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Presidential Documents

Title 3—

The President

Memorandum of September 30, 1986

Annual Determination on Steel Industry Modernization

Memorandum for the United States Trade Representative

In accordance with Title VIII, Section 806 of the Trade and Tariff Act of 1984, you are hereby authorized and directed to report my determination to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, together with the attached report and the report of the United States International Trade Commission (USITC), on the efforts undertaken by the domestic steel industry to modernize and maintain its international competitiveness. The Act requires the major companies of the steel industry to commit substantially all of their net cash flow to investment in modern plant and equipment, and research and development; to maintain their international competitiveness in quality and cost, improve productivity, and control production costs; and to commit one percent or more of their net cash flow to worker retraining programs (which may be waived for unusual economic circumstances).

The attached report, together with the report prepared by the USITC at my direction and under the authority contained in Section 332(g) of the Tariff Act of 1930, enumerates the actions taken by the domestic industry consistent with an affirmative determination under Section 806. Based upon these reports and upon further examination of all available data, I hereby make an affirmative determination for the second annual period, and waive the application of Section 806(b)(1)(B) with respect to a major company which neither has nor reasonably anticipates significant unemployment.

This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, September 30, 1986.

[FR Doc. 86-22568
Filed 10-1-86; 3:15 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 529]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 529 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 227,961 cartons during the period October 5 through October 11, 1986. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 529 (§ 910.829) is effective for the period October 5 through October 11, 1986.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 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 will 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, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This regulation is consistent with the marketing policy for 1986-87. The committee met publicly on September 30, 1986, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommend a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market for lemons has improved slightly.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. The authority citation for 7 CFR Part 910 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C. 601-674.

2. Section 910.829 is added to read as follows:

§ 910.829 Lemon Regulation 529.

The quantity of lemons grown in California and Arizona which may be handled during the period October 5 through October 11, 1986, is established at 227,961 cartons.

Dated: October 1, 1986.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86-22604 Filed 10-2-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM82-38-001, etc.; Order No. 435-A]

Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers

Issued: September 29, 1986.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order denying rehearing and clarifying final rule.

SUMMARY: The Federal Energy Regulatory Commission denies rehearing of its final rule setting fees under the Independent Offices Appropriation Act for filings by electric utilities, cogenerators, and small power producers under the Federal Power Act and the Public Utility Regulatory Policies Act. This order also amends the final rule to make it clear that initial rate filings are subject to fees.

EFFECTIVE DATE: The amendments to 18 CFR 381.502 and 381.503 are effective November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Jan Macpherson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, (202) 357-8470.

SUPPLEMENTARY INFORMATION:

Order Denying Rehearing and Clarifying Final Rule

Issued: September 29, 1986.

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

I. Introduction

On September 30, 1985, the Federal Energy Regulatory Commission (Commission) issued a final rule [1] establishing fees under the Independent Offices Appropriation Act of 1952 (IOAA) [2] for the services the Commission provides to electric utilities, cogenerators, and small power producers under the Federal Power Act (FPA) [3] and the Public Utility Regulatory Policies Act of 1978 (PURPA).[4] The Commission established fees for twelve categories of filings, including three types of rate filings: Class 1 (filings with no rate impact or involving only rate decreases); Class 2 (filings that affect rates and that are not supported by Period II cost of service data); and Class 3 (filings that affect rates and that are supported by Period II cost of services data). The Commission received six timely petitions for rehearing or requests for clarification,[5] two untimely requests for rehearing,[6] and two "Motions to Intervene" requesting changes in the rule.[7] On November 25, 1985, the Commission issued an order granting rehearing for purposes of further consideration.[8]

Rehearing or clarification is requested on twelve issues: (1) The level of fees for rate filings; (2) the treatment of rate filings with little revenue effect; (3) the treatment of combined rate filings; (4) the treatment of filings adding purchasers; (5) the treatment of certificates of concurrence; (6) the treatment of notices of termination; (7) the treatment of economy or coordination transactions; (8) the treatment of successive filings of a standard contract; (9) the treatment of filings related to interconnection agreements; (10) the treatment of "borderline" filings; (11) the situation in which the fee will be passed through to an entity that is exempt from fees; and (12) the fee for certification as qualifying facility under PURPA. In addition to addressing these issues, this order amends the regulatory language to make it clear that initial rate filings are subject to fees.

II. Discussion

A. Level of Fees for Rate Filings

Iowa-Illinois argues that the fees for the three categories of rate schedule filings are unreasonable and excessive. It claims that these fees are not related to the amount of Commission processing time involved. Because of the level of the fees, utilities will delay filings until a large increase is needed, Iowa-Illinois states. According to Iowa-Illinois, the fee for rate filings made under the abbreviated filing requirements should be limited to no more than ten percent of the proposed increase.

The Commission does not agree. The fees established in the final rule are a direct result of reported time spent processing rate schedule filings. The derivation of the fee for each filing is explained in detail in the preamble to the final rule, and Iowa-Illinois has provided no evidence indicating any flaw in that derivation. Although some filings within a given category will take somewhat less time to process than others, use of a fee based on the average processing time for filings in each category is the most appropriate alternative to having a direct billing system for each individual rate filing. Such a direct billing system is not administratively practicable at present and is not required by the IOAA. As discussed in the preamble of the final rule, the IOAA allows an agency to determine its costs based on the best available records in the agency.[9]

Moreover, Congress intended that agencies become self-sustaining to the extent possible, and a ten percent cap on fees would undermine this goal by preventing the Commission from recouping its costs. For this reason, the fees in the final rule are based on the average time the Commission spends on a particular type of filing, not on the value of the filing to the applicant (*see* discussion in section B). If a utility contemplates using the Commission's services to receive permission to undertake a particular activity, that utility must decide beforehand whether the benefits to be obtained from the activity outweigh the various costs associated with the activity, *including the fee.*

With regard to Iowa-Illinois' argument that the level of the fees will cause utilities to delay rate filings until a large rate increase is needed, the Commission does not believe the effects of any such delays will be so onerous as to justify abandoning the methodology for determining fees adopted in the final rule. The fees are generally small in comparison to the size of most requested rate increases. Furthermore, the filing fee is a legitimate cost of service expense which the utility may recover from its customers.

Iowa-Illinois and Puget argue that the level of the fees for rate filings will discourage voluntary transmission arrangements. The Commission has stated that it wishes to encourage such arrangements.[10] The Commission must strike a reasonable balance between the IOAA policy that agencies become as self-sustaining as possible and the Commission's other policy goals. Moreover, the Commission dose not believe that its policy of encouraging such transactions requires it to forego charging the full applicable fee. It is unlikely that the fee for these filings will make most transactions unprofitable. It is not uncommon that a rate schedule filing establishes a rate for potential transactions over some period of time. In those cases, the fee cost is spread over an increasingly larger base as sales are transacted under the rate schedule, thus lessening its impact on individual transactions. Thus, the Commission does not believe the fee generally will discourage voluntary transmission agreements.

B. Rate Filings with Little Revenue Effect

FPL argues that the Commission should keep the old charge of $100 for rate schedule filings with little revenue

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[1] Order No. 435, 50 FR. 40, 347 (Oct. 3, 1985), III FERC Statutes & Regulations ¶ 30,663 (codified at 18 CFR Parts 32, 33, 34, 35, 36, 45, 101, 292, 375, and 381 (1986)).

[2] 31 U.S.C. 9701 (1982).

[3] 16 U.S.C. 792–828c (1982).

[4] 16 U.S.C. 2601–2645 (1982).

[5] These requests were from the Iowa-Illinois Gas and Electric Company (Iowa-Illinois), the American Electric Power Service Corporation (AEP), the New York State Electric & Gas Corporation (NYSEG), Public Entities, the Central Vermont Public Service Corporation (Central Vermont), and Decker Energy International, Inc. (Decker).

[6] These requests were from the Florida Power & Light Company (FPL) and the American Gas Association (AGA).

[7] These requests were from the Puget Sound Power and Light Company (Puget) and the Massachusetts Municipal Wholesale Electric Company (MMWEC).

[8] Anyone may request rehearing and has a right to have such a request considered as long as the request is timely. However, under section 313(a) of the FPA, a person who does not make a timely request for rehearing may not apply for judicial review. The filings by Puget Sound, MMWEC, FPL, and the AGA are not timely requests for rehearing under 18 CFR 385.713(b) (1986). The Commission will, however, consider the issues raised in their filings.

[9] 50 FR 40,347, 40,351 (Oct. 3, 1985).

[10] *See, e.g.*, Regulation of Electricity Sales-for-Resale and Transmission Services, Notice of Inquiry, 50 FR 23,445 (June 4, 1985), IV FERC Statutes and Regulations ¶ 35,518.

impact, such as minor amendments that merely identify delivery points. It says that applying the Class 1 filing fee to such minor amendments is unreasonable. FPL also states that the Class 1 fee fails to reflect the fact that in most such filings, the customers have agreed to the change. Puget makes a similar argument that short-term agreements and agreements with little effect on revenue (such as agreements under which Puget revises its rates to reflect an agreed-upon cost index) should be treated separately from other rate filings and assessed a lower fee. It states that the fee established in the final rule would often exceed the value of the transaction, thus discouraging these types of arrangements.

Puget also argues that under the IOAA, a fee must have some relation to the value of the service; thus, a filing with inconsequential rate effects should not be charged a fee larger than the value of the filing. This can be done in a manner that is not administratively burdensome, Puget argues, by creating a special category for such filings.

The Commission does not agree with Puget's claim that the IOAA requires fees to be based on the value of the service to the applicant. The Supreme Court noted in *National Cable Television Association v. U.S.*[11] that fees are to be based on the value of the service the agency performs. However, as the United States Court of Appeals for the District of Columbia Circuit noted later in *National Cable Television Association v. FCC*,[12] the Supreme Court meant that the value on which fees are based is "*not* . . . the value which the regulated party may immediately or eventually *derive* from the regulatory scheme, but . . . the value of the direct and indirect services which the agency *confers*."[13] Thus, the fees are properly based on the costs this agency incurs.

Moreover, it can be said of any fee that it might discourage some transactions. When the benefits of a transaction are small, even the utility's own administrative costs might outweigh the benefits. As noted above, utilities must decide whether the benefits of the transaction outweigh its various costs, including the fee.

In response to FPL's argument that the customers have agreed to the change in most instances, the Commission also notes that its staff must perform a complete analysis of the proposed transaction regardless of whether the customers have agreed to a change. Thus, costs are incurred whether the customers have agreed to the filing or not.

Finally, in further response to Puget's argument that the fees will discourage transactions with small revenue benefits, the Commission again notes that the IOAA requires agencies to be as self-sustaining as possible.

C. Combined Rate Filings

AEP argues that only one filing fee should be required when rate schedules are combined for filing and when the combined filing does not require substantially more review time than a similar filing for a single purchaser or party.

Although AEP has not described the situations in which combined filings would be made, the Commission believes that two possible situations exist. One situation is where the proposed transaction is characterized as a system sale involving affiliate utilities within the system. In that case, the Commission must consider not only the cost and market factors associated with the transaction from a system perspective, but also each affiliate selling utility's contribution to and effect on the system transaction. Thus, an analysis must be performed for each affiliate utility involved in the transaction. Consequently, a filing fee from each affiliate utility under this combined filing situation is appropriate.

The other situation is where a utility files rate changes for its various wholesale requirements customers in concurrent but separate applications. While this method of filing multiple concurrent changes separately is allowed by the Commission's regulations, the almost universal practice among utilities is to consolidate rate changes to all wholesale requirements customers into one application, incurring only one filing fee. If a utility chooses to file separately, a fee will be assessed for each individual application.

D. Adding Purchasers

AEP and Iowa-Illinois suggest that once a rate schedule has been approved, no additional fee should be imposed for adding another purchaser to the rate schedule.

The Commission does not agree that a fee should not be required for such filings because these filings do require staff analysis and processing resources. The staff must analyze the filing to determine whether the new customers will be provided the same service as existing customers, and must ensure that pertinent cost or market considerations have not changed significantly.

E. Certificates of Concurrence

When two utilities sell power to one another under the same rate schedule, one may file the rate schedule and the other may file a "certificate of concurrence."[14] Such a certificate simply states that the second utility agrees to a rate schedule filed by the first utility; that is, the rates, charges, terms, and conditions of service specified in the rate schedule are also applicable in instances where the second utility provides service.[15] Under the final rule, when the second utility files such a certificate, it is treated as an ordinary rate filing and is assessed the filing fee for the rate schedule filed by the first utility and agreed to in the certificate.

Iowa-Illinois argues that certificates of concurrence should not be treated as ordinary rate filings. It argues that a lesser fee should be charged in order to encourage the use of certificates of concurrence. It reasons that use of these certificates lessens workload for both the Commission and the utilities.

The Commission does not agree that certificates of concurrence take less time to process than ordinary rate filings. As noted in the preamble to the final rule,[16] a certificate of concurrence is simply a convenience for the utility allowing it to dispense with filing the rate schedule itself when that schedule has already been filed by another utility. Each selling utility must still file cost support for its rates, and the Commission must separately analyze the supporting data for each individual utility. Iowa-Illinois provides no support for its statement that use of certificates of concurrence lessens the Commission's workload.

Iowa-Illinois also challenges the statement in the preamble that treating certificates of concurrence as ordinary rate filings is consistent with the Commission's past practice.[17] According to Iowa-Illinois, the practice dates back only to April 2, 1984, when Iowa-Illinois was advised of a fee deficiency in one of its filings.

The Commission does not agree. Under the previous fees rule,[18] special treatment was not afforded to filings that included certificates of concurrence, even though applicants who did not submit fees with these filings inadvertently may not have been informed of any fee deficiency. Iowa-Illinois may not have been directly

[11] 415 U.S. 336 (1974).
[12] 554 F.2d 1094 (D.C. Cir. 1976).
[13] 554 F.2d at 1107 (emphasis in original).
[14] 18 CFR 35.1(a) (1986).
[15] 18 CFR 131.52 (1986).
[16] 50 FR 40,347, 40,348 (Oct. 3, 1985).
[17] *Id.*
[18] 18 CFR 36.2 (1985).

informed of the requirements of the old fees rule until the filing it mentions, but this does not change the fact that the old fees rule clearly required the full fee regardless of whether a certificate of concurrence was used in lieu of filing duplicate copies of a rate schedule.

F. Notices of Termination

AEP and Puget argue that notices of termination should not be assessed filing fee. Puget argues that the fee is excessive in relation to the allegedly small amount of review time involved. No substantive ratemaking is needed, Puget says. It also points out that in many instances, rate schedules terminate by their own terms, and argues that there is no rate "change" under these circumstances.

The Commission does not agree that termination filings necessarily require little review time. Rate schedules do not automatically terminate by their own terms. The contract between the parties may expire, but the rate schedule continues in effect until a termination filing is made and approved. Review of filings requesting termination is necessary to ensure that an adequate alternative power supply exists and that the change does not constitute undue discrimination or violate the antitrust laws. Thus, these termination filings will be charged the Class 1 fee when a notice of cancellation is filed.[19] The fee is simply one among the various costs associated with a transaction that a utility must consider in deciding whether the transaction will be profitable.

G. Economy or Coordination Transactions

When utilities interchange power with one another, it is called an "economy transaction" or a "coordination transaction." The Commission generally charges a Class 2 fee for the filing of such transactions. Public Entities and MMWEC argue that such transactions should be subject to a nominal fee or no fee. Public Entities argues that the Class 2 fee is excessive for these filings because the filings allegedly are simpler than other Class 2 filings and thus require less Commission processing time. Public Entities states that these transactions are often of very short duration and argues that where there is no general system tariff covering such a transaction, imposing a Class 2 filing fee on both initiating and terminating[20] the arrangement would make the transaction uneconomical. Public Entities points out that the Commission has recently stated a policy favoring coordination transactions.[21] As an alternative to the final rule, Public Entities suggests that fees be waived for economy transactions that are under six months in duration or involve less than $100,000.

The Commission disagrees with Public Entities and MMWEC. The Commission's staff must perform an analysis of a rate filing regardless of the duration of the transaction involved. Furthermore, it is not uncommon that a rate schedule filing for coordination transactions establishes a rate for potential transactions over some period of time. In those cases, the fee cost is spread over an increasingly larger base as sales are transacted under the rate schedule, thus lessening its impact on individual transactions. Thus, the Commission does not believe the fee generally will discourage coordination transactions.

H. Successive Filings of Standard Contracts

Central Vermont points out that utilities sometimes have a standard form of contract or rate schedule for a particular type of service which they file for each customer in a class. It states that under these circumstances, the Commission should charge a full Class 2 or Class 3 fee only for the first filing of the standard form, arguing that a full cost of service review is needed only for the first filing.

The Commission rejects Central Vermont's argument. If a selling utility chooses not to coordinate its rate change filings with the Commission, and instead makes separate filings at different times for individual customers, each subsequent filing constitutes a separate Class 2 or 3 rate change and incurs a separate fee. By definition, each subsequent filing constitutes a rate change for the particular purchaser; thus, it is a Class 2 or 3 rate change filing. Furthermore, although identical cost of service data may be incorporated in subsequent filings, Commission staff efforts are not necessarily reduced. In the case of coordination service filings, for instance, the staff must analyze whether cost or market factors have changed. This may involve additional review of cost data as well as other items, such as the regional competition for capacity; the generation mix of the buyers and sellers; the reciprocal relationship of the parties; the contribution toward the seller's fixed costs; and availability of transmission. Therefore, as noted above, either a Class 2 or a Class 3 fee will be assessed for successive filings. A utility must consider the fee along with all the other costs associated with the transaction in deciding whether the transaction will be worthwhile. Utilities are free, of course, to file a single tariff with the Commission with individual service agreements under the tariff in lieu of individual bilateral rate schedules with each purchaser.

I. Interconnection Agreement Filings Under Delegated Authority

Iowa-Illinois suggests that filings related to interconnection agreements that are usually handled by the Commission's Office of Electric Power Regulation (OEPR) under its delegated authority be treated separately from interconnection type filings that are the subject of Commission orders. It argues that these types of filings require less processing time than filings handled by the Commission and thus should be assessed a lower fee.

Filings processed under delegated authority do not necessarily take substantially less processing time than filings ruled upon by the Commission. Both OEPR and the Office of the General Counsel must still review the filing, regardless of whether it is ultimately dealt with by the Commission or by the Director of OEPR.

J. Borderline Filings

Utilities sometimes provide service to ultimate consumers located in the service (franchise) areas of neighboring utilities when it would be more expensive for the second utility to serve these customers—for instance, when the second utility would have to construct a transmission line over a mountain range in order to serve the customers. The first utility then bills the second utility at the first utility's retail rate level. These transactions are sales of electricity for resale and thus are subject to the Commission's jurisdiction.

NYSEG argues that uncontested borderline filings that are already approved by state utility commissions should not be considered Class 2 rate filings. It argues that its borderline filings require little review time because the rate levels have already been approved by the Public Service

[19] However, when a rate schedule is superseded by the filing or another rate schedule, a separate fee is not required, because the cancellation is subsumed within the filing of the superseding rate schedule.

[20] As noted above in section F, no fee is required for terminating a rate schedule when it is superseded by another rate filing. A separate termination filing would be assessed a Class 1 fee.

[21] *See, e.g.*, Regulation Electricity Sales-for-Resale and Transmission Services, Notice of Inquiry, Docket No. RM85-17-000,50 F.R 23,445, 23,446 (June 4, 1985), IV FERC Statutes and Regulations ¶ 35,518.

Commission of the State of New York (PSCNY). NYSEG also argues that the Class 2 filing fee would exceed the additional revenue generated by the sale in many cases.

Regardless of whether a state commission has approved a retail rate, borderline sales are wholesale sales under this Commission's jurisdiction. The Commission must ensure that they are just and reasonable under the FPA.[22] Thus, these filings do not necessarily take substantially less review and processing time than other filings in the same category. As with the other fees, the fees for these filings are part of the costs of the transaction, and utilities must consider all such costs before deciding whether to raise the rate.

NYSEG also claims that unless the fee is reduced, its other customers will be subsidizing the fee for its borderline customers. This is incorrect. Assuming proper cost allocation techniques are used by the various regulatory jurisdictions, the fee for the borderline sale will be specifically allocated to the borderline customers; otherwise, it will not be recovered by the utility. Thus, these customers will not be subsidized by other customers.

K. Fees Passed Through to Exempt Entities

Under the Commission's rules,[23] certain entities are exempt from fees. These entities are states, municipalities, and anyone engaged in official Federal business. Public Entities asks the Commission to state that a filing entity is exempt from fees when the transaction is for the benefit of an exempted entity and the fee flows directly to the exempted entity. Otherwise, according to Public Entities, the Commission would indirectly be charging filing fees to exempted entities.[24]

As the Commission pointed out in the preamble of the final rule,[25] the rule setting forth the exemption for certain public entities was promulgated in 1984 as part of the Commission's general rules applicable to all fees.[26] The period for requesting rehearing of that provision under EPA section 313(a) has long since passed. The rule at issue in this rehearing procedure sets forth specific fees for electric utilities, but makes no change in the general standards or procedures related to the Commission's fees program; the Commission merely pointed out in the preamble that the already promulgated exemption provision applies to certain public entities. Thus, this issue is inappropriate for rehearing. If Public Entities wishes to suggest a change to the exemption provision, it should petition for a new rulemaking under the Commission's Rule 207.[27]

L. Applications for Certification of Qualifying Status

The AGA objects to the $1,800 fee (now $1,400)[28] for an application for certification of qualifying status as a small power producer or cogenerator under PURPA. It argues that the fee will discourage these projects and points out that PURPA was intended to encourage them. The AGA challenges the statement in the preamble to the final rule that these projects generally require an investment of at least $120,000 and that the $1,800 fee is too small by comparison to be a serious disincentive. According to the AGA, many new cogeneration projects will cost much less than $120,000. It gives an example of a project being built by one of its members that it says will cost between $15,000 and $22,500. The AGA argues that the $1,800 filing fee would increase the cost of this project by a substantial percentage.

Commission certification of qualifying status is usually sought because the utility buying the project's power requires it or because the financing institution requires it. A large portion of qualifying facilities do not seek Commission certification, but rather declare that they are qualifying facilities under a procedure set forth in the Commission's regulations.[29] This procedure involves simply notifying the Commission that they meet certain criteria. No fee is required for filing such a notice of qualifying status.[30] Moreover, the fee for Commission certification is not large relative to most projects. The Commission concludes that the fee for Commission certification will not be a significant disincentive to congeneration or small power production projects.

The AGA also challenges the statement in the preamble of the final rule that the Commission's general waiver provision [31] provides additional insurance that the fee will not substantially discourage small power production or congeneration. That provision allows a waiver if the applicant demonstrates that the fee would cause "severe economic hardship." The applicant must show that paying the fee would place it in a state of financial distress. According to the AGA, that provision will not prevent small power production or congeneration projects from being discouraged because it allegedly is not available to a small but profitable company. The AGA argues that such a company will not receive a waiver simply because it is difficult for it to pay the fee. Thus, a company that can just barely afford to install a small congeneration facility probably would choose not to install the facility.

The AGA cites *Inter-City Minnesota Pipelines Ltd., Inc.*,[32] in which the Commission denied a waiver, to support its claim that the waiver provision will provide no relief in any instance in which the full filing fee is likely to prevent a congeneration or small power project from being built. However, the AGA misconstrues that case. The Commission said:

> We find that Inter-City *fails to demonstrate* severe economic hardship or circumstances indicating that it may be unable to pay. In its pleading, Inter-City *merely alleges* that "although the filing fee is not in excess of the amount that Inter-City can pay, payment will represent a financial hardship to this very small company." Such *statements* are not sufficient to warrant waiver of the filing fee. (Emphasis added.) [33]

[22] In NYSEG's case, the Commission has indicated (Docket No. ER78-321-000) that it would waive the cost support requirements of §§ 35.13 and 35.14 of the Commission's regulations, 18 CFR 35.13, 35.14 (1986), provided that NYSEG demonstrates that its borderline rates track its pertinent retail rates as approved by the PSCNY. The Commission's Staff must still review NYSEG's filings to ensure that they do in fact track the PSCNY's approved rates and they otherwise comply with general Commission policy and precedent.

[23] 18 CFR 381.108 (1986).

[24] As discussed below, the Commission does not believe that this argument is properly raised as a request for rehearing of this rule. However, on the merits, the Commission wishes to point out that adopting Public Entities' suggestion would eviscerate the fees program, since many wholesale sales are either directly or indirectly to exempted entities. The Commission does not believe that exempting such transactions from filing fees would be consistent with the intentions behind the IOAA.

[25] 50 FR 40,347 at 40,355 (Oct. 3, 1985).

