Navajo, Pueblo, Hopi, or Zuni handmade jewelry which in all elements of design, fashioning and ornamentation are handmade by methods and with the help of only such devices as permit the maker to determine the shape and design of each individual product: *Provided,* That silver used in the making of such jewelry shall be of at least nine hundred fineness, and that turquoise and other stones used shall be genuine stones, uncolored and untreated by artificial means: *And provided further,* That power machinery is permitted in the production of findings, in the cutting and polishing of stones, in the buffing and polishing of completed products, and in incidental functions. Equipment specifically prohibited shall include hand presses, foot presses, drop hammers, and similar equipment: *And provided further,* That solder may be of less silver content than nine hundred; *And provided further,* That findings may be mechanically made of any metal by Indians or others: *And provided further,* That turquoise and other stones may be cut and polished by Indians or others without restrictions as to methods or equipment used.

(f) The knitted outerwear industry is defined as follows: The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections, or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; and the manufacture of bathing suits from any purchased fabric: *Provided,* That the manufacturing, dyeing or other finishing of the following shall not be included:

(1) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(2) Fulled suitings, coatings, topcoatings, and overcoatings.

(3) Garments or garment accessories made from purchased fabric, except bathing suits.

(4) Gloves or mittens.

(5) Hosiery.

(6) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(7) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(8) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or fine: *Provided,* That this exception shall not be construed to exclude from the knitted outerwear industry and the manufacturing, dyeing, or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

(g) The gloves and mittens industry is defined as follows: The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens.

(h) The button and buckle manufacturing industry is defined as follows: The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal, for use on apparel.

(i) The handkerchief manufacturing industry is defined as follows: The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any materials.

(j) The embroideries industry is defined as follows: The production of all kinds of hand and machine-made embroideries and ornamental stitchings, including but not by way of limitation, tucking shirring, smocking, hemstitching, hand rolling, fagoting, Bonnez embroidery, appliqueing, crochet beading, hand drawing, machine drawing, rhinestone trimming, sequin trimming, spangle trimming, eyelets, passementerie, pleating, the application of rhinestones and nailheads, stamping and perforating of designs, Schiffli embroidery and laces, burnt-out laces and velvets, Swiss handmachine embroidery, thread splitting, embroidery thread cutting, scallop cutting, lace cutting, lace making-up, making-up of embroidered yard goods, straight cutting of embroidery and cutting out of embroidery, embroidery trimmings, bindings (not made in textile establishments), pipings and emblems: *Provided,* That (1) the foregoing when produced or performed by a manufacturer of a garment, fabric or other article for use on such garment, fabric or other article, and (2) the manufacture of covered buttons and buckles, shall not be included.

(Sec. 11, 52 Stat. 1066 (29 U.S.C. 211); Secretary's Order No. 16–75, 40 FR 55913, Dec. 2, 1975; and Employment Standards Order No. 78–1, 43 FR 51469, Nov. 3, 1978)

[24 FR 729, Feb. 3, 1959, as amended at 46 FR 50349, Oct. 9, 1981; 49 FR 22036, May 24, 1984]

§ 530.2 Restriction of homework.

Except as provided in § 530.4(c), no work in the industries defined in paragraphs (d) through (j) of § 530.1 shall be done in or about a home, apartment, tenement, or room in a residential establishment unless a special homework certificate issued and in effect pursuant to this part has been obtained for each homemaker or unless the homeworker is so engaged under the supervision of a Sheltered Workshop, as defined in § 525.2 of this chapter.

[49 FR 44270, Nov. 5, 1984]

§ 530.3 Application on official forms.

Certificates authorizing the employment of industrial homeworkers in the industries defined in § 530.1 may be issued on the following terms and conditions upon application therefore on forms provided by the Wage and Hour Division. Such forms shall be signed by both the homeworker and the employer.

(Approved by the Office of Management and Budget under control number 1215–0005)

[24 FR 729, Feb. 3, 1959, as amended at 49 FR 18294, Apr. 30, 1984]

§ 530.4 Terms and conditions for the issuance of certificates.

(a) Upon application by the homeworker and the employer on forms provided by the Wage and Hour Division, certificates may be issued to the applicant employer authorizing the employment of a particular worker in industrial homework in a particular industry, provided that the application is in proper form and sets forth facts showing that the worker:

(1)(i) Is unable to adjust to factory work because of age or physical or mental disability; or

(ii) Is unable to leave home because the worker's presence is required to care for an invalid in the home; and

(2)(i) Was engaged in industrial homework in the particular industry for which the certificate is applied, as such industry is defined in § 530.1, prior to: (*a*) April 4, 1942, in the button and buckle manufacturing industry; (*b*) November 2, 1942, in the embroideries industry; (*c*) April 1, 1941, in the gloves and mittens industry; (*d*) October 7, 1942, in the handkerchief manufacturing industry; (*e*) July 1, 1941, in the jewelry manufacturing industry; or (*f*) March 5, 1942, in the women's apparel industry, except that if this requirement shall result in unusual hardship to the individual homeworker it shall not be applied; or

(ii) Is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency.