[26] 18 CFR 381.108 (1986); Fees Applicable to General Activities, 49 FR 35,348 (Sept. 7, 1984), (codified at 18 CFR Parts 3, 375, 381, 385 and 389 (1986)) (Order No. 360).

[27] 18 CFR 385.207 (1986).

[28] The fees are revised every year to reflect updated data on the Commission's costs.

[29] 18 CFR 292.207(a)(2) (1986). About 30% of all qualifying facilities filed notices of qualification in fiscal year 1985. About 50% of all qualifying facilities have filed such notices thus far in fiscal year 1986. The percentage of the *smaller* facilities filing such notices is probably higher.

[30] Decker points out that although the rule itself imposes no fee, a footnote in the preamble, 50 FR 40,350 n.18 (Oct. 3, 1985), refers to both applications for certification and "self-certification." The Commission does not intend to charge a fee for notices of qualifying status.

[31] 18 CFR 381.106(a) (1986).

[32] 30 FERC ¶ 61,231 (1985).

[33] 30 FERC ¶ 61,231 at 61,460.

Inter-City failed to *factually support* its request for a waiver, as the underlined language makes clear. The case does not stand for the proposition that proven financial hardship does not justify a waiver. A waiver may be granted where the company demonstrates that payment of the fee would cause severe economic hardship. The fact that a company is solvent does not mean it cannot qualify, if payment of the fee would cause such hardship. Thus, the AGA is incorrect in its claim that the waiver provision provides no additional insurance that the fee for Commission certification will not significantly discourage cogeneration and small power production facilities.

M. Initial Rate Filings

The final rule does not make it clear that the Class 1 and 2 rate filing fees apply to initial as well as changed rates. Therefore, the Commission is clarifying the definition of "Class 1 rate schedule filings" in § 381.502(a) and the definition of "Class 2 rate schedule filings" in § 381.503(a) so that they refer to rate schedule "filings" rather than rate schedule "changes."

List of Subjects in 18 CFR Part 381

General fees.

In consideration of the foregoing, the Commission is amending Part 381, Subchapter X, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

PART 381—[AMENDED]

1. In Part 381, the Authority citation continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); Executive Order 12,009, 3 CFR 142 (1978); Independent Offices Appropriation Act, 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791a–825r (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1982).

2. Section 381.502 is amended by revising paragraph (a) to read as follows:

§ 381.502 Class 1 rate schedule filings.

(a) *Definition.* For purposes of this section, "Class 1 rate schedule filings" are rate schedule filings under sections 205 and 206 of the Federal Power Act having no effect on the rate the utility charges or involving only rate decreases.

* * * * *

3. Section 381.503 is amended by revising paragraph (a) to read as follows:

§ 381.503 Class 2 rate schedule filings.

(a) *Definition.* For purposes of this section, "Class 2 rate schedule filings" are rate schedule filings under sections 205 and 206 of the Federal Power Act and under § 35.13(a)(2) of this chapter that have an effect on the rate the utility charges and that are not supported by Period II data.

* * * * *

[FR Doc. 86–22444 Filed 10–2–86; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 86–177]

Consolidation of New Orleans, Gramercy, and Baton Rouge, LA, Customs Ports for Marine Purposes

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document consolidates the ports of entry of New Orleans, Gramercy, and Baton Rouge, Louisiana, for marine purposes only. This change will enable Customs to obtain more efficient use of its personnel, facilities, and resources. It will eliminate duplication of port functions and permit better control of staffing resources without impairing services to area businesses or the general public. Moreover, it will simplify vessel entry and clearance procedures and reduce expenses and paperwork for all parties involved thereby enabling Customs to provide better and more economical service to carriers, importers, and the public.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Operational Aspects: Richard C. Coleman, Office of Inspection (202–566–8157). Legal Aspects: Donald H. Reusch, Carriers, Drawback and Bonds Division (202–566–5706).

SUPPLEMENTARY INFORMATION:

Background

The Customs Service field organization currently consists of seven geographical regions further divided into districts, with ports of entry within each district. Customs ports of entry are locations (seaports, airports, or land border ports) where Customs officers or employees are assigned to accept entries of merchandise, collect duties, clear passengers, vehicles, vessels, and aircraft, examine baggage, and enforce the Customs and related laws.

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the public, by notice published in the **Federal Register** on April 10, 1986 (51 FR 12339), Customs proposed to consolidate, for marine purposes only, the ports of entry of New Orleans, Gramercy, and Baton Rouge, Louisiana, located in the New Orleans, Louisiana, Customs district in the South Central Region.

Insmuch as these ports are located within aproximately 60 miles of one another on the Mississippi River and perform similar services, it was estimated that the proposed consolidation would significantly reduce expenses without impairing Customs ability to provide services to area businesses or to the general public. The notice solicited public comment on the matter.

Discussion of Comments

Few comments were received in response to the notice. One from the New Orleans Steamship Association expressed general support for the consolidation. They welcome the elimination of duplicate port functions, the simplification of vessel entry and clearance procedures, and the reduction of paperwork and expenses. However, they voiced concerns that it might cause problems if different shipping agents are involved in the entry and clearance of vessels visiting more than one of the consolidated ports.

Customs does not believe that the consolidation will cause any particular burden for the public or the various elements of the industry. Any accommodations necessary to adapt to the consolidation should not block the benefits to the public and industry resulting from fewer entries and clearances. Splitting the responsibilities for entry and clearance between different shipping agents should not be a major problem for the industry.

The New Orleans Steamship Association was also concerned that the proposed consolidation was similar to the New Orleans Vessel One-Stop System (NOVOSS), a trial program in the three port area that tested the practice of consolidating the ports. The Association was concerned that the NOVOSS program would not be fully evaluated if the consolidation took place too quickly.

The New Orleans district director has indicated that the NOVOSS program has been accepted by the local shipping

industry and there was no reason to delay adopting the consolidation. Also, the district director noted that quick consolidation would be of benefit to the industry in regard to the payment of user fees for arriving vessels. [See T.D. 86–109, published in the **Federal Register** on June 11, 1986 (51 FR 21152), for an explanation of recently imposed user fees for obtaining Customs services.) Without legally binding regulatory amendments to consolidate the ports, a user fee would be required upon transacting Customs business at each port. After consolidation, one user fee can cover an entry even if it involves a vessel visiting more than one port in the consolidated port area.

After review of the comments and further analysis of the matter, Customs is adopting the proposal to consolidate the ports of entry of New Orleans, Gramercy, and Baton Rouge, Louisiana, for marine purposes only.

Under this change, the laws and regulations administered and enforced by Customs relating to the entry of merchandise will continue to apply at the ports of New Orleans, Gramercy, and Baton Rouge, with each of these ports retaining its port code as well as its current geographical limits. However, the three ports will be considered to be one port for the purposes of the navigation laws. All of the requirements prescribed by the navigation laws administered and enforced by Customs, such as reporting the arrival and making formal entry of vessels arriving at the consolidated marine port from a foreign or another U.S. port (depending upon the vessel's nationality); and obtaining a permit to proceed between the consolidated port and other U.S. ports, will have to be complied with, as is now the case in existing consolidated ports.

It is anticipated that the consolidation also will result in reducing penalties incurred under the navigation laws if carriers fail to enter and properly clear merchandise being shipped in a residue cargo movement within the consolidated marine port (i.e., the ports of New Orleans, Gramercy, and Baton Rouge), and will reduce paperwork for carriers, importers, and Customs because of the reduction of penalty cases.

These will be no change in the current geographical limits of each port. However, the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended to reflect the consolidation of these ports for the purposes of the navigation laws.

Executive Order 12291

Because this amendment relates to the organization of Customs, it is not a regulation or rule subject to E.O. 12291.

Regulatory Flexibility Act

It is certified that the provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are not applicable to this amendment because it will not have a significant economic impact on a substantial number of small entities.

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the U.S. to accommodate the volume of Customs-related activity in various parts of the country. Although the amendments may have a limited effect upon some small entities in the affected areas, it is not expected to be significant because changes in the Customs field organization in other areas have not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Government agencies).

PART 101—GENERAL PROVISIONS

1. The authority citation for Part 101 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1, 66, 1202 (Gen. Hdnote 11), 1624, Reorganization Plan 1 of 1965; 3 CFR 1965 Supp.

§ 101.3 [Amended]

2. To reflect this change, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), is amended as follows:

In the South Central Region—New Orleans La., Under the column headed "Name and headquarters", the following phrase is added under the listing "New Orleans, La.":

(The ports of New Orleans, Baton Rouge, and Gramercy, consolidated for purposes of the navigation laws. See T.D. 86–177.)

Drafting Information

The principal author of this document was John E. Doyle, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: September 9, 1986.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

[FR Doc. 86–22061 Filed 10–2–86; 8:45 am]

BILLING CODE 4820–02–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 270

[T.D. ATF–232; Correction]

Implementation of the Consolidated Omnibus Budget Reconciliation Act of 1985; Chewing Tobacco and Snuff

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

ACTION: Temporary rule (treasury decision); correction.

SUMMARY: This document corrects an error made in FR Doc. 86–17441, published in the **Federal Register** on August 5, 1986, at 51 FR 28078, which implemented Title XIII Subtitle B of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272, 100 Stat. 311).

FOR FURTHER INFORMATION CONTACT: Nancy Cook or Clifford A. Mullen, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6235, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226; (202) 566–7531.

SUPPLEMENTARY INFORMATION: In the middle column of page 28081, Paragraph 29, § 270.162 was inadvertently amended and should be revised to read as follows:

§ 270.162 Semimonthly tax return.

Every manufacturer of tobacco products shall file, for each of his factories, a semimonthly tax return on Form 5000.24 for each return period, including any period during which a manufacturer begins or discontinues business. The return shall be filed with the district director or the director of the service center in accordance with the instructions on the form. The manufacturer shall file the return at the time specified in § 270.165 regardless of whether tobacco products are removed or whether tax is due for that particular return period. However, when the manufacturer requests by letter and the regional director (compliance) grants specific authorization, the manufacturer

need not during the term of such authorization file a tax return for which tax is not due or payable.

Approved: September 24, 1986.

Stephen E. Higgins,

Director.

[FR Doc. 86-22405 Filed 10-2-86; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2603

Examination and Copying of Pension Benefit Guaranty Corporation Records

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation implementing the Freedom of Information Act. The amendment revises the uniform schedule of fees established by that regulation for document search and duplication in connection with Freedom of Information Act requests. This action is needed to reflect current salary scales and copying costs. The effect of the amendment is to increase the fees for document search and duplication.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Renae R. Hubbard, Special Counsel, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8850, or E. William FitzGerald, PBGC Disclosure Officer, Communication and Public Affairs Department, Code 38000, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8840 (202-778-8859 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation ("PBGC") is a Federal Government agency established to administer the pension plan insurance program under Title IV of the Employee Retirement Income Security Act of 1974, *as amended*, 29 U.S.C. 1001 *et seq.* (1982). Pursuant to section 552(a)(4) of the Freedom of Information Act, 5 U.S.C. 552, the PBGC has promulgated a regulation to implement the Freedom of Information Act, entitled Examination and Copying of Pension Benefit Guaranty Corporation Records (29 CFR Part 2603). On August 18, 1986, the PBGC published in the **Federal Register**, 51 FR 29497, a proposed amendment to § 2603.52 of that regulation that would increase the fees charged for document searches and for copies of records made available for inspection pursuant to Freedom of Information Act requests. The PBGC proposed to increase those fees to levels that more accurately reflect actual salary scales and copying costs as they exist in today's workplace. The PBGC received no comments on the proposal and hereby promulgates the amendment.

E.O. 12291 and the Regulatory Flexibility Act

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291 of February 17, 1981 (46 FR 13193) because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers, individual industries or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export-markets.The total amount of search and copying charges assessed by the PBGC for calendar year 1985 was $11,051.00. The PBGC does not expect the number of search and copying requests in future years to change significantly. Assuming that the number of requests for the calendar year 1986 will be equivalent to the number received for 1985, the increase in fees set forth in amended § 2603.52 will result in an increase in assessments of approximately 50%, or $5000, for calendar year 1986. Accordingly, the PBGC certifies pursuant to section 605 of the Regulatory Flexibility Act that this regulation will not have a significant economic impact on a substantial number of small entities. In light of this certification, compliance with sections 603 and 604 is waived.

List of Subjects in 29 CFR Part 2603

Freedom of information.

In consideration of the foregoing, the Pension Benefit Guaranty Corporation hereby amends Part 2603 of Subchapter A of Chapter XXVI, Title 29, Code of Federal Regulations, as follows:

PART 2603—[AMENDED]

1. The authority for Part 2603 is revised to read as follows:

Authority: 5 U.S.C. 552; sec. 4002(b)(3), Pub.L. 93-406, 88 Stat. 829, 1004, as amended by sec. 403(1), Pub.L. 96-364, 94 Stat. 1208, 1302 (29 U.S.C. 1302 (b) (3)).

2. In § 2603.52, paragraphs (a)(1) and (b)(1) are revised to read as follows:

§ 2603.52 Search and copying charges.

(a) * * *

(1) *Search time.* (i) Ordinary search by custodial or clerical personnel, $1.75 for each one-quarter hour or fraction thereof of employee worktime in excess of the first quarter-hour required to reach or obtain the records to be searched and to make the necessary search; and (ii) Search requiring services of professional or supervisory personnel to locate requested record, $4.00 for each such quarter-hour or fraction thereof of such services required in excess of the first quarter-hour required.

* * * * *

(b) * * *

(1) *Standard copying fee.* $0.15 for each page of record copies furnished. This standard fee is also applicable to the furnishing of copies of available computer printouts as stated in § 2603.53.

* * * * *

Issued in Washington, DC, this 29th day of Sept.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-22390 Filed 10-2-86; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-2779-3]

National Emission Standards for Hazardous Air Pollutants; Standards for Inorganic Arsenic

Correction

In FR Doc. 86-16408 beginning on page 27956 in the issue of Monday, August 4, 1986, make the following corrections:

1. On page 27960, in the third column, in the eleventh line from the bottom of the page, "on" should read "or".

2. On page 27970, in the second column, in the third complete paragraph, first line, "source" should read "sources".

3. On page 27973, in "Table III-1", in the fourth, fifth, and sixth column headings, "milligrams" should read "megagrams", and in the eighth column heading, "milligram" should read "megagram".

4. On the same page, in "Table III-2", in the third, fourth, and fifth column headings, "milligrams" should read "megagrams", and in the seventh column heading, "miligram" should read "megagram".

5. On page 27974, in "Table III–3", the first column heading, "Maximum lifetime risk" and the heading "Smelter" should be transposed.

6. On the same page, second column, after the Table, first complete paragraph, eighth line, "contains" should read "contain".

7. On the same page, third column, after the Table, last line, "practices" should read "practice".

8. On page 27975, second column, first complete paragraph, third line, "cooper" should read "copper".

9. On page 27979, second column, third line, "We" should read "He".

10. On page 27980, second column, seventh line from the bottom, "Morenic" should read "Morenci", and in the third column, fourteenth line, "of" should read "for".

11. On page 27981, first column above the Table, in the second line, "cooper" should read "copper".

12. On the same page, second column above the Table, first complete paragraph, eighth line, "every" should read "very".

13. On the same page, third column, first paragraph, under the heading "Control Technology", sixth line from the bottom of the paragraph, "(0.001 to 0.05 gr/dscf)" should read "(0.001 to 0.055 gr/dscf)".

14. On page 27986, third column, twelfth line, after "analysis" insert "assumed".

15. On page 27987, second column, fifteenth line, "on" should read "no".

16. On page 27988, third column, first complete paragraph, thirteenth line from the bottom of the paragraph, "reference" should read "references".

17. On page 27992, first column, under the heading "Compliance Provisions", second paragraph, fifth line, "be" should be removed.

18. On page 27995, in "Table IV–3", at the bottom of the page, third column heading, fourth line, "milligrams" should read "megagrams".

19. On page 27996, "Table IV–3 continued", third column heading, "milligrams" should read "megagrams", and at the end of "Table IV–3", in footnotes 1 and 2, "Milligrams" should read "Megagrams".

20. On the same page, in "Table IV–4", third column heading, "Manufactured" should read "Megagrams".

21. On page 27997, first column, under the heading "Selection of Standard", second paragraph, seventh line, after "cost" insert "of".

22. On page 27999, third column, second line, "furnace" should read "furnaces".

23. On page 28001, third column, first complete paragraph, second line from the bottom of the paragraph, "by" should read "be".

24. On page 28007, first column, under "Continuous Monitoring", second line, "exist" should read "exit".

25. On page 28008, first column, eleventh line, "candidate" was misspelled.

26. On page 28010, second column, first complete paragraph, fifth line, "conveyors" was misspelled.

27. On page 28012, third column, seventh line, "will-controlled" should read "well-controlled".

28. On page 28013, first column, first complete paragraph, sixteenth line, "agree" should read "degree".

29. On page 28014, first column, fourteenth line, "ae" should read "are".

30. On page 28015, second column, thirteenth and seventeenth lines, "smelter" should read "smelters".

31. On page 28021, third column, second complete paragraph, seventeenth line, "project" should read "product".

32. On page 28023, third column, second complete paragraph, fourth line, "date" should read "data".

33. On page 28025, first column, ninth line, "Owning" should read "Owing"

34. On the same page, first column, under the heading "Regulatory Flexibility Act Certification", last line, "ae" should read "are".

§ 61.161 [Corrected]

35. On the same page, second column, § 61.161, in the definition of "Arsenic-containing glass type", "naw" should read "raw".

§ 61.164 [Corrected]

36. On page 28026, second column, § 61.164 (b)(1), second line, "data" should read "date".

37. On page 28027, third column, § 61.164 (d)(4), second line, "to" should be removed.

§ 61.181 [Corrected]

38. On page 28033, first column, § 61.181, in the definition of "Inorganic arsenic", third line, "particular" should read "particulate".

Appendix B—[Corrected]

39. On page 28037, first column, in Appendix B, Method 108, in 3.3.5, first line, "Iodine" should read "Iodide".

40. On the same page, second column, in 3.3.11, first line, "Suitable" was misspelled.

41. On page 28040, first column, in 5.1, fourth line, "a ml" should read "5 ml".

BILLING CODE 1505-01-T

40 CFR Part 261

[SW-FRL-3090-7]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is announcing its decision to deny the petitions submitted by two petitioners to exclude their wastes from the hazardous waste lists. Both of the petitioners currently have temporary exclusions for the petitioned wastes. The Agency is today revoking these temporary exclusions. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Our basis for denying these petitions is that these petitions are incomplete (*i.e.*, the Agency does not have sufficient information to determine the hazardous or non-hazardous nature of the waste). The effect of this action is that all of this waste must be handled as hazardous in accordance with 40 CFR Parts 262–through 266, and Parts 270, 271, and 124.

EFFECTIVE DATE: The effective date of the revocation of these temporary exclusions and denial of these petitions is November 8, 1986.

ADDRESS: The RCRA regulatory public docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street SW. (Sub-basement), Washington, DC 20460, and is available for public viewing from 9:30 a.m. 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475–9327 or Kate Blow at (202) 382–4675 for appointments. The reference number for this docket is "F–86–02DF–FFFFF". The public may copy a maximum of 50 pages of materials from any one regulatory docket at no cost., Additional copies cost $.20/page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Ms. Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M

Street SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

I. Background

On April 29, 1986, EPA proposed to deny 16 petitions to exclude certain wastes from the hazardous waste lists (see 51 FR 15916–15919). The petitions were submitted by various companies pursuant to 40 CFR 260.20 and 260.22.

Throughout the course of the Agency's review of a petition, additional or supplemental information, other than that included in the initial submission, is normally required to enable the Agency to conduct a complete and informed evaluation of the petition. The acquisition and analysis of this additional information is necessary before a tentative determination (*i.e.*, a proposal to exclude or deny a petition) can be made for the petitioned wastes. Most of this information was requested because of the Hazardous and Solid Waste Amendments of 1984 (HSWA) (*i.e.*, the Agency now must consider all factors, including additional constituents, if there is a reasonable basis to believe that these factors could cause the waste to be hazardous).

In all of these cases, the Agency has made a number of requests for information from these facilities. The Agency made at least two written requests for information indicating the specific information the petitioner was to supply in order for the Agency to consider the petition complete. In addition, the Agency published a notice in the **Federal Register** of its intent to collect this information (see 49 *FR* 4802–4803, February 8, 1984). The proposed denial notice, published on April 29, 1986, provided yet another notification of the information required and provided a 45-day comment period for that additional information to be submitted to the Agency.

In some cases, the Agency has not heard from these petitioners in over a year. Waiting for the requested information has resulted in delays that have disrupted the continuity of the petition review process, and has created a backlog of petitions awaiting review. The Agency believes that we have given these petitioners an adequate period of time to provide this information. The Agency, therefore, is making final the denials of two petitions, as incomplete, since all the additional information requested has not been provided within a reasonable period of time.

II. Petition Denials

A. Proposed Denials

EPA proposed to deny 16 petitions requesting an exclusion for certain wastes. Our basis for this decision was that the additional information needed had not been provided within a reasonable period of time. The petitions were not complete and, consequently, the Agency could not determine whether the wastes are hazardous. (See 51 *FR* 15916–15919, April 29, 1986, for a more detailed explanation of why EPA proposed to deny these petitions.)

Neither comments nor additional information were provided for one of the petitions. We, therefore, are making final our decision to deny this petition as incomplete. This facility had previously been granted a temporary exclusion for their waste. Today's final rule also revokes this temporary exclusion.

Petition No.	Petitioner's name
0274	Hytec, Inc., Tumwater, WA.

For this 15 other petitions, either additional information was provided or comments on the proposal were received which effect the final Agency decision for these petitions. The remainder of this section will discuss the comments received, and the Agency's response to these comments. Some of the comments received were petition-specific and some comments were general.

B. Agency's Response to Public Comments

Two of the petitioners submitted additional information during the comment period. For one of these petitioners, the information received is currently being reviewed by the Agency to determine whether the petitioner has satisfied all of the requirements for a complete petition. The following petition, therefore, does not appear among the petitions for which a final denial is being announced today:

Petition No.	Petitioner's name
0302	American Chrome & Chemicals, Inc., Corpus Christi, TX.

The Agency has completed its review of the information submitted by the other petitioner. Based on this review, the Agency has determined that the petitioner has not satisfied all of the requirements for a complete petition. The Agency, therefore, is denying the following petition as incomplete. This facility had previously been granted a temporary exclusion for their waste. Today's final rule also revokes this temporary exclusion.

Petition No.	Petitioner's name
0220	Imperial Clevite, Caldwell, OH.

One commenter, representing 11 petitions, submitted comments requesting the Agency to reevaluate its listing criteria for one particular wastestream, F006—Wastewater treatment sludges from electroplating operations. One other petitioner, which generates an F006 waste, submitted additional information to the Agency during the comment period. One petitioner, which also generates an F006 waste, did not provide comments during the Agency's comment period. The Agency has reevaluated its F006 listing and will explain its conclusions in a future **Federal Register** notice. The following 13 petitions, which involve F006 wastes, therefore, do not appear among the petitions for which a final denial is being announced today. The facility which had previously been granted a temporary exclusion is denoted by an asterisk (*) in the table below.

Petition No.	Petitioner's name
0297*	ACR Electronics, Inc., Hollywood, FL.[1]
0343	Iowa Industries, Inc., Burlington, IA.
0509	Ford Motor Co., Sterling Heights, MI.
0511	Ford Motor Co., Norfolk, VA.
0512	Ford Motor Co., Sandusky, OH.
0513	Ford Motor Co., Louisville, KY.
0514	Ford Motor Co., Lorain, OH.
0515	Ford Motor Co., Indianapolis, IN.
0516	Ford Motor Co., Brookpark, OH.
0517	Ford Motor Co., Avon Lake, OH.
0519	Ford Motor Co., Chicago, IL.
0521	Ford Motor Co., Romeo, MI.
0527	Ford Motor Co., Wixom, MI.

[1] Additional information was submitted by ACR during the public comment period for the proposed rule. The Agency did not complete its review of this information since ACR generates an F006 waste which is currently being reevaluated by the Agency.

C. Final Agency Decision

The Agency believes that it has given more than sufficient time and notification to the following petitioners to provide the needed additional information to complete their petitions and, consequently, enable them to be reviewed. The Agency, therefore, is announcing today the final denial of the following two petitions as incomplete. Both of these facilities had previously been granted temporary exclusions. Today's final rule revokes these temporary exclusions.

Petition No.	Petitioner's name
0220 0274	Imperial Clevite, Caldwell, OH. Hytec, Incorporated, Tumwater, WA.

III. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months for good causes, and when the regulated community does not need the six-month period to come into compliance. The two petitions included in today's notice are having their temporary exclusions revoked and their petitions denied and will be required to revert back to handling their wastes as they did before being granted these exclusions (*i.e.*, they must handle their waste as hazardous). The Agency must make a final decision to grant or deny those petitions which were temporarily granted by November 8, 1986, however, or the temporary granting of the petition will cease to be in effect. See RCRA section 3001(f)(2)(B). The Agency is attempting to make a final decision on all such petitions before November 8, 1986. The petitions denied today are being denied because the petitioners either have not responded at all to the Agency's requests for additional data or have responded incompletely. These petitioners should have known of the statutory deadline at least since November 1984, and yet have not pursued their exclusion petitions. In such cases, the Agency believes that these petitioners should not have (and do not need) more time to come into compliance than they would have had under the statute, if the Agency had not acted. Accordingly, the effective date of the revocation of these temporary exclusions and the denial of these petitions in November 8, 1986. The Agency is providing less than six months for these petitioners to come into compliance, pursuant to RCRA 3010(b)(1),(3).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This final denial, which would revoke temporary exclusions and deny the exclusion petitions submitted by two facilities, is not major. The effect of this final rule would increase the overall costs for these facilities, which currently have temporary exclusions. The actual costs to these companies however, would not be significant. In particular, in calculating the amount of the waste that is generated by these petitioners that currently have temporary exclusions and considering a disposal cost of $300/ton, the increased costs to these facilities is approximately $16,000, well under the $100 million level constituting a major regulation, therefore, the impact of this rule will be relatively small. This final denial is not a major regulation; therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will have the effect of increasing overall waste disposal costs for these facilities which currently have temporary exclusions. The facilities included in this notice may be considered small entities; however, this rule only effects two petitioners. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this final regulation will not have a significant impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

(Sec. 3001 RCRA, 42 U.S.C. 6921)

Dated: September 29, 1986.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 86–22407 Filed 10–2–86; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81–11; Notice 20]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment; Corrections

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Corrections to final rule.

SUMMARY: This notice corrects two errors appearing in the final rule published on May 2, 1986, adopting HB3 and HB4 light sources for replaceable bulb headlamps, specifically in paragraphs S6.7.2(b) and S6.8.

EFFECTIVE DATE: The corrections are effective October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Richard Van Iderstine, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, DC 20590 (202–366–5281).

SUPPLEMENTARY INFORMATION: NHTSA published a final rule on May 2, 1986, amending Federal Motor Vehicle Safety Standard No. 108 (51 FR 16325) which, in pertinent part, revised the internal heat test and humidity test for replaceable bulb headlamps (paragraph S6.7.2 and S6.8 respectively). In paragraph S6.7.2(b) the Celsius value for the headlamp soak temperature was mistakenly given as "34 +4 − 0 degrees C;" the correct value is "35 + 4 − 0 degrees C." In paragraph S6.8 the Celsius value for the headlamp soak temperature was erroneously given as "20 + 4 − 0 degrees C;" the correct value is "23 + 4 − 0 degrees C". These errors are corrected.

Because the amendments are corrective in nature and impose no additional burdens on any person, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance of the rule is in the public interest, and the amendments are effective upon publication in the Federal Register.

In consideration of the foregoing Part 571 is amended as follows:

PART 571—[AMENDED]

1. The authority citation for Part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50

§ 571.108 [Corrected]

2. In the final sentence of subparagraph (b) of paragraph S6.7.2, the numeral "34" is changed to "35".

3. In the penultimate sentence of paragraph S6.8 the numeral "20" is changed to "23."

Issued on: October 1, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86–22546 Filed 10–2–86; 8:45 am]

BILLING CODE 4910–59–M

Proposed Rules

Federal Register
Vol. 51, No. 192
Friday, October 3, 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 966

Tomatoes Grown in Florida and Tomatoes Imported Into the United States; Proposed Amendment to Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the minimum size requirement for domestic tomatoes covered under the marketing order for tomatoes grown in Florida, and for imported tomatoes. Increasing the minimum size is designed to provide fresh markets with better quality and slightly larger size tomatoes and improve grower returns. USDA is seeking public comments concerning this proposal. The proposal is based upon the recommendation of the Florida Tomato Committee.

DATE: Comments due October 23, 1986.

ADDRESS: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085–S, U.S. Department of Agriculture, Washington, DC 20250. Two copies of all written material shall be submitted, and they will be made available for public inspection at 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 the businesses 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, as amended (the Act, 7 U.S.C. 601–674), and rules promulgated thereunder, are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 103 handlers of Florida tomatoes subject to regulation under the Florida tomato marketing order handling regulation. There are approximately 180 growers of tomatoes in the production area. Finally, there are approximately 31 importers of fresh tomatoes who would be subject to the tomato import regulation during the 1986–1987 season. The majority of handlers, growers, and importers may be classified as small entities.

Pursuant to requirements set forth in the RFA, the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact on small entities. The regulatory action in this instance is a proposed increase in the minimum size requirements for tomatoes that would eliminate the 7 x 7 classification for fresh tomatoes having a minimum diameter of 2 5/32 inches and a maximum diameter of 2 19/32 inches. The handling regulation is applicable to fresh tomatoes grown in the production area and shipped outside the regulated area during the period October 10 through June 15 each marketing season. Pursuant to section 8e of the Act, when such a regulation is in effect for domestic shipments, imports are required to meet the same requirements.

The 1985–86 annual report of the Florida Tomato Committee provides data on shipments of 7 x 7 classification tomatoes during the October 10, 1985, through June 15, 1986, shipping season for fresh tomatoes grown in the Florida production area and shipped outside the regulated area. The statistics divide tomatoes into two categories, mature green and vine ripe. For mature green tomatoes in the 7 x 7 classification, there were 3,132,860 containers of 25 pound equivalents or 6.69 percent of the total mature green shipments of 46,834,876 containers for all sizes. With an average price of $4.07 a container, the 7 x 7 mature green tomatoes were valued at $12,739,586 or about 3.5 percent of the total sales dollars of $364,055,331 for all sizes of matue green tomatoes. Vine ripe tomatoes in the 7 x 7 classification totaled 131,716 containers in 20 pound equivalents or 1.89 percent of the total of 6,983,646 containers for all sizes. At an average price of $3.00, the 7 x 7 vine ripe tomatoes were valued at more than $395,000 or about one percent of the total sales dollars of $44,046,160 for vine ripe tomatoes of all sizes. Therefore, the total sales dollar volume of all 7 x 7 classification tomatoes shipped last season represented about 3.2 percent of the total dollar volume of all sizes of tomatoes shipped.

The vast majority of fresh tomatoes imported into the United States during last season was almost exclusively from Mexico with approximately one percent of imports from Caribbean countries. Preliminary import information for fresh tomatoes from Mexico indicates that the tomatoes imported from Mexico for the upcoming season will be at least slightly greater than the 1985–1986 season. In addition, imports of fresh tomatoes from the Caribbean also may increase when compared with the last season.

While the proposed regulation would not permit shipment of 7×7 classification tomatoes outside of the regulated area, exemptions to the handling regulation would continue to be available. For example, several varieties or types of tomatoes are completely exempt and handlers may ship up to 60 pounds of tomatoes per day without regard to the requirements of the handling regulation. The handling regulation does not prevent the handling of tomatoes within the regulated area and the regulation permits shipments of tomatoes for canning, experimental purposes, relief, charity, or export. Importers could also ship up to 60 pounds of tomatoes per day.

It is the Department's view that under the proposed regulation the impact of the regulation upon the growers, handlers, and importers would not be adverse. Although the information currently available to AMS is limited in some respects, the known costs to handlers, growers, and importers of implementing the regulation appear to be significantly offset when compared to

potential benefits of the regulation. The Florida Tomato Committee believes that the proposed regulatory change is needed to improve returns to growers in the production area while consistently providing fresh markets with slightly larger, good quality tomatoes.

Marketing Order No. 966 regulates the handling of tomatoes grown in Florida. The program is effective under the Agricultural Marketing Agreement Act. The Florida Tomato Committee, established under the order, is responsible for its local administration.

At its meeting on September 5, 1986, the committee recommended that the current minimum size requirement of 2⅝₃₂ inches in diameter for tomatoes grown in the production area be increased to 2⅝₃₂ inches in diameter. The effect of this change would be the elimination of the 7×7 size classification for tomatoes with a minimum diameter of 2⅝₃₂ inches and a maximum diameter of 2¹⁹⁄₃₂ inches. The committee recommended that the change be effective at the start of the 1986–87 season. Other handling requirements under M.O. 966, including the minimum requirement that tomatoes be at least U.S. No. 3 grade remain unchanged.

According to the committee, the proposed increase in the minimum size requirements is necessary to prevent tomatoes of lower quality and maturity and undesirable size from being distributed in fresh market channels. It also stated that such tomatoes are usually of negligible economic value to producers. The committee believes this action would provide consumers with tomatoes of good quality and size throughout the season consistent with the overall quality of the crop and improve economic returns to growers.

Section 8e of the Act (7 U.S.C. 608e–1) provides that whenever specified commodities, including tomatoes, are regulated under a Federal marketing order, imports of that commodity are prohibited unless they meet the same grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. Since this proposal would increase the minimum size requirement for domestically produced tomatoes, this change would also be applicable to imported tomatoes during the period that the domestic handling requirements are in effect.

Conforming changes to § 966.323(d)(3) *For Special packed tomatoes* and § 966.323(f) *Applicability to imports* will be made to reflect the proposed increase in the minimum size requirement. No change is needed in the import regulation for tomatoes which appears in Part 980 (7 CFR 980.212; 42 FR 55192; October 4, 1977).

A comment period of 20 days is appropriate because the handling regulation for Florida tomatoes is effective for a period October 10 through June 15 for each season. Since the comment period for the proposed rule will not be closed prior to the beginning of the 1986–1987 season on October 10, the existing handling requirements that appear in § 966.323 (49 FR 47189; December 3, 1984) will be in effect unchanged. If any change is adopted as a result of this rulemaking, a final rule would become effective as soon as practicable after the beginning of the 1986–1987 season.

Additionally, the Department has received letters from several tomato repackers, tomato brokers and a grower, concerning the change recommended by the committee in the handling regulation. Several expressed concern that the change would adversely affect employment and costs for tomato repacking firms. Comments are specifically invited on the impact of the proposed rule including its impact on repackers and related firms. The committee's recommendation, the letters in opposition to the change, and all written comments timely received in response to this request for comments will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 966

Marketing agreements and orders, Tomatoes, Import regulations.

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR Part 966 continues to read as follows:

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

2. Section 966.323 is proposed to be amended by revising paragraphs (a)(2)(i), (d)(3), and (f) to read as follows:

§ 966.323 Handling regulation.

* * * * *

(a) * * *

(2) *Size.* (i) Tomatoes shall be at least 2⅝₃₂ inches in diameter and be sized with proper equipment in one or more of the following ranges of diameters. Measurements of diameters shall be in accordance with the methods prescribed in § 51.1859 of the U.S. Standards for Grades of Fresh Tomatoes.

Size classification	Inches	
	Minimum diameter	Maximum diameter
6×7	2⅝₃₂	2¹⁹⁄₃₂
6×6	2¹⁹⁄₃₂	2²⁵⁄₃₂
5×6 and larger	2²⁵⁄₃₂	

* * * * *

(d) * * *

(3) *For special packed tomatoes.* Tomatoes which met the inspection requirements of paragraph (a)(4) which are resorted, regarded, and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from (i) the tomato grade classifications of paragraph (a)(1), (ii) the size classifications of paragraph (a)(2) except that the tomatoes shall be at least 2⅝₃₂ inches in diameter, and (iii) the container weight requirements of paragraph (a)(3).

* * * * *

(f) *Applicability to imports.* Under section 8e of the Act and § 980.212 "Import regulations" (7 CFR 980.212) tomatoes inspected during the period October 10 through June 15 each season shall be at least U.S. No. 3 grade and at least 2⅝₃₂ inches in diameter. Not more than 10 percent, by count, in any lot may be smaller than the minimum specified diameter.

Dated: October 1, 1986.

Thomas R. Clark,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86–22524 Filed 10–2–86; 8:45 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Part 1942

Fire and Rescue Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: FmHA proposes to revise the regulations for community facility loans by providing a separate regulation for community facility loans for fire or rescue type facilities. This action is necessary because loans for fire or rescue facilities receive high priority for available funds and have proven to be low risk loans that rarely become delinquent. They are usually small and are often made to unsophisticated volunteer groups. We believe that current application processing

requirements and procedures, although necessary for other loan purposes, create an unnecessary burden and deterrent for applicants for fire and rescue loans. The intended effect of this action is to make obtaining a loan for fire and rescue facilities easier and faster.

DATE: Comments must be received on or before November 3, 1986.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Stansbery, Loan Specialist, Community Facilities Division, Farmers Home Administration, U.S. Department of Agriculture, Room 6308, South Agriculture Building, Washington, DC 20250, telephone 202–382–1490.

SUPPLEMENTARY INFORMATION:

Classification

This proposed action has been reviewed under USDA procedures established in Departmental Regulation 1512–I, which implements Executive Order 12291, and has been determined to be "nonmajor". The proposed action is not likely to result in any of the following:

(a) An annual affect on the economy of $100 million or more.

(b) A major increase in costs or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions.

(c) 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.

Intergovernmental Review

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.423 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. FmHA conducts intergovernmental consultation in the manner delineated in FmHA Instructions 1901–H and 1940–J.

Environmental Impact

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

Background

Subpart A of Part 1942 is now the primary regulation for receiving and processing applications, and providing management assistance for loans for water and waste disposal facilities and community facilities. Community facilities include public safety, health care, and public service facilities varying widely in size and complexity. Historically, more than 35 percent of community facility loans approved have been for public safety, primarily fire and rescue facilities.

Applicants, borrowers, and other members of the public have indicated they feel it takes too long and is too difficult to obtain a community facility loan for fire and rescue facilities. We believe some of the most deserving potential applicants do not apply because of the processing time, paper work, and other requirements for obtaining a loan. We want to develop more simple procedures and requirements for use where appropriate. We have had experience with fire and rescue loans over a period of ten years and the repayment record has been excellent. We believe this action will maximize the net benefit to society.

The more simplified procedures in the proposed Subpart C of Part 1942 include the following:

1. Allow applicants to bypass the preapplication process and file only one application form.

2. Allow more flexibility for District Offices to process applications without waiting for State Office review.

3. Provide more flexibility in security requirements.

4. Reduce appraisal requirements.

5. Allow use of simple cash flow budgets instead of detailed statements of income and expenses.

6. Encourage competitive negotiation for certain procurements.

7. Limit architectural/engineering requirements for certain facilities.

8. Allow District Offices to close loans to nonprofit corporations without OGC review.

List of Subjects in 7 CFR Part 1942

Community development, Community facilities, Loan programs—Housing and community development, Loan security, Rural areas, Waste treatment and disposal—Domestic, Water supply.

Accordingly, as proposed, Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations is amended to read as follows:

PART 1942—ASSOCIATIONS

Authority: 7 USC 1989; 16 USC 1005; 5 USC 301; 7 CFR 2.23; 7 CFR 2.70

Subpart A—Community Facility Loans

2. Section 1942.1 is amended by revising paragraph (a) to read as follows:

§ 1942.1 General.

(a) This subpart outlines the policies and procedures for making and processing insured loans for community facilities except fire and rescue facilities. This subpart applies to community facility loans for fire and rescue facilities only as specifically provided for in Subpart C of Part 1942 of this chapter. The Farmers Home Administration (FmHA) shall cooperate fully with State and local agencies in making loans to assure maximum support to the State strategy for rural development. FmHA State Directors and their staffs shall maintain coordination and liaison with State agency and substate planning districts. Funds allocated for use under this subpart are also for the use of Indian tribes within the State, regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity to participate in the benefits of these programs as compared with other residents of the State. Federal statutes provide for extending FmHA financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap. The participants must possess the capacity to enter into legal contracts under State and local statutes.

* * * * *

3. Section 1942.17 is amended by removing paragraph (d)(1)(i)(B)(*1*), by redesignating paragraphs (d)(1)(i)(B) (*2*) through (*8*) as paragraphs (d)(1)(i)(B) (*1*) through (*7*) respectively, and by revising paragraphs (c)(2)(iii)(D)(*2*)(*i*) and (d)(1)(i)(C)(*1*) to read as follows:

§ 1942.17 Community facilities.

* * * * *

(c) * * *

(2) * * *

(iii) * * *

(D) * * *

(*2*) * * *

(*i*) Public safety—10 points. (Examples include police services and fire, rescue and ambulance services as authorized by Subpart C of Part 1942 of this chapter.)

* * * * *

(d) * * *

(1) * * *

(i) * * *

(C) * * *

(*1*) The purchase of major equipment, such as solid waste collection trucks and X-ray machines, which will in themselves provide an essential service to rural residents;

* * * * *

4. Section 1942.17 is amended by changing the reference in paragraph (d)(2)(iv) from "paragraph (d)(1)(i)(B)(*5*), (d)(1)(i)(B)(*6*) or (d)(1)(i)(B)(*7*)" to "paragraph (d)(1)(i)(B)(*4*), or (d)(1)(i)(B)(*5*)."

5. Subpart C is added to read as follows:

Subpart C—Fire and Rescue Loans

Sec.

Subpart C—Fire and Rescue Loans

§ 1942.101 General.

This subpart provides the policies and procedures for making and processing insured community facility loans for facilities that will primarily provide fire or rescue services. Community facility loans for other types of facilities are covered in Subpart A of Part 1942 of this chapter.

§ 1942.102 Nondiscrimination.

(a) Federal statutes provide for extending FmHA financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap. The participants must possess the capacity to enter into legal contracts under State and local statutes.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply for and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this subpart that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility and all other requirements of this subpart must be met.

§ 1942.103 Definitions.

For the purpose of this subpart: (a) *Construction* means the act of building or putting together a facility that is a part of or physically attached to real estate. This does not include procurement of major equipment even though the equipment may be custom built to meet the owner's requirements.

(b) *Owner* means an applicant or borrower.

(c) *Regional Attorney* or OGC means the head of a Regional Office of General Counsel.

§ 1942.104 Application processing.

(a) *General.* Prospective applicants should request assistance by filing Form AD 624, "Application for Federal Assistance [for Construction Programs]" with the County or District FmHA Office. When practical, District Directors should meet with prospective applicants before an application is filed to discuss eligibility and FmHA requirements and processing procedures. Throughout loan processing FmHA should confer with applicant officials as needed to ensure that applicant officials understand the current status of the processing of their application, what steps and determinations are necessary and what is required from them. FmHA should assist the applicant as needed and generally try to develop and maintain a cooperative working relationship with the applicant.

(b) *County Office.* The County Office may handle initial inquiries and provide basic information about the program, application forms, and assistance in completing applications. Applications filed in the County Office should be forwarded immediately to the District Office. The applicant should be informed that further processing will be handled by the District Office. When an application is received the County Office must estalish and maintain an information folder.

(c) *District Office.* If the application is filed in the District Office the District Director must send a copy to the County Supervisor to set up the information file. The District Director must supply information on fire and rescue loan activity within the County Office service area to the County Supervisor at key points throughout the loan making process. As a minimum, the District Director should provide appropriate copies or notice to the County Office when the following actions occur:

(1) Project summary is completed.

(2) Letter of conditions is issued.

(3) Applicant declines to execute Form FmHA 442–46, "Letter of Intent to Meet Conditions."

(4) Applicant is notified of loan approval.

(5) A loan is properly closed.

(6) A construction contract is awarded.

(7) A final inspection is completed.

(d) *Unfavorable decision.* If at any time prior to loan approval it is decided that favorable action will not be take on an application, the District Director will notify the applicant in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant in accordance with Subpart B of Part 1900 of this chapter. The following statement will also be made on all notifications of adverse action.

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income is derived from any public assistance

program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with this law is the Federal Trade Commission, Equal Credit Opportunity, Washington, DC 20580.

§ 1942.105 Environmental review.

FmHA must conduct and document an environmental review for each proposed project in accordance with Subpart G of Part 1940 of this chapter. The review should be completed as soon as possible after receipt of an application. The loan approval official must determine an adequate environmental review has been completed before requesting an obligation of funds.

§ 1942.106 Intergovernmental review.

(a) Loans under this subpart are subject to intergovernmental review in accordance with Subpart H of part 1901 and Subpart J of Part 1940 of this chapter.

(b) State intergovernmental review agencies that have selected community facility loans as a program they want to review may not be interested in reviewing proposed loans for fire and rescue facilities. In such cases the State Director should obtain a letter from the State single point of contact exempting fire and rescue loans from A–95 and intergovernmental consultation review. A copy of the letter should be placed in the case file for each fire and rescue facility application in lieu of completing the intergovernmental review process.

(c) When an application is filed and adverse comments are not expected, the District Director should proceed with application processing pending intergovernmental review. The loan should not be obligated until any required review process has been completed.

(d) Funds allocated for use under this subpart are also for the use of eligible Indian tribes within the State, regardless of whether State development strategies include Indian reservations. Eligible Indian tribes must have equal opportunity to participate in the program as compared with other residents of the State.

§ 1942.107 Priorities.

(a) Eligible applications must be selected for processing in accordance with § 1942.17 (c) of Subpart A of part 1942 of this chapter.

(b) The District Director must score each eligible application in accordance with § 1942.17 (c)(2)(iii) of Subpart A of Part 1942 of this chapter. The District Director must then notify the State Director of the score, proposed loan amount, and other pertinent data. The State Director should determine as soon as possible if the project has sufficient priority for further processing and notify the District Director. Normally, this consultation should be handled by telephone and documented in the running record.

(c) Applicants who appear eligible but do not have the priority necessary for further consideration at this time should be notified that funds are not available, requested to advise whether they wish to have their application maintained for future consideration and given the following notice:

> You are advised against incurring obligations which would limit the range of alternatives to be considered, or which cannot be fulfilled without FmHA funds until the funds are actually made available. Therefore, you should refrain from such actions as initiating engineering and legal work, taking actions which would have an adverse effect on the environment, taking options on land rights, developing detailed plans and specifications, or inviting constuction bids until notified by Farmers Home Administration (FmHA) to proceed.

§ 1942.108 Application docket preparation and review.

(a) *Guides.* Application dockets should be developed in accordance with § 1942.2 (c) of Subpart A of Part 1942 of this chapter.

(b) *Project summary.* The District Director should complete the project summary using Form FmHA 1942–43, "Project Summary-Community Facilities (Other Than Utility—Type Projects)." Comments by the State Architect/State Engineer and program chief may be omitted unless the District Director or State Director requests their review. Form FmHA 442–14, "Association Project Fund Analysis," and a budget or cash flow projection should be completed and attached.

(c) *Budgets.* All applicants must complete Form FmHA 442–7, "Operating Budget," except as provided in this paragraph. Applicants with annual incomes not exceding $100,000 may, with concurrence of the District Director, use Form FmHA 1942–52, "Cash Flow Projection," instead of Form FmHA 442–7. Projections should be provided for the current year and each year thereafter until the facility is expected to have been in operation for a full year and a full annual installment paid on the loan.

(d) *Letter of conditions.* the District Director should prepare and issue a letter of conditions in accordance with § 1942.5(a)(1)(i), (ii), (iii) and (c) of subpart A of Part 1942 of this chapter.

(e) *Organizational review.* As early in the application process as practical the District Director should obtain copies of organization documents from each applicant and forward them through the State Office to the Regional Attorney for review and comments. The Regional Attorney's comments should be received and considered before obligation of funds.

(f) *National Office review.* Applications that require National Office review will be submitted in accordance with § 1942.5 (b) of Subpart A of Part 1942 of this chapter.

(g) *State Office review.* The State Office must monitor fire and rescue loan making and servicing and provide guidance, assistance, and training as necessary to ensure the activities are accomplished in an orderly manner consistent with FmHA regulations. The District Director should request advice and assistance from the State Office as needed. The State Director may require all or part of a specific application docket to be submitted to the State Office for review at any time. The State Director may determine one or more District Office staffs do not have adequate training and expertise to routinely complete application dockets without State Office review. In such cases the State Director should establish guidelines by memorandum or by State supplement to this subpart, for the necessary State Office reviews.

(h) *Loan approval and fund obligation.* Loans must be approved and obligated in accordance with § 1942.5 (d) of Subpart A of Part 1942 and Subpart A of Part 1901 of this chapter.

§§ 1942.109—1942.110 [Reserved]

§ 1942.111 Applicant eligibility.

(a) *General.* Loans under this subpart are subject to the provisions of § 1942.17(b), of Subpart A of Part 1942 of this chapter.

(b) *Credit elswhere determinations.* The Distict Director must determine whether financing from commercial sources at reasonable rates and terms is available. If credit elsewhere is indicated the District Director should inform the applicant and recommend the applicant apply to commercial sources for financing. To providel a basis for referral of only those applicants who may be able to finance projects through commercial sources District Directors should maintain liaison with representatives of lenders in the district. The State Director should keep District Director informed regarding lenders outside the district that might make loans in the district. District Directors should maintain criteria for determining applications that should be referred to commercial lenders and maintain a list

of lender representatives interested in receiving such referrals.