(b) No homeworker shall perform industrial homework for more than one employer in the same industry, but homework employment in one industry shall not be a bar to the issuance of certificates for other industries.

(c) A certificate may be issued to an employer authorizing the employment of homeworkers in the knitted outerwear industry, as defined in § 530.1(f) of this part; this certificate may be issued irrespective of whether individual homeworkers meet the conditions set forth in paragraph (a) of this section. In the absence of a certificate, the employment of homeworkers in this industry is prohibited, and an employer violating this prohibition is subject to all the sanctions provided in this Act and in this subpart, including an injunction restraining the employment of homeworkers. Certificates authorizing such employment may be issued on the following terms and conditions upon written notice to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210:

(1) The notice of request for certification shall be signed by the employer and shall contain the name of the firm, its mailing address, and the physical location of the firm's principal place of business. The employer shall provide the Administrator, within thirty (30) days, a notice of each change of address of the principal place of business. The notification shall be in writing and addressed to the Administrator, Wage and Hour Division, Employment Standards Administration, 200 Constitution Avenue, NW., Washington, D.C. 20210. Such change of address shall be deemed effective upon receipt by the Administrator unless a later date is specified in the notice.

(2) A request for certification under this subpart may be denied for cause.

(i) Employment of homeworkers in the knitted outerwear industry without a certificate may be cause for denial of a request for certification for a period up to one year from the final date of the violation.

(ii) Failure to pay back wages found to be due as a result of a violation of sections 15(a)(2) or 15(a)(3) shall be cause for denial of a certificate until the back wages are paid.

(iii) Failure to pay civil money penalties determined to be owing for a violation of section 15(a)(4) shall be cause for denial of a certificate until the civil penalties are paid.

(iv) Violation of any provision of the FLSA or the regulations issued thereunder may be cause for denial of a certificate for a period of up to one year from the final date of the violation.

(v) An open investigation may result in the withholding of a certificate pending the conclusion and resolution thereof.

Before any certificate is denied, interested parties shall be notified in writing of the facts warranting such denial and afforded an opportunity to demonstrate or achieve compliance. In appropriate circumstances, the Administrator shall afford an opportunity for a hearing to resolve the disputed matter.

(3) An employer issued a certificate under this subpart may be subject to investigaton at any time to determine compliance with the provisions of the Fair Labor Standards Act.

(Information collection requirements contained in paragraph (a) were approved by the Office of Management and Budget under control number 1215–0005. Information collection requirements contained in paragraph (c) were approved under control number 1215–0159.)

(Secretary's Order No. 16–75, dated Nov. 25, 1975 (40 FR 55913); Employment Standards Order No. 76–2, dated Feb. 23, 1976 (41 FR 9016))

[24 FR 729, Feb. 3, 1959, as amended at 43 FR 28470, June 30, 1978; 46 FR 50349, Oct. 9, 1981; 49 FR 44270, Nov. 5, 1984]

§ 530.5 Investigation.

An investigation may be ordered in any case to obtain additional data or facts. A medical examination of the worker or invalid may be ordered or a certification of facts concerning eligibility for the certificate by designated officers of the State or Federal Government may be required.

§ 530.6 Termination of certificates.

(a) A certificate shall be valid under the terms set forth in the certificate for a period to be designated by the Administrator or his authorized representative. Application for renewal of any certificate shall be filed in the same manner as an original application under this part.

(b) No effective certificate shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and filed not less than 15 nor more than 30 days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a certificate, or withdrawal of the application. A "properly executed" application is one which contains the complete information required on the form.

[24 FR 729, Feb. 3, 1959, as amended at 27 FR 7020, July 25, 1962]

§ 530.7 Revocation and cancellation.

Any certificate may be revoked for cause at any time. Violation of any provision of the Fair Labor Standards Act shall be sufficient grounds for revocation of all certificates issued to an employer, in which event no certificates shall be issued to the offending employer for a period of up to one year. Before any certificate is cancelled, however, interested parties shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance. In appropriate

circumstances, the Administrator shall afford an opportunity for a hearing to resolve the disputed matter.

[49 FR 44271, Nov. 5, 1984]

§ 530.8 Preservation of certificates.

A copy of all certificates provided to the employer under this part shall be maintained for a period of at least three years after the last employment under the certificate.

[49 FR 44271, Nov. 5, 1984]

§ 530.9 Records and reports.

The issuance of a certificate shall not relieve the employer of the duty of maintaining the records required in the regulations in Part 516 of this chapter and failure to keep such records shall be sufficient cause for the cancellation of certificates issued to such an employer.

§ 530.10 Delegation of authority to grant, deny, or cancel a certificate.

The Administrator may from time to time designate and appoint members of the Administrator's staff or State Agencies as his authorized representatives with full power and authority to grant, deny, or cancel homework certificates.

(Secretary's Order No. 16–75, dated Nov. 25, 1975 (40 FR 55913); Employment Standards Order No. 76–2, dated Feb. 23, 1976 (41 FR 9016))

[43 FR 28470, June 30, 1978]

§ 530.11 Petition for review.