(c) *Public use.* Loans under this subpart are subject to the provisions of § 1942.17 (e) of Subpart A of Part 1942 of this chapter.

§ 1942.112 Eligible loan purposes.

(a) Funds may be used: (1) To construct, enlarge, extend or otherwise improve essential community facilities primarily providing fire or rescue services primarily to rural residents. "Otherwise improve" includes but is not limited to the following:

(i) The purchase of major equipment, such as fire trucks and ambulances, which will, in themselves, provide an essential service to rural residents;

(ii) The purchase of existing facilities when it is necessary either to improve or to prevent a loss of service.

(2) To pay the following expenses, but only when such expenses are a necessary part of a loan to finance facilities authorized in paragraph (a)(1) of this section:

(i) Reasonable fees and costs such as legal, engineering, architectural, fiscal advisory, recording, environmental impact analyses, archeological surveys and possible salvage or other mitigation measures, planning, establishing or acquiring rights.

(ii) Interest on loans until the facility is self-supporting but not for more than 3 years unless a longer period is approved by the National Office; interest on loans secured by general obligation bonds until tax revenues are available for payment, but not for more than 2 years unless a longer period is approved by the National Office; and interest on interim financing, including interest charges on interim financing from sources other than FmHA.

(iii) Costs of acquiring interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control necessary for development of the facility.

(iv) Purchasing or renting equipment necessary to install, maintain, extend, protect, operate, or utilize facilities.

(v) Initial operating expenses for a period ordinarily not exceeding 1 year when the borrower is unable to pay such expenses.

(vi) Refinancing debts incurred by, or on behalf of, a community when all of the following conditions exist:

(A) The debts being refinanced are a secondary part of the total loan;

(B) The debts are incurred for the facilily or service being financed or any part thereof; and

(C) Arrangements cannot be made with the creditors to extend or modify the terms of the debts so that a sound basis will exist for making a loan.

(3) To pay obligations for construction or procurement incurred before loan approval. Construction work or procurement actions should not be started and obligations for such work or materials should not be incurred before the loan is approved. However, if there are compelling reasons for proceeding with construction or procurement before loan approval, applicants may request FmHA approval to pay such obligations. Such requests may be approved if FmHA determine that:

(i) Compelling reasons exist for incurring obligations before loan approval; and

(ii) The obligations will be incurred for authorized loan purposes; and

(iii) Contract documents have been approved by FmHA; and

(iv) All environmental requirements applicable to FmHA and the applicant have been met; and

(v) The applicant has the legal authority to incur the obligations at the time proposed, and payment of the debts will remove any basis for any mechanic, material or other liens that may attach to the security property. FmHA may authorize payment of such obligations at the time of loan closing. FmHA's authorization to pay such obligations, however, is on the condition that it is not committed to make the loan; it assumes no responsiblity for any obligations incurred by the applicant; and the applicant must subsequently meet all loan approval requirements. The applicant's request and FmHA authorization for paying such obligations shall be in writing. If construction or procurement is started without FmHA approval, post approval in accordance with this section may be considered.

(b) Funds may not be used to finance:

(1) Facilities which are not modest in size, design, and cost.

(2) Loan finder's fees.

(3) Projects located within the Coastal Barriers Resource system that do not qualify for an exception as defined in section 6 of the Coastal Barriers Resource Act, Pub. L. 97–348.

§ 1942.113 Rates and terms.

Rates and terms for loans under this subpart are as set out in § 1942.17(f) of Subpart A of Part 1942 of this chapter.

§ 1942.114 Security.

Specific requirements for security for each loan will be included in the letter of conditions. Loans must be secured by the best security position practicable, in a manner which will adequately protect the interest of FmHA during the repayment period of the loan, and in accordance with the following:

(a) Security must include one of the following:

(1) A pledge of revenue and a lien on all real estate and major equipment purchased or developed with the FmHA loan; or

(2) General obligation bonds or bonds pledging other taxes.

(b) Additional security may be required as determined necessary by the loan approval official. In determining the need for additional security the loan approval official should carefully consider:

(1) The estimated market value of real estate and equipment security.

(2) The adequacy and dependability of the applicant's revenues, based on the applicant's financial records, the project financial feasibility report, and the project budgets.

(3) The degree of community commitment to the project, as evidenced by items such as active broad based membership, aggressive leadership, broad based fund drives, or contributions by local public bodies.

(c) Additional security may include, but is not limited to, the following:

(1) Liens on additional real estate or equipment.

(2) A pledge of revenues from additional sources.

(3) An assignment of assured income in accordance with § 1942.17(g)(3)(iii)(A)(*1*) of Subpart A of Part 1942 of this chapter.

(d) Review and approval or concurrence in the State Office is required if the security will not include a pledge of taxes and the applicant cannot provide evidence of the financially successful operation of a similar facility for the 5 years immediately prior to loan application.

(e) Review and concurrence in the National Office is required if the security will not include a pledge of taxes, the applicant cannot provide evidence of the financially successful operation of a similar facility for the 5 years immediately prior to loan application, and the amount of the loan will exceed $250,000.

(f) Loans under this subpart are subject to the provisions of § 1942.17(g)(1) of Subpart A of Part 1942 of this chapter, regarding security for projects utilizing joint financing.

§ 1942.115 Reasonable project costs.

Applicants are responsible for determining that prices paid for property rights, construction, equipment, and other project development are reasonable and fair. FmHA may require

an appraisal by an independent appraiser or FmHA employee.

§ 1942.116 Economic feasibility requirements.

All projects financed under this section must be based on taxes, assessments, revenues, fees, or other satisfactory sources of revenues in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the FmHA staff and approval official. All applicants will be expected to provide a financial feasibility report. These financial feasibility reports will normally be:

(a) Included as part of the preliminary engineer/architectural report using Guide 6 to Subpart A of Part 1942 of this chapter (available in any FmHA Office), or.

(b) Prepared by the applicant using Form FmHA 1942–54, "Applicant's Feasibility Report."

§ 1942.117 General requirements.

(a) *Reserve requirements.* Loans under this subpart are subject to the provisions of § 1942.17(i) of Subpart A of Part 1942 of this chapter.

(b) *Membership authorization.* The membership of organizations other than public bodies must authorize the project and its financing except the District Director may, with the concurrence of the State Director (with advice of OGC as needed), accept the loan resolution without such membership authorization when State statutes and the organization charter and bylaws do not require such authorization.

(c) *Insurance and bonding.* Loans under this subpart are subject to the provisions of § 1942.17(j)(3) of Subpart A of Part 1942 of this chapter.

(d) *Acquisition of land and rights.* Loans under this subpart are subject to the provisions of § 1942.17(j)(4) of Subpart A of Part 1942 of this chapter.

(e) *Lease agreements.* Loans under this subpart are subject to the provisions of § 1942.17(j)(5) of Subpart A of Part 1942 of this chapter.

(f) *Notes and bonds.* Loans under this subpart are subject to the provisions of § 1942.17(j)(6) and § 1942.19 of Subpart A of Part 1942 of this chapter.

(g) *Public information.* Loans under this subpart are subject to the provisions of § 1942.17 (j)(9) of Subpart A of Part 1942 of this chapter.

(h) *Joint funding.* Loans under this subpart are subject to the provisions of § 1942.2 (e) and § 1942.17(j)(11) of Subpart A of Part 1942 of this chapter.

§ 1942.118 Other Federal, State, and local requirements.

(a) Loans under this subpart are subject to the provisions of § 1942.17(k) of Subpart A of Part 1942 of this chapter.

(b) an initial compliance review should be completed under Subpart E of Part 1901 of this chapter.

§ 1942.119 Professional services and borrower contracts.

(a) Loans under this subpart are subject to the provisions of § 1942.17(1) of Subpart A of Part 1942 of this chapter.

(b) The District Director will, with assistance as necessary by the State Director and OGC, concur in agreements between borrowers and third parties such as contracts for professional and technical services. The State Director may require State Office review of such documents in accordance with § 1942.108(g) of this subpart. State Directors are expected to work closely with representatives of engineering and architectural societies, bar associations, commercial lenders, accountant associations, and others in developing standard forms of agreements, where needed, and other matters to expedite application processing, minimize referrals to OGC, and resolve problems which may arise. Standard forms should be reviewed by and approved by OGC.

§§ 1942.120–1942.121 [Reserved]

§ 1942.122 Actions prior to loan closing and start of construction.

(a) *Excess FmHA loan funds.* Loans under this subpart are subject to the provisions of § 1942.17(n)(1) of Subpart A of Part 1942 of this chapter.

(b) *Loan resolutions.* Loans under this subpart are subject to the provisions of § 1942.17(n)(2) of Subpart A of Part 1942 of this chapter.

(c) *Interim financing.* Loans under this subpart are subject to the provisions of § 1942.17(n)(3) of subpart A of Part 1942 of this chapter.

(d) *Applicant contribution.* Loans under this subpart are subject to the provisions of § 1942.17(n)(5) of Subpart A of Part 1942 of this chapter.

(e) *Evidence of and disbursement of other funds.* Loans under this subpart are subject to the provisions of § 1942.17(n)(6) of Subpart A of Part 1942 of this chapter.

(f) *Assurance agreement.* All applicants must execute Form FmHA 400–4, "Assurance Agreement," at or before loan closing.

§ 1942.123 Loan closing.

(a) *Ordering loan checks.* Checks will not be ordered until:

(1) Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," has been received from the Finance Office.

(2) The applicant has complied with approval conditions and any closing instructions, except for those actions which are to be completed on the date of loan closing or subsequent thereto.

(3) The applicant is ready to start construction or funds are needed to pay interim financing obligations.

(b) *Public bodies and Indian tribes.*

(1) After loan approval the completed docket will be reviewed by the State Director. The information required by OGC will be transmitted to OGC with a request for closing instructions. Upon receipt of the closing instructions from OGC, the State Director will forward them along with any appropriate instructions to the District Director. Upon receipt of closing instuctions, the District will discuss with the applicant and its architect or engineer, attorney, and other appropriate representatives, the requirements contained therein and any actions necessary to proceed with closing.

(2) Loans will be closed in accordance with the closing instructions issued by OGC and § 1942.19 of Subpart A of Part 1942 of this chapter.

(c) *Organizations other than public bodies and Indian tribes.* District Directors are authorized to close loans to organizations other than public bodies and Indian tribes without closing instructions from OGC. State Directors, in consultation with OGC, should develop standard closing procedures and forms as needed. Assistance with loan closing and a certification regarding the validity of the note and mortgage or other debt instruments should be provided by the applicant's attorney. Appropriate title opinion or title insurance is required as provided in § 1942.17 (j)(4)(i)(B) of Subpart A of Part 1942 of this chapter.

(d) *Authority to execute, file, and record legal instruments.* District Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes, as appropriate, mortgages and other lien instruments, as well as affidavits, acknowledgments, and other certificates.

(e) *Mortgages.* Unless otherwise required by State law or unless an exception is approved by the State Director with advice of the OGC, only one mortgage will be taken even though the indebtedness is to be evidenced by more than one instrument. The real estate or chattel mortgages or security

instruments will be delivered to the recording office for recordation or filing, as appropriate. A copy of such instruments will be delivered to the borrower. The original instrument, if returnable after recording or filing, will be retained in the borrower's case folder.

(f) *Notes and bonds.* When the debt instrument is a note or single instrument non-negotiable bond a conformed copy will be sent to the Finance Office immediately after loan closing and the original instrument will be stored in the District Office. When other types of bonds are used the original bond(s) will be fowarded to the Finance Office immediately after loan closing.

(g) *Disposition of title evidence.* All title evidence other than the opinion of title and mortgage title insurance policy, will be returned to the borrower when the loan has been closed.

(h) *Multiple advances.* When temporary paper, such as bond anticipation notes or interim receipts, is used to conform with the multiple advance requirement, the original temporary paper will be forwarded to the Finance Office after each advance is made to the borrower. The borrower's case number will be entered in the upper right-hand corner of such paper by the District Office. The permanent debt instrument(s) should be forwarded to the Finance Office as soon as possible after the last advance is made, except that for notes and single instrument non-negotiable bonds the original will be retained in the District Office and a copy will be forwarded to the Finance Office. The following actions will be taken prior to issuance of the permanent instruments:

(1) The finance Office will be notified of the anticipated date for the retirement of the interim instruments and the issuance of permanent instruments of debt.

(2) The Finance Office will prepare a statement of account including accrued interest through the proposed date of retirement and also show the daily interest accrual. The statement of account and the interim financing instruments will be fowarded to the District Director.

(3) The District Director will collect interest through the actual date of the retirement and obtain the permanent instrument(s) of debt in exchange for the interim financing instruments. The permanent instruments and the cash collection will be forwarded to the Finance Office immediately, except that for notes and single instrument non-negotiable bonds the original will be retained in the District Office and a copy will be fowarded to the Finance Office. In developing the permanent instruments, the sequence of preference set out §1942.19(e) of Subpart A of Part 1942 of this chapter will be followed.

(1) *Bond registration record.* Form FmHA 442–28, "Bond Registration Book," may be used as a guide to assist borrowers in the preparation of a bond registration book in those cases where a registration book is required and a book is not provided in connection with the printing of the bonds.

(j) *Loan checks.* Whenever a loan check is received, lost, or destroyed, the District Director will take the appropriate actions outlined in FmHA Instruction 102.1 (available in any FmHA office). Checks which cannot be delivered within a reasonable amount of time (no more than 20 calendar days) will be handled in accordance with FmHA Instruction 102.1 (available in any FmHA office.)

(k) *Safeguarding bond shipments.* FmHA personnel will follow the procedures for safeguarding mailings and deliveries of bonds and coupons outlined in FmHA Instruction 2018–E (available in any FmHA office), whenever they mail or deliver these items.

(l) *Review of loan closing.* When the loan has been closed, the District Director will submit the completed loan closing documents and a statement showing what was done in closing the loan to the State Director. The State Director will review the documents and the District Director's statement to determine whether the transaction was closed properly. For loans to public bodies or Indian tribes the State Director will forward all documents, along with a statement that all administrative requirements have been met, to the Regional Attorney. The Regional Attorney will review the submitted material to determine whether all legal requirements have been met. The Regional Attorney should review FmHA standard forms only for proper execution, unless the State Director brings attention to specific questions. Facility development should not be held up pending receipt of the Regional Attorney opinion. When the review of the State Director has been completed, and for public bodies and Indian tribes the Regional Attorney's opinion has been received, the State Director must advise the District Director of any deficiencies that must be corrected and return all material that was submitted for review.

(m) *Loan cancellation.* Loans under this subpart are subject to the provisions of § 1942.12 of Subpart A of Part 1942 of this chapter.

§§ 1942.124—1942.125 [Reserved]

§ 1942.126 Planning, bidding, contracting, constructing, procuring.

(a) *General.* This section provides procedures and requirements for planning, bidding, contracting, constructing and procuring facilities financed under this subpart. These procedures do not relieve the owner of contractual obligations that arise from procurement of services.

(b) *Technical services.* Owners are responsible for providing the engineering or architectural services necessary for planning, designing, bidding, contracting, inspecting and constructing their facilities. Services may be provided by the owner's "in-house" engineer or architect or through contract, subject to FmHA concurrence. Architects and engineers must be licensed in the State where the facility is to be located.

(1) *Preliminary reports.* A preliminary architectural or engineering report conforming with customary professional standards is required for all construction, except that FmHA may waive the requirement for a preliminary architectural/engineering report or accept a brief report if the cost of the construction does not exceed $100,000. Guide 6 to Subpart A of Part 1942 of this chapter (available in any FmHA office) may be used.

(2) *Final reports.* Detailed final plans and specifications are required for all construction and must be approved by FmHA. When negotiated procurement is used the final plans and specifications may be provided by the contractor who submits the successful proposal.

(3) *Major equipment.* An architect/engineer is not required for major equipment if FmHA determines the owner has the ability to develop an adequate request for proposal and evaluate the proposals received or can obtain adequate assistance from other sources, such as State or Federal agencies or trade associations.

(c) *Design policies.* Facilities financed by FmHA must be designed and constructed in accordance with sound engineering and architectural practices, and must meet the requirements of Federal, State and local agencies. All facilities intended for or accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with the Architectural Barriers Act of 1968 (Pub. L. 90–480) as implemented by the General Services Administration regulations 41 CFR 101–19.6 and section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–

112) as implemented by 7 CFR Parts 15 and 15b.

(d) *Construction contracts.* Contract documents must be sufficiently descriptive and legally binding to accomplish the work as economically and expeditiously as possible.

(1) *Standard construction contract documents.* When standard construction contract documents available from FmHA are used, or when the amount of the contract does not exceed $100,000, it will normally not be necessary for the Regional Attorney to perform a detailed legal review. If construction contract documents used are not in the format of guide forms approved by FmHA, and the contract amount exceeds $100,000, the Regional Attorney must review the documents before their use.

(2) *Contract review and approval.* The owner's attorney will review executed contract documents, including performance and payment bonds, and certify that they are adequate, legal and binding, and that the persons executing the documents have been authorized to do so. The contract documents, bid bonds, and bid tabulation sheets will be forwarded to FmHA for approval prior to awarding. All contracts will contain a provision that they are not in full force and effect until they have been approved by FmHA. The FmHA District Director is responsible for approving construction contracts with advice and guidance of the State Director and Regional Attorney when necessary.

(3) *Separate contracts.* Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting and multiplicity of small contracts on the same job) should be avoided whenever it is practical to do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or semifinished state such as prefabricated buildings. Contracts may also be awarded for material delivered to the job site and installed by a patented process or method.

(e) *Performing construction.* Owners are encouraged to accomplish construction through contracts with recognized contractors. Owners may accomplish construction by using their own personnel and equipment provided the owners possess the necessary skills, abilities and resources to perform the work and provided a licensed engineer or architect prepares design drawings and specifications and inspection is provided in accordance with paragraph (l)(3) of this section. The inspection services normally should be provided by the architect/engineer.

(f) *Owner's contractual responsibility.* Loans under this subpart are subject to the provisions of § 1942.18(i) of Subpart A of Part 1942 of this chapter.

(g) *Owner's procurement regulations.* Loans under this subpart are subject to the provisions of § 1942.18(j) of Subpart A of Part 1942 of this chapter.

(h) *Procurement methods.* Unless the FmHA National Office gives prior written approval of another method, procurement must be made by one of the following methods:

(1) Small purchase procedures as provided in § 1942.18 (k)(1) of Subpart A of Part 1942 of this chapter.

(2) Competitive sealed bids as provided in § 1942.18(k)(2) of Subpart A of Part 1942 of this chapter. Competitive sealed bids is the preferred procurement method for construction projects, except for buildings costing $100,000 or less when the owner desires to use a "preengineered" or "packaged" building.

(3) Competitive negotiation as provided in § 1942.18(k)(3) of Subpart A of Part 1942 of this chapter. Competitive negotiation is the preferred procurement method for buildings not exceeding $100,000 in cost when the owner desires to use a "pre-engineered" or "packaged" building and for major equipment.

(4) Noncompetitive negotiation as provided in § 1942.18 (k)(4) of Subpart A of Part 1942 of this chapter.

(i) *Contracting methods.* Loans under this subpart are subject to the provisions of § 1942.18(1) of Subpart A of Part 1942 of this chapter.

(j) *Contracts awarded prior to preapplications.* Loans under this subpart are subject to the provisions of § 1942.18(m) of Subpart A of Part 1942 of this chapter.

(k) *Construction Contract provisions.* Construction contracts for loans under this subpart are subject to the provisions of § 1942.18(n) of Subpart A of Part 1942 of this chapter. Construction contracts for loans under this subpart are also subject to the provisions of § 1901.205 of Subpart E of Part 1901 of this chapter, regarding nondiscrimination in construction, except that guides 18 and 17 or 19 to Subpart A of Part 1942 of this chapter will normally be used instead of Form FmHA 425–5, "Invitation for Bid (Construction Contract)," and Form FmHA 424–6, "Construction Contract."

(1) *Construction contract administration.* Owners shall be responsible for maintaining a contract administration system to monitor the contractors' performance and compliance with the terms, conditions, and specifications of the contracts.

(1) *Preconstruction conference.* Prior to beginning construction the owner will schedule a preconstruction conference where FmHA will review the planned development with the owner, its architect or engineer, project inspector, attorney, contractor(s), and other interested parties. The conference will thoroughly cover applicable items included in Form FmHA 424–16, "Record of Preconstruction Conference," and the discussions and agreements will be documented. Form FmHA 424–16 may be used for this purpose.

(2) *Monitoring reports.* Each owner will be required to monitor and provide reports to FmHA on actual performance during construction for each project financed, or to be financed, in whole or in part with FmHA funds. The reports are to include:

(i) A comparison of actual accomplishments with the construction schedule established for the period. The partial payment estimate may be used for this purpose.

(ii) A narrative statement giving full explanation of the following:

(A) Reasons why established goals were not met.

(B) Analysis and explanation of cost overruns or high unit costs and how payment is to be made for the same.

(iii) If events occur between reports which have a significant impact upon the projects, the owner will notify FmHA as soon as any of the following conditions are known:

(A) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives or prevent the meeting of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(B) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected or which will result in cost underruns or lower unit costs than originally planned and which may result in less FmHA assistance.

(3) *Inspection.* The borrower must provide for inspection of all construction. When the borrower enters into an agreement for technical services with an engineer/architect, the agreement should provide for general engineering/architectural inspection of the construction work. When no such agreement exists, or FmHA or the borrower determines the inspection

services of the engineer/architect may not be sufficient, the owner must provide a project inspector. Prior to the preconstruction conference, the borrower must submit a resume of qualifications of the project inspector to FmHA for acceptance in writing. The project inspector will be responsible for making inspections necessary to protect the borrower's interest and for providing written inspection reports to the borrower with copies of the FmHA District Director. Guide 11 of Subpart A of Part 1942 of this chapter (available in any FmHA office) may be used as a guide format for inspection reports. For new buildings, additions to existing buildings, and rehabilitation of existing buildings, the project inspector should make inspections at the following stages of construction and at other stages of construction as determined by the District Director and the borrower. Inspections by FmHA are for solely its benefit as lender.

(i) An initial inspection should be made just prior to or during the placement of concrete footings or monolithic footings and floor slabs. At this point, foundation excavations are complete, forms or trenches and steel are ready for concrete placement and the subsurface installation is roughed in. If the building design does not include concrete footings the initial inspection should be made just after or during the placement of poles or other foundation materials.

(ii) An inspection should be made when the building is enclosed, structural members are still exposed, roughing in for heating, plumbing and electrical work is in place and visible, and wall insulation and vapor barriers are installed.

(iii) A final inspection should be made when all development of the structure has been completed and the structure is ready for its intended use.

(4) *Prefinal inspections.* A prefinal inspection will be made by the owner, project inspector, project architect or engineer, representatives of other agencies involved, and the District Director. The inspection results will be recorded on Form FmHA 424–12, "Inspection Report," and a copy provided to all interested parties, including the FmHA State Director.

(5) *Final inspection.* A final inspection will be made by FmHA before final payment is made.

(6) *Changes in development plans.*

(i) Changes in development plans may be approved by FmHA when requested by owners, provided:

(A) Funds are available to cover any additional costs; and

(B) The change is for an authorized loan purpose; and

(C) It will not adversely affect the soundness of the facility operation or FmHA's security; and

(D) The change is within the scope of the contract; and

(E) Any applicable requirements of FmHA Instruction 1940–G have been met.

(ii) Changes will be recorded on Form FmHA 424–7, "Contract Change Order," or, other similar forms may be used with the prior approval of the District Director. Regardless of the form, change orders must be approved by the FmHA District Director.

(iii) Changes should be accomplished only after FmHA approval on all changes which affect the work and shall be authorized only by means of contract change order. The change order will include items such as:

(A) Any changes in labor and material and their respective cost.

(B) Changes in facility design.

(C) Any decrease or increase in quantities based on final measurements that are different from those shown in the bidding schedule.

(D) Any increase or decrease in the time to complete the project.

(iv) Any changes shall be recorded on chronologically numbered contract change orders as they occur. Change orders will not be included in payment estimates until approved by all parties.

§ 1942.127 Project monitoring and fund delivery.

(a) *Coordination of funding sources.* When a project is jointly financed, the District Director will reach any needed agreement or understanding with the representatives of the other source of funds on distribution of responsibilities for handling various aspects of the project. These responsibilities will include supervision of construction, inspections and determination of compliance with appropriate regulations concerning equal employment opportunities, wage rates, nondiscrimination in making services or benefits available, and environmental compliance. If any problems develop which cannot be resolved locally, complete information should be sent to the State Office for advice.

(b) *Multiple advances.* Loans under this subpart are subject to the provisions of § 1942.17(p)(2) of Subpart A of Part 1942 of this chapter.

(c) *Use and accountability of funds.* Loans under this subpart are subject to the provisions of § 1942.17(p)(3) of Subpart A of Part 1942 of this chapter.

(d) *Development inspections.* Loans under this subpart are subject to the provisions of § 1942.17(p)(4) of Subpart A of Part 1942 of this chapter.

(e) *Payment for project costs.* Each payment for project costs must be approved by the borrower's governing body.

(1) *Construction.* Payment for construction must be for amounts shown on payment estimate forms. Form FmHA 424–18, "Partial Payment Estimate," may be used for this purpose or other similar forms may be used with the prior approval of the District Director. However, the District Director cannot require more reporting burden than is required by Form FmHA 424–18. Advances for contract retainage will not be made until such retainage is due and payable under the terms of the contract. The review and acceptance of project cost, including construction partial payment estimates, by FmHA does not attest to the correctness of the amounts, the quantities shown, or that the work has been performed under the terms of agreements or contracts.

(2) *Major equipment.* Payment for major equipment should generally coincide with delivery of the usable equipment, along with any necessary title or certifications, to the borrower. Borrowers may not use FmHA loan funds to make deposits on equipment not ready for delivery. If a borrower purchases a truck chassis from one supplier and another supplier will complete the development of a fire or rescue vehicle, FmHA may release funds to pay for the chassis when title to the chassis is transferred to the borrower.

(f) *Use of remaining funds.* Loans under this subpart are subject to the provisions of § 1942.17(p)(6) of Subpart A of Part 1942 of this chapter.

§ 1942.128 Borrower accounting methods, management reports and audits.

(a) Loans under this subpart are subject to the provisions of § 1942.17(q) of Subpart A of Part 1942 of this chapter except as provided in this section.

(b) Borrowers with annual incomes not exceeding $100,000 may with concurrence of the District Director, use Form FmHA 1942–53, "Cash Flow Report," instead of page one of schedule one and schedule two of Form FmHA 442–2, "Statement of Budget, Income, and Equity." When used for budgeting, the cash flow statement should be projected for the upcoming fiscal year. When used for quarterly or annual

reports the cash flow report should include current year projections and actual data for the prior year, the quarter just ended, and the current year to date.

§ 1942.129 Borrower supervision and servicing.

Loans under this subpart are subject to the provisions of § 1942.17(r) of Subpart A of Part 1942 and Subpart E of Part 1951 of this chapter.

§§ 1942.130–1942.131 [Reserved]

§ 1942.132 Subsequent loans.

Subsequent loans will be processed under this subpart.

§ 1942.133 Delegation and redelegation of authority.

Loan approval authority is in Subpart A of Part 1901 of this chapter. State Directors may delegate approval authority to District Directors to approve fire and rescue loan regardless of whether authority to approve other community facility loans is delegated. Except for loan approval authority, District Directors may redelegate their duties to qualified staff members.

§ 1942.134 State supplements and guides.

State Directors will obtain National Office clearance for all state supplements and guides under FmHA Instruction 2006–B, (available in any FmHA Office).

(a) *State supplements.* State Directors may supplement this subpart to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to bids, contract awards, and materials more restrictive than those in this subpart.

(b) *State guides.* State Directors may develop guides for use by applicants if the guides to this subpart and Subpart A of Part 1942 of this chapter are not adequate. State Directors may prepare guides for items needed for the application; items necessary for the docket; and items required prior to loan closing or construction starts.

§§ 1942.135—1942.150 [Reserved]

Dated: December 23, 1985.

Vance L. Clark,

Administrator, Farmers Home Administration.

Editorial Note: This document was received at the Office of the Federal Register September 30, 1986.

[FR Doc. 86–22454 Filed 10–2–86; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 86–015]

Tuberculosis Test Requirements for Cattle From Canada

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the regulations concerning tuberculosis test requirements for importing cattle from Canada. This document would amend the regulations to (1) require certain cattle to be tested for tuberculosis within 60 days preceding arrival at a port of entry instead of the previous requirement that such cattle be tested within 30 days preceding offer for entry and (2) remove restrictions imposed upon the importation of certain cattle from "restricted areas" of Canada. These proposed amendments appear to relieve restrictions without increasing the risk of the spread of tuberculosis from Canada into the United States. Further, this document would amend the regulations to prohibit the importation of cattle from a herd in which a tuberculosis reactor has been found. This additional restriction appears to be necessary to prevent the introduction of tuberculosis from Canada into the United States. Further, this document would delete the provisions regarding "range cattle." The deletion appears to be necessary because the other proposed amendments in this document would, if adopted, result in the deletion of all distinctions between the tuberculosis provisions regarding "range cattle" from Canada and all other types of cattle from Canada.

DATE: Written comments concerning this proposal must be received on or before December 2, 1986.

ADDRESS: Written comments should be submitted to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments should state that they are in response to Docket No. 86–015. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

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

SUPPLEMENTARY INFORMATION:

Background

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

First Proposal

A document published in the **Federal Register** on December 4, 1985 (50 FR 49702–49704), referred to below as the first proposal, proposed to amend the regulations in § 92.20(b) to (1) require certain cattle to be tested for tuberculosis within 60 days preceding arrival at a port of entry instead of the previous requirement that such cattle be tested within 30 days preceding offer for entry and (2) remove restrictions imposed upon the importation of certain cattle from "restricted areas" of Canada. This first proposal proposed these amendments to relieve restrictions without increasing the risk of the spread of tuberculosis from Canada into the United States. Further, the first proposal proposed to amend the regulations to prohibit the importation of cattle from a herd in which a tuberculosis reactor has been found until such herd attains tuberculosis-free status under Canadian regulations. This additional restriction was proposed to prevent the introduction of tuberculosis from Canada into the United States. Further, the first proposal would delete the provisions regarding "range cattle." This deletion would be necessary if the other proposed actions in the first proposal were adopted, because such adoption would result in the deletion of all distinctions between the tuberculosis provisions regarding "range cattle" from Canada and all other types of cattle from Canada.

Comments were solicited concerning the first proposal for a 60-day comment period ending February 3, 1986. One comment was received. The commenter supported the proposal amendments. However, a final rule has not been promulgated because additional information provided by Canadian officials indicates that the first proposal is flawed in several respects. Except for substantive changes to correct errors in the first proposal, this document reproposes the first proposal for the reasons set forth in the first proposal.

Additional Changes

In the first proposal, proposed § 92.20(b)(1) would have prohibited the importation of cattle from Canada from a herd in which any cattle have been found to have tuberculosis unless "the herd attains tuberculosis-free status under Canadian regulations." An official of the Canadian Government has informed representatives of this Department that Canada does not have regulations under which herds found to have tuberculosis are designated as tuberculosis-free and, presently, the Canadian policy is to slaughter all cattle in a herd found to have tuberculosis. Therefore, no cattle from a herd in which any cattle have been determined to have tuberculosis would be available or eligible for importation into the United States under proposed § 92.20(b)(1). Therefore, this proposal would prohibit the importation of cattle from a herd in which cattle have been found to have tuberculosis.

Also in the first proposal, proposed § 93.20(b)(2)(ii)(A) sets forth one method by which certain cattle could be imported into the United States. That proposed provision would have required that cattle be accompanied by certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing, among other things, that the cattle are from a "Canadian-listed tuberculosis-free accredited herd." An official of the Canadian Government has informed representatives of this Department that, while such list still exists, most tuberculosis-free herds are not on such list. Therefore, this document proposes to delete the reference to "Canadian-listed tuberculosis-free accredited herd" and instead requires that the certificate show that the cattle are from a "tuberculosis-free herd."

A second method by which certain cattle could be imported into the United States was proposed in § 92.20(b)(2)(ii)(B) of the first proposal. That proposed provision would have required that cattle be accompanied by a certificate issued or endorsed by a salaries veterinarian of the Canadian Government showing, among other things, that the cattle are from an "accredited area." An official of the Canadian Government has informed representatives of this Department that the entire country of Canada is now an "accredited area." Therefore, this document proposes to delete the requirement for certification that cattle are from a herd in an accredited area since all Canadian cattle are now "from an accredited area." Since the term "accredited area" would no longer be used, this document proposes to remove the definition of "accredited area" from § 92.1.

Further, the terms, "tuberculosis-free herd" and "United States" are used in proposed § 92.20(b). To increase clarity, this document proposes to add definitions of these terms to § 92.1 as follows:

1. *Tuberculosis-free herd.* A herd which is not known to be infected with bovine tuberculosis (*M. bovis*) and which is certified by the Canadian Government as a tuberculosis-free herd.

2. *United States.* All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Executive Order 12291 and Regulatory Flexibility Act

This proposed action has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this action would not have an effect on the economy of $100 million or more; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographical regions; and would not have any adverse effects on competition, employment, investment, productivity, innovation, or on the ability United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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

Extending the tuberculin testing period from 30 to 60 days prior to importation would be a relief of existing restrictions that would make compliance with the regulations easier for persons moving cattle from herds in Canada into the United States. Removal of the provisions for cattle from "restricted areas" would have no impact on the importation of cattle into the United States from Canada since there are no longer any "restricted areas" in Canada. Removal of the provisions for the importation of range cattle from reactor herds would have no impact on the importation of cattle from Canada into the United States, since Canadian regulations prohibit the exportation of such cattle.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

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

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

Accordingly, 9 CFR Part 92 would be amended as follows:

1. The authority citation for Part 92 would continue to read as follows:

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

§ 92.1 [Amended]

2. Paragraphs (k) and (l) of § 92.1 would be removed.

3. The remaining definitions in § 92.1 would be placed in alphabetical order and the paragraph designations would be removed.

4. Section 92.1 would be amended by adding, in alphabetical order, the following:

Tuberculosis-free herd. A herd which is not known to be infected with bovine tuberculosis (*M. bovis*) and which is certified by the Canadian Government as a tuberculosis-free herd.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

5. Section 92.20(b) would be revised to read as follows:

§ 92.20 Cattle from Canada.

* * * * *

(b) *Tuberculin-test certificates.* (1) Cattle from Canada from a herd in which any cattle have been determined to have tuberculosis shall not be imported into the United States.

(2) Except for cattle prohibited from importation under paragraph (b)(1) of

this section, cattle from Canada may be imported into the United States if:

(i) The cattle are imported for slaughter in accordance with § 92.23; or

(ii) The cattle are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(A) That the cattle are from a tuberculosis-free herd; or

(B) The date and place the cattle were last tested for tuberculosis; that the cattle were found negative for tuberculosis on such test; and that such test was performed within 60 days preceding the arrival of the cattle at the port of entry.

* * * * *

6. In § 92.20, paragraph (b), footnote number 10 would be removed.

Done at Washington, DC, this 29th day of September 1986.

J.K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 86-22422 Filed 10-2-86; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 703

Rule on Informal Dispute Settlement Procedures; Advisory Committee Meetings

AGENCY: Federal Trade Commission.

ACTION: Notice of advisory committee meetings.

SUMMARY: This notice announces the date, time, location, and agenda of the next four meetings of the Rule 703 Advisory Commitee. Fifteen days' notice of advisory committee meetings is required under the Federal Advisory Committee Act. This notice also announces minor changes in the committee's membership.

DATES: The Rule 703 Advisory Committee will meet on October 22, 1986 at 10:00 a.m.; on November 13, 1986 at 8:30 a.m.; on December 11, 1986 at 8:30 a.m.; and on January 8, 1987 at 8:30 a.m. All four meetings will be open to the public.

ADDRESS: All four meetings will be held at the Conservation Foundation, 1255 23rd Street N.W., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT:

Chairpersons:

John A.S. McGlennon, ERM-McGlennon Associates, 283 Franklin Street, Boston, MA 02110 (617) 357-4443.

Gail Bingham, Conservation Foundation, 1255 23rd Street, NW., Washington, DC 20037, (202) 293-4800.

FTC Staff: David W. Koch, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580 (202) 523-3911.

SUPPLEMENTARY INFORMATION: On August 20, 1986, the Commission published a notice [51 FR 29666] announcing the formation of an advisory committee to develop proposed revisions to the Rule on Informal Dispute Settlement Procedures ("Rule 703"), 16 CFR Part 703. The Rule 703 Advisory Committee met for the first time on September 23, 1986. At that meeting, the Committee attended to several organizational matters, including setting the dates for future committee meetings.

The Federal Advisory Committee Act, 5 U.S.C. App. I sections 1-15, and its implementing regulations require that advisory committee meetings be open to the public and that notice be published in the **Federal Register** at least fifteen days in advance of each meeting. Accordingly, the Commission is publishing this notice to announce the date, time, location, and agenda of the next four meetings of the Rule 703 Advisory Committee.

The date, time, and location of the four scheduled meetings appear above. In addition, the committee has established a tentative agenda for the October 22, 1986 meeting. At that meeting, the committee will finalize a number of organizational matters, including the adoption of protocols to guide the committee's operation. The committee will also review a list, prepared by the chairpersons, of issues proposed for discussion during the September 23, 1986 meeting. Finally, the committee will consider the organization of working groups to discuss substantive matters in greater detail.

Because of the inherently fluid nature of the negotiation process, it is not possible for the committee to develop specific agendas for the November, December, and January meetings at this time. In general, however, those meetings will be devoted to substantive discussions of the issues raised during the September 23, 1986 meeting. The committee will also receive progress reports and recommendations from the working groups to which particular issues have been referred.

The public is invited to contact the chairpersons or the FTC staff to obtain the list of issues that will serve as the basis for discussions at future meetings. (Readers may also refer to the preliminary list of issues in the February 12, 1986 notice [51 FR 5025] announcing the Commission's intention to form the advisory committee.) The public is also encouraged to contact the chairpersons or FTC staff as the November, December, and January meetings approach for further information on the specific matters likely to be brought up.

Membership Changes

In addition to notifying committee members and the public of the next four advisory committee meetings, a purpose of this notice is to announce minor changes in the committee's membership. Two of the organizations listed in the August 20, 1986 notice establishing the Rule 703 Advisory Committee have decided not to participate in the committee's activities. Those organizations are Nissan Motor Corporation and the Union County, New Jersey, Division of Consumer Affairs. All of the other organizations appearing in the August 20, 1986 notice are participating on the committee.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 86-22450 Filed 10-2-86; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Public Comment and Opportunity for Public Hearing on a Modification to the Pennsylvania Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by the Commonwealth of Pennsylvania as a modification to the Pennsylvania Permanent Regulatory Program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment includes revisions to the State's civil penalty program which provides that the Pennsylvania Department of Reclamation may accept reclamation of abandoned mine lands in lieu of cash payment of civil penalties.

This notice sets forth the times and locations that the Pennsylvania program and the proposed amendment are

available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed regarding the public hearing.

DATES: Written comments not received on or before 4:00 p.m., November 3, 1986, will not necessarily be considered.

If requested, a public hearing on the proposed modifications will be held on October 28, 1986, beginning at 9:00 a.m. at the location shown below under **"ADDRESSES"**.

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Robert Biggi, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101.

If a public hearing is held its location will be: Penn Harris Motor Inn and Convention Center at the Camp Hill Bypass and U.S. 11 and 15, Camp Hill, Pennsylvaina.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biggi, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101; Telephone: (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Pennsylvania program, the proposed modifications to the program, a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSMRE offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays. Each person may receive, free of charge, one single copy of the proposed modifications by contacting the Harrisburg Field Office.

Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, 101 South 2nd Street, Suite L–4, Harrisburg, Pennsylvania 17101

Office of Surface Mining Reclamation and Enforcement, Room 5124, 1100 "L" Street, NW., Washington, DC 20240

Pennsylvania Department of Environmental Resources, Fulton Bank Building, Third and Locust Streets, Harrisburg, Pennsylvania 17120

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **"DATES"** or at locations other than Harrisburg, Pennsylvania, will not necessarily be considered and included in the Administrative Record for this final rulemaking.

Public Hearing

Persons wishing to comment at a public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by the close of business October 20, 1986. If no one requests to comment at a public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Public Meeting

Persons wishing to meet with OSMRE representatives to discuss the proposed amendments may request a meeting at the OSMRE office listed under **"ADDRESSES"** by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT."**

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background on the Pennsylvania State Program

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary disapproved the Pennsylvania program. The State resubmitted its program on January 25, 1982, and subsequently the Secretary approved the program subject to the correction of minor deficiencies. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** notice (47 FR 33050). Subsequent action concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.15 and 938.16.

III. Submission of Program Amendment

On August 21, 1986, Pennsylvania submitted to OSMRE a proposed amendment to the State program (OSMRE Administrative Record PA 609). The amendment modifies the State's civil penalty program to provide that the State may accept reclamation of abandoned mine lands in lieu of cash payment of civil penalties.

The amendment provides that the penalty amount shall be set before the Department may consider the operator's request to perform reclamation in lieu of cash payment.

The amendment also includes provisions which cover the following:

—Specifications as to the site which are eligible for reclamation;
—The eligibility requirements for operators who desire to perform reclamation in lieu of making cash payments of civil penalties;
—The requirements for the Consent Order and Agreement to be signed by the operator;
—The methods for calculating the cash value of the proposed reclamation;
—The content requirements for the operator's proposal of reclamation work to be completed in lieu of cash payment;
—The inspection requirements for sites being reclaimed;
—Minimum requirements for reclamation work to be performed; and
—The requirements pertaining to combining civil penalty assessments to be resolved by reclamation.

The Director is seeking comment on the adequacy of the proposed amendment in satisfying the criteria for approval of State program amendments set forth at 30 CFR 732.15 and 732.17. With respect to penalty provisions, the Director must find that the State's rules incorporate penalties no less stringent than those set forth under section 518 of SMCRA and Section 845 of the Federal regulations and contain the same or similar procedural requirements relating thereto.

The full text of the proposed amendment is available for review in the OSMRE Administrative Record under No. PA 609 at the addresses listed above.

IV. Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact

statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: September 26, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services.

[FR Doc. 86-22423 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL-3090-6]

Control of Air Pollution for New Motor Vehicles and New Motor Vehicles Engines; Gaseous Emissions Regulations for 1988 and Later Model Year Light-Duty Trucks and Heavy-Duty Engines and Vehicles

AGENCY: U.S. Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: This Notice extends the period for comments to the Advance Notice of Proposed Rulemaking (ANPRM) which announced that the Agency is considering actions in three areas related to motor vehicle emission standards and regulations. (51 FR 32032; September 8, 1986.) First, EPA is evaluating more stringent hydrocarbon (HC) exhaust emission standards for light-duty trucks (LDTs). Second, EPA is contemplating more stringent HC standards for light and heavy LDTs at higher elevations that, as is currently the case, would require the same percentage reduction in emissions at high altitude as is required at low altitude. Third, the Agency also is contemplating a requirement that lighter heavy-duty trucks (Class IIB) be certified in compliance with the LDT standards using the applicable certification protocols.

DATE: In order to insure full consideration in the Agency's preparation of this rulemaking, comments pertaining to the ANPRM should be submitted in writing by November 21, 1986.

ADDRESS: Written comments should be submitted in duplicate to: Central Docket Section (LE-131A); Attention: Docket No. A-85-22; U.S. Environmental Protection Agency; 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 663-4390.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) has received separate requests from the Automobile Importers of America, Inc. and the Motor Vehicle Manufacturers Association for an extension of time to comment on the subject ANPRM. These requests were based on the need of these organizations for additional time to adequately review and analyze the issues raised in the ANPRM in order to prepare and submit comments to EPA.

The Agency has considered these requests and decided that an extension would be appropriate. Therefore, the comment period is extended to November 21, 1986.

Dated: September 26, 1986.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86-22408 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3090-4]

Identification and Listing of Hazardous Waste; Proposed Exclusions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA) today is proposing to exclude the solid wastes generated at two facilities from the list of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to delisting petitions submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265, 124, 270, and 271 of Title 40 of the Code of Federal Regulations, and 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific basis" from the hazardous waste list. The effect of this action, if promulgated, would be to exclude certain wastes generated at two particular facilities from listing as hazardous wastes under 40 CFR Part 261.

The Agency has previously evaluated one of the petitions which is discussed in today's notice. Based on our review at that time, this petitioner was granted a temporary exclusion. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, this petition as well as the other petition for which we propose to grant an exclusion have been evaluated both for the factors for which the wastes were originally listed, as well as all other factors and toxicants which might reasonably cause the wastes to be hazardous.

DATES: EPA will accept public comments on these proposed exclusions until October 20, 1986. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on either of these proposed exclusions by filing a request with Bruce R. Weddle, whose address appears below, by October 20, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Comments should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Requests for a hearing should be addressed to Bruce R. Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Communications should identify the regulatory docket number: "F-86-HAPE-FFFFF".

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street SW., (sub-basement) Washington, DC 20460, and is available for viewing

from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475–9327 or Kate Blow at (202) 382–4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346, or at (202) 382–3000. For technical information, contact Lori DeRose, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382–5096.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit any of the characteristics of hazardous wastes identified in Subpart C of Part 261 (*e.e.*, ignitability, corrosivity, reactivity, and extraction procedure [EP] toxicity) or meet the criteria for listing contained in 40 CFR 261.11 (a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(a) and the background documents for the listed wastes.) In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics, as well as present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. (See 40 CFR 260.22(a); section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(f); and the background documents for the listed wastes.) Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of a hazardous waste, generators remain obligated to determine whether their waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 261.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes also are eligible for exclusion and remain hazardous wastes until excluded. (See 40 CFR 261.3 (c) and (d)(2).) Again, the substantive standard for "delisting" is: (1) That the waste not meet any of the criteria for which it was listed originally; and (2) That the waste is not hazardous after considering factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Where the waste is derived from one or more listed hazardous waste, the demonstration may be made with respect to each constituent or the waste mixture as a whole. (See 40 CFR 260.22(b).) Generators of these excluded treatment, storage, or disposal residues remain obligated to determine on a periodic basis whether these residues exhibit any of the hazardous waste characteristics.

Approach Used to Evaluate Delisting Petitions

The Agency first will evaluate the petition to determine whether the waste (for which the petition was submitted) is non-hazardous based on the criteria for which the waste was originally listed. If the Agency believes that the waste is still hazardous (based on the original listing criteria), it will propose to deny the petition. If, however, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the criteria for which the waste was listed, it then will evaluate the waste with respect to other factors or criteria, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous.

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (*i.e.*, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials list and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constitutents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose no toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volume of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste, the petition would be tentatively denied on the basis of insufficent information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

Rather than submitting a raw materials list, petitioners may test their waste for any additional toxic constituents that may be present and submit this data to the Agency. In this case, the petitioner should submit an explanation of why any constituents from Appendix VIII of Part 261, for which no testing was done, would not be present in the waste or, if present, why they would not pose a toxicological hazard.

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constitutents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a ground water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby hypothetical receptor wells)—the "compliance point" (*i.e.*, the model estimates the ability of an aquifer to

dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

This approach evaluates the petitioned wastes by assuming reasonable worst-case land disposal scenarios. This approach has resulted in the development of a sliding regulatory scale which suggests that a large volume of waste exhibiting a particular extract level would be considered hazardous, while a smaller volume of the same waste could be considered non-hazardous.[2] The Agency believes this to be a reasonable outcome since a larger quantity of the waste (and the toxicants in the waste) might not be diluted sufficiently to result in compliance point concentrations that are less than the level of regulatory concern. The selected approach predicts that the larger the waste volume, the higher the level of toxicants at the compliance point. The mathematical relationship (with respect to ground water) yields at least a six-fold dilution of the toxicant concentration initially entering the aquifer (*i.e.*, any waste exhibiting extract levels equal to or less than six times a level of regulatory concern will generate a toxicant concentration at the compliance point equal to or less than the level of regulatory concern). Depending on the volume of waste, an additional five-fold dilution may be imparted, resulting in a total dilution of up to thirty-two times.

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. The Agency has used this approach in evaluating wastes proposed for exclusion in today's publication. As a result of this evaluation, the Agency is proposing to grant the petitions discussed in this notice.

It should be noted that EPA has not verified the submitted test data before proposing to grant these exclusions. The sworn affidavits submitted with each petition bind the petitioners to present truthful and accurate results. The Agency, however, has initiated a spot sampling and analysis program to verify the representative nature of the data for some percentage of the submitted petitions before final exclusions will be granted.

Finally, before the Hazardous and Solid Waste Amendments of 1984, the Agency granted temporary exclusions without first requesting public comment. The Amendments specifically require the Agency to provide notice and an opportunity for comment before granting a final exclusion. Thus, a final exclusion will not be granted for any of the petitions proposed today until all public comments (including those at requested hearings, if any) are addressed.

Petitioners

The proposed exclusions published today involve the following petitioners:

Holston Army Ammunition Plant, Kingsport, Tennessee;

William L. Bonnell Co., Newnan, Georgia.