Any person aggrieved by the action of an authorized representative of the Administrator in granting or denying a certificate may, within 15 days thereafter or within such additional time as the Administrator for cause shown may allow, file with the Administrator a petition for review of the action of such representative praying for such relief as is desired. Such petition for review, if duly filed, will be acted upon by the Administrator or an authorized representative of the Administrator who took no part in the proceeding being reviewed. All interested parties will be afforded an opportunity to present their views in support of or in opposition to the matters prayed for in the petition.

§ 530.12 Special provisions.

(a) *Gloves and mittens industry.* Any certificate issued to an industrial homeworker by the New York State Department of Labor under paragraph II of Home Work Order No. 4 Restricting Industrial Homework in the Glove Industry, dated June 28, 1941, will be given effect by the Administrator as a certificate permitting the employment of the homeworker under the terms of § 530.4 for the period during which such certificate shall continue in force.

(b) *Jewelry manufacturing industry.* Nothing contained in the regulations in this part shall be construed to prohibit the employment, as homeworkers, of American Indians residing on the Navajo, Pueblo, and Hopi Indian Reservations, who are engaged in producing genuine hand-fashioned jewelry on the Indian reservations mentioned, provided the employment of such homeworker is in conformity with the following conditions:

(1) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall submit in duplicate to the regional office of the Wage and Hour Division for the region in which the employer's place of business is located, on April 1, August 1, and December 1 of each year, the name and address of such employee engaged during the preceding 4-month period in making hand-fashioned jewelry on Indian reservations;

(2) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall file copies of the piece rates in duplicate with the regional office of the Wage and Hour Division for the region in which the employer's place of business is located on April 1, August 1, and December 1 of each year, and

(3) That each employer of one or more Indian homeworkers engaged in making hand-fashioned jewelry on these Indian reservations shall keep, maintain, and have available for inspection by the Administrator or the Administrator's authorized representative at any time, records and reports showing with respect to each of the homeworkers engaged in making hand-fashioned jewelry on these Indian reservations, the following information:

(i) Name of the homeworker.

(ii) Address of the homeworker.

(iii) Date of birth of the homeworker, if under 19 years of age.

(iv) Description of work performed.

(v) Amount of cash wage payments made to the homeworker for each pay period.

(vi) Date of such payment.

(vii) Schedule of piece rates paid.

These records shall be kept by each employer for each of the employer's homeworkers engaged in making hand-fashioned jewelry on Indian reservations, as provided in this section, in lieu of the records required under §§ 516.2 and 516.31 of this chapter: *Provided, however,* That nothing in this section shall relieve an employer from maintaining all other records required by Part 516 of this chapter.

(Secretary's Order No. 16–75, dated Nov. 25, 1975 (40 FR 55913); Employment Standards Order No. 76–2, dated Feb. 23, 1976 (41 FR 9016))

[24 FR 729, Feb. 3, 1959, as amended at 43 FR 28470, June 30, 1978]

§ 530.13 Petition for amendment of regulations.

Any person wishing an amendment, addition, or revision of any of the terms of the foregoing regulations may submit in writing to the Administrator a petition setting forth the changes desired and reasons for proposing them. If upon inspection of the petition, or upon the Administrator's own motion, the Administrator believes that reasonable cause for amendment of the rules and regulations appears, the Administrator will, unless it is impractical, unnecessary, or contrary to the public interest to do so, either schedule a hearing with due notice to interested persons or make other provisions to afford interested persons opportunity to present their veiws in support of or in opposition to the proposed changes.

(Secretary's Order No. 16–75, dated Nov. 25, 1975 (40 FR 55913); Employment Standards Order No. 76–2, dated Feb. 23, 1976 (41 FR 9016))

[43 FR 28470, June 30, 1978]

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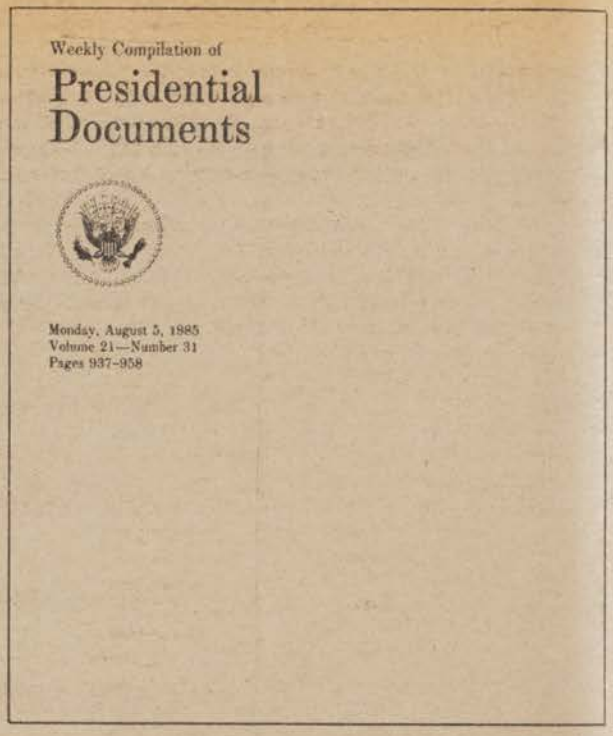

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