I. Holston Army Ammunition Plant

A. Petition for Exclusion

Holston Army Ammunition Plant (Holston), located in Kingsport, Tennessee, manufactures explosives. Holston has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. K044—Wastewater treatment sludges from the manufacturing and processing of explosives. Holston's waste is also considered hazardous due to the presence of spent non-halogenated solvents listed under EPA Hazardous Waste No. F003 (*i.e.*, xylene, acetone, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol) and EPA Hazardous Waste No. F005 (*i.e.*, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine). Holston has petitioned to exclude its waste because it does not meet the criteria for which it is listed.[3]

EPA Hazardous Waste No. K044 is listed only for reactivity, EPA Hazardous Waste No. F003 is listed only for ignitability, and EPA Hazardous Waste No. F005 is listed for ignitability and toxicity. Holston claims that its wasterwater treatment process generates a non-hazardous sludge that is not reactive or ignitable, and the constituents of concern, if present, are present in insignificant quantities. In addition, Holston claims that its sludge is not hazardous for any other reason.

Holston has provided a detailed description of its manufacturing and wastewater treatment processes, including schematic diagrams; results from reactivity tests including impact sensitivity, detonator tests, and exposure to excessive heat,[4] reactive cyanide and sulfide analyses; and results from ignitability tests. Holston also provided results from EP toxicity and total constituent analyses of the sludge for all of the EP toxic metals and nickel; total constituent analyses, and distilled water leachate test results for cyanide, and results from total and free cyanide analyses. Holston submitted results from total oil and grease analyses as well as total constituent analyses for all of the solvents listed under EPA Hazardous Waste No. F005. The raw materials list provided by Holston demonstrated that phenols and acetonitrile had the potential to enter the wastewater treatment system; therefore, samples were also analyzed for these constituents. Raw materials information was requested in order to determine whether hazardous constituents, other than those for which the waste was orginally listed, may be present in the waste at levels of regulatory concern.

Holston manufactures explosive chemicals: cyclonite (cyclotrimethylene trinitramine or RDX) and cyclotetramethylene tetranitramine or HMX). Holston also formulates TNT-containing explosives. The basis chemistry used by Holston is the Bachmann process; hexamine is nitrated

[1] The Agency recently proposed a similar approach, including a ground water transport model, as part of the land disposal restrictions rule (see 51 *FR* 1602, January 14, 1986). The Agency, however, has not completed its evaluation of the comments on this proposal. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis at that time.

[2] Other factors may result in the denial of a petition, such as actual ground water monitoring data or spot check verification data.

[3] Holston submitted their initial petition in May, 1985; additional information, as requested by the Agency, was submitted in August and December, 1985.

[4] In order to determine whether Holston's waste has the potential for detonation or explosive decomposition, Holston sent four samples of their waste to the Pittsburgh Research Center of the U.S. Bureau of Mines for evaluation using methods developed by the United Nations Group of experts on Explosives. These methods are the "Deflagration-to-Detonation Transition Test," and the "CAP test for Solids and Liquids;" copies of these methods are available from the RCRA docket. Holston also performed reactivity tests entitled "Auto-Ignition of Explosive Compositions" (Method No. P-22) and "Impact Sensitivity of HMX and RDX," (Method No. P-4). These methods were developed by Holston Defense Corporation, and copies of the procedures are available in the RCRA docket.

with an ammonium nitrate-nitric acid mixture in the presence of acid-acetic anhydride.

Wastewaters are generated from the manufacturing areas of the facility and piped to the industrial wastewater treatment plant (IWTP). The IWTP includes a neutralization and nutrient addition tank, an upflow anoxic packed bed reactor for nitrate removal, a second neutralization and nutrient addition tank, a bi-modal bio tower/activated sludge system, and clarifiers for solids separation. After the sludge builds up in the system, a portion is removed for treatment and dewatering. This sludge undergoes pre-thickening, is aerobically digested for twenty days, and then thickened to a 2–3 percent solids content. This thickened sludge is conditioned with 7 percent ferric chloride and 25 percent lime, and then dewatered in a diaphragm pressure filter that achieves, approximately, a 35 percent solids content. The dewatered sludge is the subject of this petition.

Grab samples were collected from the sludge pile that accumulates beneath the pressure filters. Samples were collected in February, April, and July, 1984, and August and November, 1985 (a total of 23 grab samples were collected and analyzed). The wastewater treatment process used at Holston involves a number of steps prior to dewatering. As a result, each filter pressure "batch" represents approximately 20 days of sludge generation. The 1984 samples and the August, 1985 samples, were collected from the sludge pile beneath the pressure filter units. The November, 1985 samples were collected directly from the filter press. The 1985 samples were daily grab samples while the 1984 samples were collected at varying intervals over a six month period. Holston claims that the samples collected are representative of any concentration variation over time of the listed and non-listed constitutents in the waste stream.

Maximum total constituent analysis and leachate values for the EP toxic metals, nickel, and cyanide are presented in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Total constituent analyses	EP leachate analyses
As	7.8	0.07
Ba	1004	4.11
Cd	1.3	0.039
Cr(total)	610	0.052
Pb	26	0.23
Hg	3.6	0.005
Se	0.16	0.005
Ag	3.3	<0.1
Ni	320	1.9
CN [1]	<2	<1

[1] From distilled water leach test. Distilled water is used rather than the normal acidic EP extraction medium to avoid the destruction of cyanide during the extraction procedures.

The maximum concentration detected in the waste of the spent solvents listed under EPA Hazardous Waste No. F005, are listed in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS (ppm)

Constitutents	Concentrations
Toluene	2.7
Methyl ethyl ketone	[1] 0.04
Carbon disulfide	<1
Isobutanol	<1
Pyridine	<1

[1] A concentration of 12 ppm of methyl ethyl ketone (MEK) was found during the analyses for EPA Hazardous Waste No. F003 solvents where 5 ppm was used as a detection limit (MEK was not detected reported significant "noise" during these analyses. Subsequent analyses of four additional samples found less than 1 ppm of MEK, and further testing (of four more samples in order to lower detection limits) found a maximum of 0.04 ppm of MEK in the waste when a detection limit of 0.01 ppm was used. The Agency believes that the 12 ppm value for MEK is not representative; as is demonstrated by evaluating the complete data set using Dixon's Extreme Value Test.

Holston also analyzed their waste for phenols because waste tar decant water may enter the IWTP as a result of floor washings or minor drips. 2,4,6-Trichlorophenol and 2,4-dinitrophenol were not detected at a detection limit of 1 ppm. Acetonitrile was not detected at 10 ppm.

The total oil and grease content of Holston's sludge is less than 0.5 percent. Holston provided a list of raw materials used in their processes which might contribute to the waste stream. From this list it was determined that no Appendix VIII hazardous constitutents, other than those tested for, are used in the manufacturing processes and that formation of any of these constituents is unlikely. Finally, Holston claims to generate a maximum of 3,800 tons of dewatered sludge annually.

B. Agency Analysis and Action

Holston has demonstrated to the Agency that the sludge generated from their pressure filters is non-hazardous. The Agency believes that the 23 grab samples taken during the three sampling periods were non-biased and adequately characterize the waste petitioned for exclusion. Due to the nature and consistency of the operations involved (Holston is not a job shop and there are no seasonal product variations), the Agency believes that Holston's claim of uniformity in manufacturing and treatment processes is substantiated. The samples, therefore, are representative of the treated sludge generated by Holston.

As mentioned previously, Holston performed reactivity tests on their treated sludge. The sludge was stable when exposed to flame, impacts, detonators, and heat. Holston's waste was tested for the properties associated with reactive wastes (instability; readily undergoing violent change; reaction with water; and capability of detonation or explosive decomposition at standard temperature and pressure) and these properties were not found. The sludge was also stable when exposed to a flame as part of the ignitability test. The sludge's reactive sulfide and cyanide content (<0.05 and <1 mg/kg, respectively) are not of regulatory concern through an air contamination route; the Agency believes these levels to be low enough to preclude the generation of hazardous levels of toxic gases. In addition, free cyanide levels were less than 2 mg/kg.

The Agency has evaluated the mobility of constituents from Holston's waste using the vertical and horizontal spread (VHS) model.[5] This model incorporates the maximum amount of waste generated by Holston annually (3,800 cubic yards), and the leachate levels of the constituents of concern, as input parameters. In order to determine the concentrations of leachable organic compounds, the organic leachate model (OLM) was used.[6] Table 3 lists the predicted leachate concentration for the constituents, the concentration of the constituent after it has been dispersed in the aquifer and arrived at a compliance point, and the regulatory standard developed for that constituent.

[5] See 50 FR 7882, Appendix I, February 26, 1985, for a detailed explanation of the development of the VHS model for use in the delisting program. See also the final version of the VHS model, 50 FR 48896, Appendix, November 27, 1985.

[6] For a discussion of the Agency's proposed organic leachate model (OLM), see 50 FR 48953, Appendix, November 27, 1985. See 51 FR 27061, Notice of Data Availability and Request for Comments, July 29, 1986, for a discussion of the revised OLM.

TABLE 3.—VHS MODEL: COMPLIANCE POINT CONCENTRATIONS (mg/l)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	Base	95%	Base	95%	
Toluene	0.04	0.05	0.006	0.0075	10.5
Methyl ethyl ketone	0.02	0.04	0.003	0.006	1.8
Acetonitrile	1.7	2.7	0.26	0.41	1.3

Table 3 indicates that all of the organic constituents identified at or above detectable levels generated compliance point levels below their respective levels of regulatory concern. The Agency also notes that the detection limit of 1 ppm generates carbon disulfide, isobutanol, pyridine, and 2,4-dinitrophenol compliance point concentrations below the Agency's levels of regulatory concern for these compounds.[7]

The EP toxic metals were also analyzed using the VHS model. The Agency's evaluation of Holston's 3,800 cubic yards of dewatered sludge, and the maximum reported EP test results, predicted the compliance point concentrations exhibited in Table 4. (Where concentrations were below the detection limits, the detection limit was ued in the VHS calculations.)

TABLE 4.—CALCULATED COMPLIANCE POINT CONCENTRATIONS (mg/l)

Constituents	Compliance point concentrations	Regulatory standards
As	0.01	0.05
Ba	0.62	1
Cd	0.006	0.01
Cr (total)	0.008	0.05
Pb	0.035	0.05
Hg	<0.001	0.002
Se	<0.001	0.01
Ag	<0.015	0.05
Ni	0.29	0.35
CN	<0.15	<0.2

As indicated in Table 4, the maximum predicted concentrations of the EP toxic metals are all less than the health-based standards (the National Interim Primary Drinking Water Standards). The predicted nickel and cyanide concentrations are less than the Agency's interim standard[8] and the U.S. Health Service's suggested drinking water standard,[9] respectively. The presence of these toxicants at the reported levels is, therefore, not of regulatory concern. In addition, the Agency's evaluation of the processes and raw materials used at Holston indicates that no hazardous constituents (organic or inorganic), other than those tested for, are expected to be present in the sludge.

Based upon the constituents and factors evaluated, the Agency believes that Holston has demonstrated that the dewatered sludge generated at their facility is non-hazardous and, as such, should be excluded from hazardous waste control. The Agency, therefore, proposes to grant an exclusion to Holston Army Ammunition Plant, located in Kingsport, Tennessee, for its dewatered sludge, as described in the petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition, (*i.e.*, the waste is altered as a result of changes in the manufacturing or treatment processes).[10] In addition, generators still are obligated to determine whether these wastes exhibit any of the characteristics of hazardous waste.)

II. William L. Bonnell Company

A. Petition for Exclusion

The William L. Bonnell Company (Bonnell), a subsidiary of Ethyl Corporation, located in Newnan, Georgia, has petitioned the Agency to exclude their wastewater treatment sludge. The facility manufactures aluminum extrusions of various forms, sizes, and finishes for end uses, primarily in the building materials trade. The sludge presently is listed as EPA Hazardous Waste No. F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.[11] The listed constituents of concern for this waste are hexavalent chromium and cyanide (complexed). Bonnell has petitioned to exclude its wastewater treatment sludge because it does not meet the criteria for which the waste was originally listed.

Based upon the Agency's review of their petition, Bonnell was granted a temporary exclusion on March 18, 1981 (see 46 *FR* 17199). The basis for granting the exclusion (at that time) was negligible concentrations of cyanide, and the low migration potential of chromium in the waste. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) In anticipation of either enactment of this legislation or regulatory changes by the Agency, EPA requested additional information from Bonnell. As a result, the Agency has re-evaluated Bonnell's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed and (2) determine whether the waste is nonhazardous with respect to factors and toxicants other than the original listing criteria. Today's notice is the result of the Agency's re-evaluation of Bonnell's petition.

In support of their petition, Bonnell has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams;[12] total constituent analyses and EP toxicity test results of the sludge for total chromium; and analytical results for total cyanide. Bonnell also submitted total constituent analyses and EP toxicity tests results for arsenic, barium, cadmium, lead, mercury, selenium, silver, and nickel; results for total sulfide analyses; and results for total oil and grease analyses on representative waste samples. Bonnell further submitted a list of raw materials used in the manufacturing process. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste originally was listed, are present in the waste at levels of regulatory concern.

Bonnell uses a manufacturing process that involves the cleaning and conversion coating of aluminum

[7] The Agency notes that although the detection limit of 1 ppm for 2,4,6-trichlorophenol would generate a compliance point concentration above its regulatory standard, this constitutent is not of regulatory concern. The recommended extraction and analytical procedures described in SW-846 cannot achieve low enough detection limits to pass the VHS analysis for 2,4,6-tricholorophenol. Where hazardous constituents in a waste are not detectable using appropriate analytical methods (as determined by the Agency), the Agency, as a matter of policy, will not regulate the waste as hazardous. The Agency is not indicating that this detection limit is an appropriate minimum limit for all petitioners. This will be determined on a case-by-case basis and will depend on the waste matrix. The Agency further notes, that as recommended clean-up and analytical tests improve and are incorporated into SW-846 the required detection limits will decrease for those petitioners submitting petitions at that point in time. In addition, this constituent, if present in waste, would be expected to be present in concentrations above the reported detectable limit.

[8] See 50 FR 20247 (May 15, 1985) for a complete description of the development of the Agency's interim standard for nickel.

[9] Drinking Water Standards, U.S. Public Health Service, Publication 956, 1962 (0.2 ppm).

[10] The curent exclusion applies only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. Should such a change occur, the facility must treat its waste as hazardous until a new exclusion is granted.

[11] Bonnell petitioned the Agency to exclude its wastewater treatment sludge and sludge contained in its on-site surface impoundments. This proposed exclusion applies only to the wastewater treatment sludges currently generated at the facility, and not to sludges in the on-site surface impoundments.

[12] Bonnell has claimed their raw materials list and process descriptions as confidential business information (CBI). This information is not available for public inspection.

extrusions to prepare the surfaces for finishing and painting. The pre-paint treatment process uses a five-stage series of cleaning and rinsing tanks. Bonnell claims that cyanide is not used in their process. The chromium-bearing wastwater originating from this manufacturing process is treated by a batch reaction process that involves pH adjustment with sulfuric acid, and reduction of hexavalent chromium to the trivalent state with sulfur dioxide. The reaction tanks are agitated to ensure thorough mixing and chromium reduction. Lime is added to adjust the pH and precipitate the trivalent chromium. The precipitates are removed by sedimentation and the accumulated sludge is dewatered using a vacuum filter. Bonnell petitioned the Agency to exclude this dewatered wastewater treatment sludge. Bonnell claims that its wastewater treatment sludge in non-hazardous due to the immobile nature of chromium and negligible levels of cyanide in the sludge. In addition, Bonnell claims that paints and solvents used at the facility cannot contact the chromium-bearing wastewater stream, and thus cannot contribute toxicants to the wastewater treatment sludge. Bonnell therefore believes that the dewatered sludge is not hazardous for any other reason.

For the purpose of providing supporting analytical data, Bonnell collected grab samples from the vacum filter. Bonnel's initial petition was based upon two grab samples collected in March and August of 1980. Following the Agency's request for additional data, 4 grab samples were collected in September and October of 1983, 12 samples were collected in March and April of 1985, and 4 grab samples were collected in May of 1986. Overall a total of 22 grab samples were collected and analyzed for various parameters. At least four representative samples for each constitutent were analyzed. Bonnell claims that all of the samples collected are representative of any variation of the listed and non-listed constitutent concentrations in the waste because the manufacturing processes used at the facility are uniform and the use of raw materials does not vary significantly over time. Bonnell also claims that there is no significant seasonal variation in the amount of waste generated.

Total constitutent and EP toxicity analyses of the dewatered sludge for the listed constitutents revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Listed constitutents	Total constituent analyses	EP leachate analyses
Chromium (total)	4,100	[1] 0.8
Cyanide	0.41	[2] 0.02

[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.
[2] Free and leachable cyanide tests were not required, since cyanide is not used in the process and the total content was low. Leachable cyanide was determined by assuming a theoretical leaching of 100 percent and a twenty-fold dilution (100 grams of solids diluted with 2.0 liters of water) of the maximum total constituent concentration of cyanide.

Total constituent and EP toxicity analyses of the dewatered sludge for the non-listed EP toxic metals revealed the maximum concentration reported in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS (PPM)

Non-listed constituents	Total constituent analyses	EP leachate analyses
Arsenic	<6	<0.5
Barium	34	0.011
Cadmium	<1	<0.1
Lead	<3	<0.1
Mercury	2	[1] <0.02
Nickel	30	0.1
Selenium	<6	0.13
Silver	<1	0.4

< = Denotes concentrations below the detection limit.
[1] The leachable mercury concentration for 1 sample out of 13 was 0.1 ppm. The concentrations in the other 12 samples were less than 0.02 ppm. The Agency believes that the 0.1 ppm value is an outlier and does not reflect the typical mobility of mercury in Bonnell's waste. This conclusion is supported by the Dixon Extreme Value Test. The Agency, therefore, believes that a level equal to 0.02 ppm more accurately reflects mercury mobility in the waste.

The maximum total oil and grease value reported was 0.2 percent. Bonnell also analyzed their dewatered sludge for total sulfides; the maximum concentration reported was 0.16 ppm. Bonnell also submitted a list of all raw materials used in its manufacturing and chromium-bearing wastewater treatment processes. This list indicated that no Appendix VIII hazardous constituents, other than those tested for, are used in the process and that formation of any of these constituents is highly unlikely. Bonnell also provided test data indicating that the sludge is not ignitable, corrosive, or reactive. Bonnell claims to generate approximately 575 cubic yards of sludge per year.

B. Agency Analysis and Action

Bonnell has demonstrated that its waste treatment system produces a non-hazardous sludge. The Agency believes that the 22 grab samples collected by Bonnell from the vacuum filter were non-biased and adequately represent any variations that may occur in the waste stream petitioned for exclusion. The key factor that could vary toxicant concentrations in the waste would be the use of different raw materials due to changes in the product line being manufactured. Variation in raw materials can be expected either when the facility performs as a job shop or when the product line changes seasonally. The Agency believes that the sampling period used by Bonnell was long enough to cover any scheduled changes in the product line, since the petitioner has verified that there is no significant seasonal variation in the process and that the raw materials used do not vary. Accordingly, the samples are believed to be representative of the waste generated by Bonnell at its Newnan, Georgia facility.

The Agency has evaluated the mobility of the listed constituents from Bonnell's waste using the vertical and horizontal spread (VHS) model.[13] The VHS model generated compliance point values using the waste generation rate of 575 cubic yards per year and the maximum reported extract levels as input parameters. The calculated compliance point concentrations for the listed constituents are reported in Table 3.

TABLE 3.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/DEWATERED SLUDGE (PPM)

Listed constituents	Compliance point concentrations	Regulatory standards
Chromium (total)	0.03	0.05
Cyanide	0.0007	0.2

The dewatered sludge exhibited chromium levels (at the compliance point) below the National Interim Primary Drinking Water Standard and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[14] The waste's maximum sulfide and cyanide contents (0.16 and 0.41 ppm, respectively) also are low enough not to be of regulatory concern from an air contamination route. That is, the Agency believes these levels to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases. (The capability of a sulfide- or cyanide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes is a property of the reactivity characteristic.) These constituents, therefore, are not of regulatory concern.

The Agency also concluded, through using the VHS model, that the other EP toxic metals and nickel are not present in the dewatered sludge at levels of regulatory concern. The compliance

[13] See footnote 5.
[14] See footnote 9.

point values generated from these extract levels are displayed in Table 4. Where the maximum reported extract levels were below the detection limits, the value of the detection limit was used in the model.

TABLE 4.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS/DEWATERED SLUDGE (ppm)

Non-listed constituents	Compliance point concerntrations	Regulatory standards
Arsenic	<0.019	0.05
Barium	0.004	1.0
Cadmium	<0.004	0.01
Lead	<0.004	0.05
Mercury	<0.0007	0.002
Nickel	0.004	0.35
Selenium	0.005	0.01
Silver	0.015	0.05

< = Denotes that the leachate concentration was beow the detection limit.

Bonnell also had demonstrated that the sludge does not demonstrate the characteristics of ignitability and corrosivity. The Agency also reviewed Bonnell's raw materials list and material safety data sheets for each component in the raw materials list. The Agency has concluded from this review that not other Appendix VIII hazardous constituents, other than those tested for, are present in the waste.

The Agency believes that Bonnell's treatment process for chromium-bearing wastewater generates a non-hazardous waste that should be excluded from hazardous waste control. The Agency, therefore, proposes to grant an exclusion to Ethyl Corporation's subsidiary, William L. Bonnell Company, located in Newnan, Georgia, for its dewatered slude, as described in the petition. [The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the manufacturing or treatment processes).[15] In addition, generators still are obligated to determine whether the wastes exhibit any of the characteristics of a hazardous waste.)

III. Effective Date

This rule, if promulgated, will become effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule reduces, rather than increases, the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense which would be imposed on the petitioners by an effective date six months after promulgation and the fact that such a deadline is not necessary to achieve the purpose of section 3010, we believe that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant exclusions is not major since its effect is to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction is achieved by excluding wastes generated at specific facilities from EPA's list of hazardous wastes, thereby enabling facilities to treat their wastes as non-hazardous.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will be to reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

(Sec. 3001 RCRA, 42 U.S.C. 6921)

Dated: September 26, 1986.

Marcia Williams,

Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR Part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 U.S.C., 6905, 6912(a), 6921, and 6922].

2. In Appendix IX, add the following wastestreams to Table 1 in alphabetical order:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NONSPECIFIC SOURCES

Facility	Address	Waste description
Holston Army Ammunition Plant.	Kingsport, Tennessee.	Dewatered wastewater treatment sludges (EPA Hazardous Wastes Nos. F003, F005, and K044) generated from the manufacturing and processing of explosives and containing spent non-halogenated solvents after [insert date of final rule's publication].
William L. Bonnell Co.	Newnan, Georgia.	Dewatered wastewater treatment sludge (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after [insert date final rule's publication].

[FR Doc. 86-22409 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-760-06-4410-02]

43 CFR Part 1600

Planning Guidance; Availability of Draft Revisions to Resource Management Planning

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability for public review and comment on the proposed revisions to areas of critical environmental concern guidance.

SUMMARY: This notice is to advise the public of the availability of planning guidance setting forth proposed revisions in procedures for the identification, evaluation and designation of Areas of Critical Environmental Concern (ACEC) in resource management planning. the revised guidance, when issued, will aid implementation of ACEC requirements

[15] See footnote 10.

established in the Federal Land Policy and Management Act and the Bureau of Land Management's planning regulations (43 CFR Part 1610.7–2). The revisions are also intended to improve understanding of the established requirements and to promote a more consistent approach to ACEC designations in Bureau planning. The revisions reflect more than two years experience with current guidance and implementation procedures.

DATES: Comments are due by November 28, 1986.

ADDRESS: Copies of the draft revisions to resource management planning guidance may be obtained by writing: Director (760), Bureau of Land Management, 1800 C Street, NW., Washington, DC 20240.

Copies may also be obtained from each BLM State Office or by calling (202) 653–8824.

FOR FURTHER INFORMATION CONTACT:

Gordon Knight, 202–653–8824
James Colby, 202–653–8830

David C. O'Neal,
Deputy Director.

[FR Doc. 86–22077 Filed 10–2–86; 8:45 am]
BILLING CODE 4310–84–M

Notices

Federal Register
Vol. 51, No. 192
Friday, October 3, 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

Office of the Secretary

State of Wisconsin Soil Erosion Control Program; Determination of Primary Purpose of Program Payments for Consideration as Excludable From Income Under Section 126 of the Internal Revenue Code of 1954

AGENCY: Office of the Secretary, USDA.

ACTION: Notice of determination.

SUMMARY: The Secretary of Agriculture has determined that cost-share payments made to individuals under the Wisconsin Soil Erosion Control Program are made primarily for the purpose of soil conservation. This determination which is made in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended, and the provisions of 7 CFR Part 14, permits recipients of these payments to exclude them from gross income for Federal income tax purposes if certain other conditions are met.

FOR FURTHER INFORMATION CONTACT: Howard C. Richards, Secretary, Wisconsin Department of Agriculture, Trade and Consumer Protection, 801 West Badger Road, P.O. Box 8911, Madison, Wisconsin 53708 (608) 266–1721 or James R. McMullen, Director, Conservation and Environmental Protection Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, DC 20013, (202) 447–6221.

SUPPLEMENTARY INFORMATION: Section 126 of the Internal Revenue Code of 1954, as added by the Revenue Act of 1978 and amended by the Technical Corrections Act of 1979, provides that certain payments made under State programs may be eligible for exclusion from gross income if certain determinations are made. The Secretary of Agriculture must determine whether payments under a state program, as described in section 126(a)(10), are "made primarily for the purpose of conserving soil and water resources, protecting or restoring the environment, improving forests, or providing a habitat for wildlife." In making this determination, the Secretary of Agriculture must evaluate each program according to criteria set forth in 7 CFR Part 14.

One of the State conservation programs is the Wisconsin Soil Erosion Control Program (WSECP) which is authorized by the section 91.10 of the Soil and Water Conservation Law (Wis. Stat. Ann. section 92.10). The purposes of the program are to: (1) Conserve long-term soil productivity and protect the quality of related natural resources; (2) Provide the necessary administrative framework and financial assistance to meet soil erosion control needs of the state; (3) Focus program resources in areas of the state with the most severe soil erosion problems; and (4) Assure adequate program evaluation to develop recommendations for improvements in erosion control programs. (See Wis. Stat. Ann. section 92.10)

There are two primary components of the program: (1) The preparation of county soil erosion control plans; and (2) The implementation of county soil erosion control plans, including making state cost-share assistance available to landowners and land users. The Wisconsin Department of Agriculture, Trade and Consumer Protection, which administers the program in conjunction with its land conservation board and county land conservation committees, assists committees in preparing the soil erosion control plans and may allocate funds for this purpose, reviews and approves or disapproves the soil erosion control plans and may require committees to indicate specific projects to be funded under each plan, and provides funds from state general purpose revenues to committees to cover up to 75 percent of the cost of implementing conservation practices. It gives priority to those areas in which the most severe soil erosion problems are located.

Cost-share assistance is available only to landowners and land users who enter into a contract with a land conservation committee. Practices eligible for cost-share assistance are: stripcropping, diversions, terrace systems, waterways, critical area stabilization, grade stabilization structures, conservation tillage, and field windbreaks (establishment or restoration).

The authorizing legislation, regulations, and operating procedures for the WSECP have been carefully examined using the criteria set forth in 7 CFR Part 14. It has been concluded that the cost-share payments made under the WSECP to agricultural landowners and/or land users are made primarily for the purpose of conserving soil resources. A "Record of Decision, Wisconsin Soil Erosion Control Program; Primary Purpose Determination for Federal Tax Purposes" has been prepared and is available upon request from the Conservation and Environmental Protection Division, ASCS. Requests may be sent to the address listed above.

Determination

Therefore, it is hereby determined in accordance with section 126(b) of the Internal Revenue Code of 1954, as amended, and 7 CFR Part 14, that all cost-share payments made after February 1, 1985, for conservation practices under the Wisconsin Soil Erosion Control Program which is authorized by section 92.10 of the Soil and Water Conservation Law (Wis. Stat. Ann. section 92.10), are made primarily for the purpose of conserving soil resources.

Signed at Washington, DC, on September 27, 1986.

Richard E. Lyng,

Secretary of Agriculture.

[FR Doc. 86–22455 Filed 10–02–86; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Grand Mesa, Uncompahgre, and Gunnison National Forests; Reanalysis of Forest Land and Resource Management Plan

In the Matter of: Reanalysis of Forest Land and Resource Management Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forests, Delta, Garfield, Gunnison, Hinsdale, Mesa, Montrose, Ouray, Saguache, San Juan, and San Miguel Counties, CO; Notice of Reanalysis of the Forest Plan.

Pursuant to the September 1983 Record of Decision for the Forest Plan which specified a new timber demand study be completed by the end of 1987,

to Deputy Assistant Secretary Douglas W. MacCleery's decision of July 31, 1985, and in response to post Forest Plan issues related to aspen management, the Forest Service, Department of Agriculture is reanalyzing the Forest Land and Resource Management Plan and its alternatives for the Grand Mesa, Uncompahgre, and Gunnison National Forest.

The Proposed Action (Forest Plan) and alternatives are described in the Final Environmental Impact Statement (EIS) prepared for the Forest Plan, Chapter II, pages II–15 through II–60. A discussion of the scope of the issues which were addressed in the Final EIS is on pages I–10 through I–14. Public comment on the issues and the Forest Service responses appear in Chapter VI of the Final EIS.

Preliminary issues have been identified since the original Record of Decision for the Forest Plan was signed on September 29, 1983, by the Rocky Mountain Regional Forester. These issues focus on demand for wood fiber on the Forest, treatment of vegetation including aspen to provide non-timber benefits, "below-cost" timber sales, and the six aspects of the MacCleery decision. These six aspects deal with economic implications of the timber program, the timber program's contribution to net public benefits, timber cost reduction—revenue enhancement, timber demand, land suited for timber production, and again "below-cost" timber sales.

Preliminary plans call for the above issues to be the main areas involved in the reanalysis. Each has been summarized in Planning Action 1. This document includes specific details on the purpose and need, issues, concerns and opportunities involved. It is available for public review by contacting the Forest Supervisor at the address below.

Federal, State, and local agencies, individuals, and organizations are invited to submit comments on these or other issues which may affect management of the National Forest.

The following state and local agencies and organizations have shown interest in the management of this National Forest, and have been specifically invited to participate in the scoping and subsequent reanalysis.

Montrose County Commissioners
City of Montrose
City of Crested Butte
Louisiana-Pacific Corporation
Colorado Timber Industry Assoc.
Southwest Forest Industries
National Forest Products Assoc.
Allied Forest Products
Western Colorado Congress
The Sierra Club
Gunnison County Commissioners
American Wilderness Alliance
Natural Resources Defense Council
Public Lands Institute
Wilderness Society
Colorado Environmental Coalition
High Country Citizens Alliance
National Audubon Society
Western Slope Energy Research Center
Colorado Wildlife Federation
Colorado Division of Wildlife
Delta County Commissioners
Sierra Club Legal Defense, Inc.

Colorado Department of Natural Resources—Current Forest Plan Mailing List

The public involvement activities (including scoping) planned during the reanalysis are detailed in the Action Plan now available to the public. The public will be notified when other documents are available through paid legal notices, news releases, and letters.

The Forest is using the same approach to the reanalysis effort as was used in the first planning effort. Additional documents will follow the "Planning Action" concept established in the original planning process. The Forest anticipates five addendum sections to the following Planning Actions:

1. Addendum to Planning Action 1 (Issues, Concerns, and Opportunities; Purpose and Need; Planning Questions).

2. Addendum to Planning Action 2 (Planning and Decision Criteria) sections on decision criteria for new planning questions, demand determination process, multiple-use identification process, list of identified benefits, FORPLAN analysis process with analysis area and zone identifiers, data base list and anticipated completed data base timeframe.

3. Addendum to Planning Action 3 (Inventory Data and Information Collection) sections on Costs and Benefits.

4. Preliminary Results of (1) demand analysis, (2) cost reduction/revenue enhancement studies, and (3) land suited for timber production analysis.

5. Combined Addendum to Planning Actions 4 (Analysis of Management Situation), Planning Action 6 (Estimated Effects of Alternatives), and Planning Action 7 (Evaluation of Alternatives) sections on results of demand analysis, FORPLAN prescription development, relationship between FORPLAN prescriptions and Plan's management area prescriptions, efficiency of timber and nontimber prescriptions, transportation analysis, cost reduction/revenue enhancement studies, land suited for timber production, benchmark analysis, constraint analysis, and effects (including economic) and evaluation of current Forest Plan alternative and other alternatives.

This reanalysis may lead to an amendment of the Forest Plan. An environmental assessment or an environmental impact statement may be required to document the reanalysis. If an EIS is necessary, a Notice of Intent will be published in the **Federal Register**. This determination is anticipated in September 1987.

Regardless, a new Record of Decision for the Forest Plan for the Grand Mesa, Uncompahgre, and Gunnison National Forest will be issued to respond to the Deputy Assistant Secretary's decision. It is unknown at this time when a new Record of Decision will be prepared.

Gary E. Cargill, Regional Forester, Rocky Mountain Region, is the responsible official.

Please contact Raymond J. Evans, Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests, 2250 Highway 50, Delta, Colorado 81416; telephone (303) 874–7691, for further information or to provide comments on the reanalysis.

Dated: September 25, 1986.

Raymond J. Evans,

Forest Supervisor.

[FR Doc. 86–22441 Filed 10–2–86; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–047]

Elemental Sulphur from Canada; 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 the petitioner and nine respondents, the Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Canada. The review covers nine of the forty known producers and/or exporters of this merchandise to the United States currently covered by the finding and the period December 1, 1982 through November 30, 1983. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences

between United States price and foreign market value. One firm failed to respond to our questionnaire. As a result, we used the best information available for assessment and antidumping duties cash deposit purposes for that firm.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On September 18, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 37889) the final results of its last administrative review of the antidumping finding on elemental sulphur from Canada (38 FR 34655, December 17, 1973). We began the current review of the finding under our old regulations. After the promulgation of our new regulations, the petitioner, Freeport McMoRan, Inc. (formerly Freeport Minerals Company), and nine respondents requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We subsequently published a notice of initiation of the antidumping duty administrative review on November 27, 1985 (50 FR 48825).

Scope of the Review

Imports covered by the review are shipments of elemental sulphur from Canada, currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated. The review covers nine of the forty known producers and/or exporters of Canadian elemental sulphur to the United States currently covered by the finding, Allied Corporation, B.P. Resources Canada, Ltd., Cities Service Oil and Gas Corp., Drummond Oil & Gas Ltd., Imperial Oil Limited, Koch Industries, Inc., Mobil Oil Canada, Ltd. Suncor Inc., and Texaco Canada Resources, Ltd., and the period December 1, 1982 through November 30, 1983. B.P. Resources Canada, Ltd. failed to respond to the Department's antidumping questionnnaire. The Department used the best information available for assessment and estimated antidumping duties cash deposit purposes 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 ex-factory price to unrelated purchasers in the United States. No deductions 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, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. When there were no sales of such or similar merchandise in the home market or to third countries, the Department used constructed value, as defined in section 733 of the Tariff Act. Home market price was based on the ex-factory price to unrelated purchasers in the home market. Constructed value was calculated as the sum of materials, fabrication costs, general expenses, and profit. Because actual general expenses were lower than the statutory minimum of ten percent of the sum of materials and fabrication costs, the Department used the statutory minimum. The Department used actual profits because they were higher than the statutory minimum of eight percent of the sum of materials, fabrication, and general expenses. No adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period December 1, 1982 through November 30, 1983:

Manufacturer/exporter	Margin (percent)
Allied Corporation	0
B.P. Resources Canada, Ltd.	5.56
Cities Service Oil and Gas Corp	[1] 6.69
Drummond Oil & Gas Ltd	0
Imperial Oil Limited	0.45
Koch Industries, Inc.	[1] 26.95
Mobil Oil Canada, Ltd	[1] 5.56
Suncor Inc	[1] 26.95
Texaco Canada, Inc. (formerly Texaco Canada Resources, Ltd.)	[1] 26.90

[1] No shipments during the period.

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 45 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. 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. 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 margins shall be required for these firms. Since the margin for Imperial Oil Limited is less than 0.5 percent and, therefore, *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumpting duties for this firm. For any shipments from the remaining 31 producers and/or exporters not covered by this review, the cash deposit will continued to be at the rate published in the final results of the last administrative review for each of these firms (50 FR 37889, September 18, 1985).

For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after November 30, 1985 and who is unrelated to any reviewed firm, no cash deposit shall be required. These deposit requirements and waiver are effective for all shipments of Canadian elemental sulphur entered, or withdrawn from Warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review and notice are in accordance with § 751(a)(1) of the Tariff 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).

Dated: September 29, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–22473 Filed 10–2–86; 8:45 a.m.]

BILLING CODE 3510-DS-M

[A–423–601]

Postponement of Final Antidumping Duty Determination; Mirrors in Stock Sheet and Lehr End Sizes From Belgium

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the respondent in this investigation to postpone the final determination, as permitted in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Based on this request, we are postponing our final determination as to whether sales of mirrors in stock sheet and lehr end sizes from Belgium have occured at less than fair value until not later than January 26, 1987.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Gregory G. Borden ([202) 377–3003) or Mary S. Clapp, ([202) 377–1769), Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On April 21, 1986, we published a notice in the **Federal Register** (April 29, 1986, 51 FR 15933) that we were initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping duty investigation to determine whether mirrors in stock sheet and lehr end sizes from Belgium were being, or were likely to be, sold at less than fair value. On May 16, 1986, the International Trade Commission determined that there is a reasonable indication that imports of mirrors in stock sheet and lehr end sizes from Belgium are materially injuring a U.S. industry. On September 12, 1986, we published a preliminary determination of sales at less than fair value with respect to this merchandise (51 FR 32505). The notice stated that if the investigation proceeded normally, we would make our final determination by November 24, 1986.

On September 11, 1986, Glaverbel S.A., the respondent in this investigation requested a postponement of the final determination until not later than the 135th day after the date of publication of our preliminary determination in the **Federal Register**, pursuant to section 735(a)(2)(A) of the Act. The respondent is qualified to make such a request because it is the only known producer selling the subject merchandise to the United States. If exporters who account for a significant proportion of exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, we grant the request and postpone our final determination until not later than January 26, 1987.

The United States International Trade Commission is being advised of this postponement, in accordance with section 735(d) of the Act.

This notice is published pursuant to section 735(d) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

September 29, 1986.

[FR Doc. 86–22475 Filed 10–2–86; 8:45 am]

BILLING CODE 3510–DS–M

[A–475–059]

Pressure Sensitive Plastic Tape From Italy; Preliminary Results of Antidumping Duty Administrative Review and Tentative Determination To Revoke in Part

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review and tentative determination to revoke in part.

SUMMARY: In response to requests by the petitioner and four respondents, the Department of Commerce has conducted an administrative review of the antidumping finding on pressure sensitive plastic tape from Italy. The review covers eight of the twenty-five known manufacturers and/or exporters of this merchandise to the United States and generally consecutive periods from July 1, 1979 through September 30, 1985. The review indicates the existence of dumping margins for some of the firms during the periods.

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, and has tentatively determined to revoke the finding with respect to Manuli.

When no information was received in response to our questionnaire, we used the best information available for assessment and estimated antidumping duties cash deposit purposes.

Interested parties are invited to comment on these preliminary results and tentative determination to revoke in part.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney, Alfredo Montemayor, or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5505/3601.

SUPPLEMENTARY INFORMATION:

Background

On August 5, 1983, the Department of Commerce ("the Department") published in the **Federal Register** (48 FR 35686) the final results of its last administrative review of the antidumping finding on pressure sensitive plastic tape from Italy (42 FR 56100, October 22, 1977). We began the current review of the finding under our old regulations. After the promulgation of our new regulations, the petitioner and four manufacturers and/or exporters requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published notices of initiation of the antidumping duty administrative reviews on November 12, 1985 (50 FR 48689) and November 27, 1985 (50 FR 48825).

The substantive provisions of the Antidumping Act of 1921 ("the 1921 Act") and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by the review are shipments of pressure sensitive plastic tape measuring over 1⅜ inches in width and not exceeding 4 mils in thickness, currently classifiable under items 790.5530, 790.5545, and 790.5555 of the Tariff Schedules of the United States Annotated.

The review covers eight of the twenty-five known manufacturers and/or exporters of Italian pressure sensitive plastic tape to the United States, and generally consecutive periods between July 1, 1979 through September 30, 1985. Two firms failed to respond to our antidumping questionnaire. For these firms we used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available was the rate from the original fair value investigation. We published a tentative revocation for Autoadesivitalia on October 5, 1982 (47 FR 43993). We are not considering that revocation further because we found margins for that firm in this review.

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") or section 203 of the 1921 Act, as appropriate. Purchase price was based on the packed f.o.b.,

c.i.f. duty paid, or delivered price to the first unrelated purchasers in the United States. Where applicable, we made adjustments for ocean freight, U.S. and foreign brokerage fees, U.S. and foreign inland freight, U.S. and foreign insurance, U.S. customs duties, handling fees, and cash discounts. 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 or section 204 of the 1921 Act, as appropriate, since sufficient quantities of such or similar merchandise were sold in the home market for comparison purposes. Home market price was based on the packed ex-factory f.o.b., or delivered price to unrelated purchasers in the home market, with adjustments, where applicable, for foreign inland freight, insurance, differences in credit expenses, commissions to unrelated parties, other selling expenses when a commission was paid in one market and not the other, and expenses incurred due to the return of defective U.S. merchandise. We adjusted for differences in the physical characteristics of the merchandise in accordance with § 353.16 of the Commerce Regulations. We disallowed certain claimed adjustments for differences in physical characteristics of the merchandise since we did not use these home mareket models for comparison purposes. We disallowed claimed level-of-the-trade adjustments because they were inadequately quantified. No other adjustments were claimed or allowed.

Preliminary Results of the Review and Tentative Determination To Revoke in Part

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

	Margin (percent)
Autoadesivitalia:	
10/01/80–9/30/81	2.18
10/01/81–10/05/82	5.19
Boston:	
10/01/80–9/30/81	9.62
10/01/81–9/30/84	[1] 9.62
Comet:	
10/01/80–9/30/81	4.54
10/01/81–9/30/82	3.62
10/01/82–9/30/83	4.41
Irplastnastri:	
1/16/84–6/15/84	12.66
Manuli:	
10/01/82–9/30/83	0.32
10/01/83–9/30/84	0.01
10/01/84–9/30/85	0.34
NAR:	
7/01/79–9/30/80	7.03
10/01/80–9/30/81	5.59
10/01/81–9/30/82	6.49
10/01/82–9/30/83	5.33
10/01/83–9/30/84	5.17
Sicad:	
10/01/80–9/30/81	4.81
10/01/81–9/30/82	0.16
10/01/82–9/30/83	3.05
SYROM:	
6/01/82–9/30/85	12.66

[1] No shipments during the period.

Interested parties may submit written comments on these preliminary results and tentative determination to revoke in part 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 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. 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 percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Manuli requested partial revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, has agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances specified in the written agreement. Manuli had *de minimis* margins for 4 years.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms. Since the margin for Manuli for the latest period is less than 0.5 percent and therefore *de minimis* for cash deposit purposes, the Department shall not require a cash deposit of estimated antidumping duties for this firm. For any shipments from the remaining 17 manufacturers and/or exporters not covered in this review, the cash deposit will continue to be at the rates published in the final results of the last administrative review for each of these firms (48 FR 35686, August 5, 1983).

For any future entries of this merchandise from a new exporter, not covered in this or prior reviews, whose first shipments occurred after September 30, 1985 and who is unrelated to any reviewed firm, no cash deposit shall be required. These deposit requirements and waiver are effective for all shipments of Italian pressure sensitive plastic tape entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

This administrative review, tentative revocation in part, and notice are in accordance with sections 751(a)(1) and (c) of the Tariff Act (19 U.S.C. 1675(a)(1), (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985; 353.54).

Dated: September 29, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–22476 Filed 10–2–86; 8:45 am]

BILLING CODE 3510–DS–M

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: October 3, 1986.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5253/2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 32556) a notice outlining the procedures for requesting administrative reviews. The Department has received timely requests, in accordance with §§ 353.53a(a)(5) and 355.10(a)(2) of the Commerce Regulations, for administrative reviews of various

antidumping and countervailing duty orders and findings.

Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews no later than October 31, 1987.

	Periods to be reviewed
Antidumping Duty Proceedings and Firms	
Salted Codfish from Canada: Grand Banks	07/03/85–06/30/86
Carbon steel plate from Japan:	
A.J. Forsyth	07/77–09/83
Balfour Guthrie	07/77–09/84
Calkins Burke	07/77–09/84
Drummond McCall	04/83–09/84
Kansai Steel	04/77–07/77
	04/80–09/84
Kobe	04/83–09/84
Lambton Steel	07/77–09/84
Nippon Steel	04/83–09/84
Sumitomo Metal	04/81–06/82
Tideco Industries	07/77–09/84
Impression fabric from Japan:	
Marubeni	05/82–04/85
Mitsui	05/82–04/85
Nissei	05/82–04/85
Portable Electric Typewriters from Japan: Tokyo Juki	05/82–02/83
Roller chain, other than bicycle, from Japan: Nissan	04/85–03/86
Tapered roller bearings and certain components thereof from Japan:	
Kawasaki Heavy Ind	08/01/80–05/14/84
Komatsu	08/01/82–07/31/85
Nissan	08/01/80–05/14/84
Suzuki	04/01/82–05/14/84
Polyvinyl chloride Sheet and film from Taiwan: Orchard Corp	06/85–05/86
Barium carbonate from W. Germany: Kali-Chemie	07/83–06/84
Countervailing Duty Proceeding	
Stainless steel plate from the United Kingdom	04/84–03/85

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and §§ 353.53a(c) and 353.10(c) of the Commerce Regulations (19 CFR 353.53a(c), 355.10(c); 50 FR 32556, August 13, 1985).

Dated: September 26, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-22472 Filed 10-2-86; 8:45 am]

BILLING CODE 3510-DS-M

Articles of Quota Cheese; Quarterly Determination and Listing of Foreign Government Subsidies

AGENCY: International Trade Administration/Import Administration; Department of Commerce.

ACTION: Publication of quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup of Paul McGarr, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Department of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for each of the countries for which subsidies were identified in our July 1, 1986 quarterly update to our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: September 29, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

APPENDIX—QUOTA CHEESE SUBSIDY PROGRAMS

[In cents per pound]

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium	European Community (EC) Restitution Payments.	7.7	7.7
Canada	Export Assistance on Certain Types of Cheese.	25.3	25.3
Denmark	EC Restitution Payments.	8.6	8.6
Finland	Export Subsidy	66.3	66.3
	Indirect Subsidies	17.2	17.2
		83.5	83.5
France	EC Restitution Payments.	7.8	7.8
Greece	do	6.0	6.0
Ireland	do	7.9	7.9
Italy	do	28.6	28.6
Luxembourg	do	7.7	7.7
Netherlands	do	5.3	5.3
Norway	Indirect (Milk) Subsidy	16.4	16.4
	Consumer Subsidy	36.3	36.3
		52.7	52.7
Switzerland	Deficiency Payments	82.4	82.4
U.K	EC Restitution Payments.	7.4	7.4
W. Germany	do	9.2	9.2

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 86-22477 Filed 10-2-86; 8:45 am]

BILLING CODE 3510-DS-M

University of Kentucky: Decision on Application for Duty-Free Entry of Scientific Instrument

Correction

In FR Doc. 86-21975 appearing on page 34488 in the second column in the issue of Monday, September 29, 1986, make the following correction in the second paragraph, first line: The Docket No: "82-263" should read "86-263".

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Partially Closed Meeting

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

Time and Date: The meeting will convene at 1:00 p.m., October 27, 1986, and adjourn at approximately 4:00 p.m. October 29, 1986.

Place: Holiday Inn Golden Gateway, 1500 Van Ness Avenue, San Francisco, California.

Status: As require by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). Parts of this meeting will be open to the public. The remainder of the meeting will be closed to the public. MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academia, and other national interests.

Matters to be Considered:

Portions Open to the Public: October 27, 1986, 1:00 p.m.—5.00 p.m., marine fishing license.

October 28, 1986, 9:00 a.m.—5:30 p.m., (1) foreign ownership of U.S. flag vessels, (2) seafood inspection, and (3) non-tariff trade barriers.

Portions Closed to the Public: October 29, 1986, 8:30 a.m.—4:00 p.m. (Executive Session), (1) fishery management issues, and (2) budget/program priorities.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with concurrence of the General Counsel, formally determined on September 24, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items to be covered during the Executive Session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the items will be concerned with matters that are within the purview of 5 U.S.C.

Section 552b(c)(9)(B) as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.) All other portions of the meeting will be open to the public.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, NOAA, Washington, DC 20235. Telephone: (202) 673–5429.

Dated: September 29, 1986.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 86–22400 Filed 10–2–86; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammals; Issuance of Permit; Pacific Whale Foundation (P254B)

On June 30, 1986, notice was published in the **Federal Register** (51 FR 23573) that an application had been been filed by the Pacific Whale Foundation, Dr. Paul H. Forestell and Mr. Gregory D. Kaufman, P.O. Box 1033, Suite 303, Azeka Place, Kihei, Maui, Hawaii 96753, to inadvertently harass humpback whales (Megaptera novaeangliae) during distribution studies.

Notice is hereby given that on September 24, 1986 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit; (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to Parts 220–222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805, Washington, DC 20009;

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415; and;

Director, Alaska Region, National Marine Fisheries Service, 709 West 9th Street, Federal Building, Juneau, Alaska 99802.

Dated: September 23, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–22494 Filed 10–2–86; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Charges for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

September 30, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 6, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On December 30, 1985 a notice was published in the **Federal Register** (50 FR 53182), which announced the import restraint limits for certain cotton, wool and man-made fiber textile products, including Categories 336, 338, 339, 341, 352, 445/446, 636, 639 and 641, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986. CITA has determined in a data investigation concerning these categories that certain 1985 exports, currently charged to 1986 limits, should have been charged to the 1985 limits. Accordingly, in the letter which follows this notice, the Chairman of CITA directs the Commissioner of Customs to deduct these amounts from the import charges made to the current year limits and to charge them to the applicable 1985 limits. The twelve-month limits for cotton and man-made fiber textile products in Categories 341, 352 and 641 are currently filled. Implementation of these adjustments will permit entry for consumption, or withdrawal from warehouse for consumption, in the United States of goods in the latter three categories up to the amounts listed in the letter to the Commissioner of Customs.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

September 30, 1986.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, I request that, effective on October 6, 1986, you deduct the following amounts from charges made to the restraint limits established in the directive of December 24, 1985 for cotton, wool, and man-made fiber textile products in Categories 336, 338, 339, 341, 352, 445/446, 636, 639, and 641 produced or manufactured in China and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. These same amounts should be charged to the limits established for the categories during the agreement year which began on January 1, 1985 and extended through December 31, 1985.

Category:	*Amount to be deducted/charged*
336	3,143 dozen.
338	22,793 dozen.
339	34,586 dozen.
341	18,697 dozen.
352	90,861 dozen.
445/446	7,143 dozen.
636	17,721 dozen.
639	19,048 dozen.
641	44,700 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-22549 Filed 10-2-86; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 86-C0004]

Franzus Co., Inc., a Corporation; Provisional Acceptance of a Settlement Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the consumer product safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR Part 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Franzus Company, Inc., a corporation.

DATE: Any interested person may ask the Commission not to accept this agreement or otherwise comment on it's contents by filing a written request with the Office of the Secretary by October 20, 1986.

ADDRESS: Persons wishing to comment on this Settlement Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: William J. Moore, Jr., Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6626.

Dated: September 30, 1986.

Sheldon D. Butts,

Deputy Secretary.

In the Matter of Franzus Company, Inc., a corporation (CPSC No. 86-C0004).

Settlement Agreement and Order

1. This Settlement Agreement and Order is made by and between Franzus Company, Inc., a corporation (hereinafter "Franzus"), and the staff of the Consumer Product Safety Commission (hereinafter, "staff") to resolve the staff allegations described herein.

2. The provisions of the Settlement Agreement and Order shall apply to Franzus, and to each of its successors and assigns.

I. The Parties

3. Franzus is a corporation organized and existing under the laws of the State of New York with its principal corporate offices located at 352 Park Avenue South, New York, New York 10010.

4. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory Commission of the United States of America (hereinafter, "Commission") created pursuant to section 4 of the Consumer Product Safety Act (CPSA), as amended (15 U.S.C. 2053).

II. Statement of Facts

5. In 1984, Franzus distributed in United States interstate commerce two models of the "Wrinkles Away" Electric Clothes Steamer, model number WA-111 and WA-222 (hereinafter, "steamers"). These models of clothes steamers were manufacturered, assembled, and packaged by Venture Plastics Company, a division of MTL Sales, Inc., of 4300 Kinsman Road, Mesopotamia, Ohio, and/or by Venture Plastics, Inc. of 4000 Warren Road, Newton Falls, Ohio (hereinafter jointly referred to as "Venture Plastics").

6. By the end of December 1984, Franzus had received several consumer complaints stating that consumers had been burned while using the Wrinkles Away when the base of the steamer separated from the rest of the product.

7. In December 1984, Franzus met with the manufacturer of the steamers, Venture Plastics, to try to identify the problem.

8. In January 1985, Franzus received nine additional consumer complaints or claim letters alleging that burn injuries were sustained by consumers when the base of the steamer separated from the rest of the unit.

9. In January 1985, after evaluating the product itself, Franzus returned approximately 60,000 steamers to Venture Plastics to be rechecked and reworked.

10. In February 1985, Franzus and Venture Plastics agreed on the addition of a back-up device to prevent the base separation problem in future production.

11. By April 1985, Franzus was aware of at least 23 consumers complaints, claim letters and lawsuits alleging that consumers had been burned when the base of the steamer separated from the rest of the steamer while in use.

12. Franzus did not notify the Commission of the complaints, claims or lawsuits it had received involving the base separation problem exhibited by the Wrinkles Away steamers until the visit of a staff investigator to Franzus in March 1985.

13. Franzus has had prior formal dealings with the compliance staff involving an allegedly defective consumer product and Franzus' obligation to comply with Section 15 of the CPSA. This prior dealing is reflected in a Complaint and a Consent Agreement entered into between the staff and Franzus dated November 9, 1978 and January 24, 1979, respectively. (CPSC Docket No. 78-5). The Consent Agreement was accepted by the Commission on March 2, 1979.

14. In August 1985, Franzus began to conduct a voluntary product recall of the steamers in cooperation with the staff.

III. Staff Allegations

15. The staff alleges that the clothes steamers distributed by Franzus between July and December 1984, contained a defect which permitted the base of the steamer to separate from the rest of the unit and that the defect could create a substantial risk of injury to the public.

16. The staff further alleges that Franzus possessed sufficient information on or about December 1984, to reasonably support the conclusion that the steamers contained a

defect which could create a substantial product hazard but failed to report that information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

IV. Agreement of the Parties

17. Franzus and the staff agree that the Commission has jurisdiction in this matter over Franzus and the steamers.

18. Franzus agrees to pay the Commission a settlement sum in the amount of $60,000.00. This amount shall be paid over a nine month period in accordance with the following schedule.

Franzus shall pay to the Commission the amount of $6,666.66 on the first day of each month for nine consecutive months. The first month's payment shall be made on the first day of the first month after the date upon which the Commission's Order, reflecting its final acceptance of this Settlement Agreement, is served upon Franzus.

Concurrent with the payment of the first installment of $6,666.66, as set forth in paragraph 18 above, Franzus shall execute in favor of the Consumer Product Safety Commission, a promissory note in the sum of $60,000.00 due and payable without interest or penalties accruing before the due dates for each of the installment payments required by this paragraph of this Settlement Agreement. The said promissory note shall contain provisions for interest of 18% for late payment prior to entry of judgment for default of payment; interest at the legal rate for judgments upon entry of judgment for default of payment, and confession of judgment for the entire sum of the promissory note, less payments made, upon default of any payment.

Full and timely payment of the $60,000.00 sum is made in full settlement and release of allegations by the staff that Franzus violated the reporting requirements of Section 15(b) of the CPSA, 15 U.S.C. 2064(b), with regard to those steamers described in paragraph 5 of this Settlement Agreement, *supra*. Franzus makes no admission of any fault or liability and expressly denies any fault or liability. The signing of this Settlement Agreement and Order does not constitute an admission by Franzus that either (i) reportable information or (ii) a substantial product hazard or imminent hazard exists or existed with respect to any steamers.

19. Upon final acceptance of this Settlement agreement by the Commission, Franzus knowingly, voluntarily and completely, waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission whether a violation has occurred, and (4) to a statement of findings of fact and conclusions of law. By acceptance of this Settlement Agreement, the Commission does not make a preliminary hazard determination respecting the steamers. Should the Commission decide not to accept and adopt this Settlement Agreement and Order, the Settlement Agreement and Order shall have no force and effect.

20. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued and the Settlement Agreement and Order will be made available to the public.

21. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and the provisional acceptance of the agreement shall be announced in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date of the announcement in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

22. The requirements of the Settlement Agreement and the Order and promissory note attached hereto and incorporated herein by reference, resolve all issues that have arisen or could arise under section 15(b) of the Consumer Product Safety Act, with respect to the allegations contained in Paragraphs 15 and 16, *supra*, and are in addition to and not to the exclusion of other remedies under the Consumer Product Safety Act.

23. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will subject Franzus to appropriate legal action.

24. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

Dated: June 9, 1986.

Franzus Company, Inc.

Stuart Leventhal,

President.

Dated: September 24, 1986.

David Schmeltzer,

Associate Executive Director Directorate for Compliance and Administrative Litigation.

[FR Doc. 86-22491 Filed 10-2-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program; Contracted Provider Arrangement—Norfolk Mental Health Services Demonstration Project of the Uniformed Services (CHAMPUS)

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of contracted provider arrangement (CPA) Norfolk Mental Health Services demonstration project.

SUMMARY: Chapter 55, Title 10 United States Code, section 1092(a) authorizes the Secretary to establish demonstrations of alternative approaches to delivery and financing of CHAMPUS health benefits and alternative approaches to reimbursement for the administrative charges for health care plans. OCHAMPUS has determined that an innovative approach wherein selected providers are under contract and at financial risk, using a case management system to control the delivery of mental health services offers some potential, especially in localities where there is high utilization of these benefits. This at-risk model involves a change from the current CHAMPUS benefit package by incorporating the use of partial hospitalization as a means of reducing utilization of higher cost inpatient services. This notice sets forth the general parameters of this demonstration.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT:

Contracting Officer's Representative: Troy Baxley, Office of Demonstrations, OCHAMPUS, Washington, DC 20301-1600 [202/697-8975].

Operations Manager, Alliance Alternative Delivery System Corporation (AADSC): Nancy Eleuterius, AADSC, 15 Koger Executive Center, Suite 140, Norfolk, VA 23502 [804-466-8700].

Claims Processing Manager, AADSC: Pam Broskey, AADSC, 15 Koger Executive Center, Suite 140, Norfolk, VA 23502 [804-466-8700].

Contracted Provider Management, AADSC: Pete Dawson, AADSC, 15 Koger Executive Center, Suite 140, Norfolk, VA 23502 [804-466-8700].

Medical/Surgical Claims Processing Management: Wisconsin Physician's Service, 1617 Sherman Avenue, Madison, WI 53707 [Toll Free: 800-356-5954] [Commercial: 608-221-4711].

SUPPLEMENTARY INFORMATION: OCHAMPUS has a mental health services demonstration project, referred to as the Contracted Provider Arrangement, in the Portsmouth, Norfolk and Newport News, Virginia area. The prime contractor is Alliance Alternative Delivery Systems Corporation of Norfolk, Virginia, hereinafter referred to as the Contractor. The Contractor is responsible for paying for all necessary mental health services delivered to CHAMPUS-eligible beneficiaries, as identified in the contract and in the CHAMPUS Regulation, DoD 6010.8-R and as interpreted in part by the CHAMPUS Policy Manual, Volume One, (Benefits), Chapter 1, Section 12, and Chapter 8, Section 21, and are identified in final decisions of appeals cases issued by the Assistant Secretary of Defense (Health Affairs). It should be noted that CHAMPVA beneficiaries are not eligible for the mental health

services descrtibed in this demonstration. Those beneficiaries who are domiciled in the following Zip Code areas are included in the demonstration project as participants and are subject to the conditions and limitations prescribed herein and in the above references:

All five-digit Zip Codes in the 233XX area *except*:

23301	23347
23302	23350
23303	23354
23306	23356
23307	23357
23308	23358
23310	23359
23313	23389
23316	23395
23336	23396
23337	23398
23341	23399
23345	

All five-digit Zip Codes in the 234XX area *except:*

23401	23421
23403	23422
23404	23423
23405	23426
23407	23427
23408	23429
23409	23440
23410	23441
23412	23442
23413	23443
23414	23480
23415	23482
23416	23483
23417	23484
23418	23486
23419	23488
23420	

All five-digit Zip Codes in the 235XX area. (No exceptions)

All five-digit Zip Codes in the 236XX area. (No exceptions)

All five-digit Zip Codes in the 237XX area. (No exceptions)

Services included in the demonstration are full impatient, partial hospitalization, residential treatment and outpatient mental health care. Custodial and domiciliary care cases are not payable under CHAMPUS.

Services included under the contract include:

Inpatient institutional services which cover:

Room and board;

Nursing;

Settings that protect the patient and others, crisis intervention, and other intensive care settings;

Drugs and medicines;

Special therapy, except as otherwise excluded;

Emergency;

Other medical and psychological services as authorized by CHAMPUS, provided they are directly related to the diagnosis or definitive set of symptoms and rendered by a member of the institution's medical and professional staff (salaried or contractual).

Partial hospitalization services, which differ from inpatient institutional services only to the extent that the patient does not require the fully sheltered environment of the 24-hour inpatient institutional setting.

Residential treatment center services which include all of the inpatient institutional services (except the acute care setting), plus: Therapeutically-related recreational and social activity services;

Other general services deemed medically and psychologically appropriate to the age and condition of the patient.

Inpatient and outpatient professional services including:

Individual psychotherapy;

Group psychotherapy;

Family or conjoint psychotherapy;

Psychoanalysis;

Psychological testing and assessment;

Administration of psychotropic drugs;

Convulsive and subconvulsive shock treatments;

Collateral visits.

Inpatient, partial hospitalization and outpatient services for active treatment of alcohol and drug abuse, subject to the provisions and limitations of CHAMPUS Regulation, DoD 6010.8–R, Chapter 4 (32 CFR 199.4). Inpatient institutional and professional services rendered in excess of sixty days are not reimbursable, except when approved by the Contractor on the basis of a request of the patient and meeting the criteria published in the **Federal Register** (51 FR 2490) on January 17, 1986, and republished in the **Federal Register** of July 1, 1986 (51 FR 24026).

The decisions of the Contractor may be appealed as outlined in the CHAMPUS Regulation, DoD 6010.8–R, Chapter 6 (32 CFR 199.6). Exceptions to the waiver requirement are:

Services in a residential treatment center;

Partial hospitalization services;

Services rendered to patients admitted before January 1, 1983, and continuously hospitalized since that date.

The Contractor is required to provide adequate geographic, incidence and type of coverage to the CHAMPUS eligible beneficiaries domiciled in the service area. This access must meet the following criteria:

Emergency care within two hours of the Contractor being notified, if the beneficiary is within 50 miles of his/her domicile when the need occurs.

Urgently needed care within fourteen hours of the Contractor being notified.

Psychiatric diagnostic interviews for ninety-five percent of all users within twenty miles of their place of domicile within forty-eight hours of such a request, with additional care as indicated by the initial interviews available to ninety-five percent of all users within twenty driving miles of their domicile unless the needed care is nonroutine.

Inpatient and partial hospitalization care (except residential treatment center care) shall be available to ninety-five percent of the users within forty driving miles of the beneficiary's domicile and within forty-eight hours of the time that an individual provider determines the need for such care.

Residential treatment center care shall be available to ninety percent of all users within fifty driving miles of the beneficiary's domicile within forty-eight hours of the time that an individual professional provider determines the need for such care.

Exclusions and limitations to the mental health benefit and to the contract include:

Aversion therapy for treatment of alcoholism;

Biofeedback;

Care directed by a court or other governmental agency unless such care is otherwise medically or psychologically necessary to diagnose or treat a covered condition, is at the appropriate level of care to treat the condition and if the beneficiary (or the beneficiary's family) has the legal obligation to pay for the service;

Educational counseling, vocational counseling and counseling for socio-economic purposes;

Mind expansion or elective psychotherapy such as Erhard Seminar Training (EST), transcendental meditation, Rolfing and Z-therapy;

Megavitamins and orthomolecular psychiatric therapy;

Miscellaneous ancillary therapy modalites such as art, music, dance and occupational therapy except as included by the attending provider in an approved inpatient or outpatient treatment plan;

Psychoanalysis or psychotherapy as part of education; Services of pastoral counselors, or family and child counselors, or marriage counselors unless the patient has been referred to such counselors by a physician for treatment of a specific problem with the results of that treatment to be reported back to the physician who made the referral;

General and special education;

Therapy or counseling for sexual dysfunctions or sexual inadequacies.

The Contractor shall use a case management approach for all CHAMPUS eligible beneficiary care under the contract, regardless of whether the provider is a contracted or non-contracted provider. The case management shall include pre-admission screening; use of a brief intensive inpatient treatment model for patient stabilization; partial hospitalization, when appropriate; concurrent review of all outpatient treatment for appropriateness of treatment modalities; preparation of treatment plans; use of an established objective instrument for measuring patient status, treatment progress and treatment outcome; development and updating of treatment objectives with medical and psychological treatment documentation and progress notes; and discharge planning.

Transitional Care: The Contractor shall be responsible for the case management of ongoing care obtained from a non-contracted provider after October 10, 1986. This means that when the contract becomes effective on October 1, 1986, all OCHAMPUS beneficiaries who are domiciled in the demonstration area and currently receiving mental health services from non-contracted providers in the demonstration area will become subject to the case management provisions of the contract effective October 10, 1986. The non-contracted providers will be required to furnish the Contractor care summaries by October 10, 1986. No decisions to terminate payment (because of inappropriateness or non-necessity) for care initiated prior to October 1, 1986 will be made by the Contractor without a patient (or responsible party) interview. Both the patient and the non-contracted provider will be notified of the purpose of the interview at the time the interview is requested, and shall be notified of the decision within 24 hours following the interview. If a decision is made by the beneficiary or the non-contracted provider to transfer care to a contracted provider, the Contractor must allow the following *maximum* periods of time for the transfer to become effective:

For inpatient care in a non-RTC institution, five (5) calender days from the date of notification;

For inpatient care in an RTC, thirty (30) calendar days from the date of notification;

For outpatient care, fifteen (15) calendar days from the date of notification.

Only OCHAMPUS may take retroactive denials of payment for care initiated prior to October 1, 1986. If it is the opinion of the Contractor that the care may have been medically or psychologically unnecessary, the Contractor shall recommend to the OCHAMPUS Office of Medical Affairs that payment be denied and shall send all supporting evidence necessary to arrive at a decision. At the time of the recommendation, the Contractor shall notify the beneficiary or responsible family member and either the institution or individual provider involved or both.

Claims for mental health care received prior to October 1, 1986 will be processed by the CHAMPUS fiscal intermediary, and should be sent to: CHAMPUS/CHAMPVA, Wisconsin Physician's Service; P.O. Box 8966; Madison, WI 53708–8966. Claims for mental health care received on or after October 1, 1986 will be processed by the Contractor and should be sent to: Claims Manager; AADSC; P.O. Box 1877; Norfolk, VA 23501. Claims for all other CHAMPUS authorized health care services will continue to be sent to Wisconsin Physician's Service, at the address listed above.

Payment for all covered mental health services received prior to October 1, 1986 will be made in accordance with existing OCHAMPUS procedures to providers or beneficiaries, as appropriate, by the CHAMPUS fiscal intermediary. For all mental health care delivered on and after October 1, 1986, to beneficiaries who are domiciled in the demonstration area, whether such care is received from a contracted provider or a non-contracted provider, providers and beneficiaries, as appropriate, will receive payment by the Contractor at the same rates that the Contractor pays its contracted providers and subject to the other limitations of this demonstration. This means that if a contracted psychiatrist has a contracted rate of $60 for a fifty minute outpatient visit, the Contractor will pay, for an active duty family member, 80% of the $60, or $48, while the beneficiary will pay 20% of the $60, or $12. If a non-contracted psychiatrist has a rate of $80 for a fifty minute outpatient visit, the provider will receive 80% of $60 (the contracted psychiatrist rate), or $48 from the Contractor, and must collect the remaining $32 from the active duty family member beneficiary. It should be further noted that all mental health care delivered as part of this demonstration is subject to the Contractor's case management system, and that non-contracted providers will only be reimbursed by the Contractor for that care which, under the case management system, is deemed by the Contractor to be appropriate, delivered at the appropriate level, and medically or psychologically necessary.

Patients retain their freedom of choice of providers; that is, any CHAMPUS beneficiary may choose to use any CHAMPUS-approved mental health provider for any authorized mental health service. However, any beneficiary who is domiciled in the demonstration area must be aware that any mental health services received by any CHAMPUS authorized mental health provider in the states of Delaware, District of Columbia, Maryland, North Carolina, Pennsylvania, South Carolina and Virginia, will be subject to the limitations of this demonstration. That is, the provider or the beneficiary, as appropriate will receive payment from the Contractor at the rate the Contractor pays a contracted provider and that such care is subject to the other limitations of this demonstration. Further, any patient who is domiciled in the demonstration area, as specified by the Zip Codes described above, and who receives authorized mental health care from any authorized OCHAMPUS provider in any state other than those listed above, or overseas, is subject to the normal rules and regulations of the CHAMPUS program, and their treatment is not subject to the limitations of the demonstration.

Likewise, any CHAMPUS beneficiary who is domiciled outside the demonstration area, as specified by the Zip Codes described above, and who receives mental health care from any authorized CHAMPUS provider is not considered to be part of the demonstration project, regardless of where the mental health services are rendered. Payment for these services will be based on the provider's usual and customary charges, and subject to the allowable limits prescribed by the CHAMPUS program.

The rules of cost-sharing for mental health services provided in the demonstration remain the same as under the existing CHAMPUS program, but are based on the contractor's reimbursement schedule. This means that the amount the patient must pay as an out-of-pocket expense may be higher with a non-contracted provider than with a contracted provider (the annual deductible is the same in both cases). The non-contracted provider's charges which are in excess of the amount paid by the Contractor are the responsibility of the patient.

For example, a retiree or a retiree's family member who is domiciled in the demonstration area and receives inpatient care at either a contracted provider's or non-contracted provider's facility, will be required to pay 25% of

the allowable charges and 100% of any charges in excess of the allowable charges of both the facility's charges and those for professional services. For contracted providers, total charges for authorized services are the allowable charges. If the contracted provider's facility charges are $300 per day and the professional services amount to $100 per day, the patient's cost-share is 25% of $400 per day or $100 per day. If, however, the beneficiary chooses a non-contracted facility and a non-contracted individual provider, and the non-contracted provider's facility charges are $400 per day and the professional services are $200 per day, the non-contracted provider will be paid, by the Contractor, 75% of $300 per day for facility charges and 75% of $100 per day for professional services, or $225 plus $75 which is $300 per day. The patient would then be required to pay $300 per day, which is the difference between the non-contracted provider's total charge of $600 per day and the amount paid by the Contractor to the non-contracted provider of $300.

Likewise, a retiree or a retiree's family member who is domiciled in the demonstration area and receives outpatient care from either a contracted provider or non-contracted provider, will be required to pay 25% of the allowable charges and 100% of any charges in excess of the allowable charges for those professional services. For contracted providers, total charges for authorized services are the allowable charges. If the contracted provider professional services amount to $80 per visit, the patient's cost-share is 25% of $80 per visit or $20 per visit. If the non-contracted provider charges are $100 per visit, the non-contracted provider will be paid, by the Contractor, 75% of $80 per visit for professional services, or $60 per visit. The patient would then be required to pay $40 per visit, which is the difference between the non-contracted providers total charge of $100 per visit and the amount paid by the Contractor to the non-contracted provider of $60.

The patient's rights to appeal remain essentially the same under this contract as they are under the existing CHAMPUS Program. Since the non-contracted provider is subject to the same case management system as the contracted providers, the Contractor is required to review all cases. If the Contractor determines that the care given by a non-contracted provider was either inappropriate or medically unnecessary, the Contractor may refuse to reimburse the non-contracted provider for such care in the same manner that the current CHAMPUS fiscal intermediaries do for all other mental health claims. In such cases the beneficiary or the provider may appeal the decision of the Contractor as outlined in the CHAMPUS Regulation, DoD 6010.8–R, Chapter 10 (32 CFR 199.10). If the appeal is sustained, the beneficiary is responsible for all charges for care determined to be either inappropriate or medically unnecessary. All care provided by contracted providers is under control of the Contractor's case management system. As such, as long as the Contractor determines that the care is appropriate or medically necessary the beneficiary bears no additional financial risk for such care. The beneficiary is, under any circumstance, free to enter into a voluntary agreement with a contracted or a non-contracted provider for non-covered mental health services with the clear understanding that the beneficiary is responsible for 100% of all cost incurred in such an agreement.

The Contractor is required to assure compliance with the Freedom of Information Act, the Drug Abuse and Treatment Act, the Comprehensive Alcohol Abuse and Alcoholism Prevention and Rehabilitation Act and the Privacy Act, in keeping with the requirements of the CHAMPUS Operations Manual—Fiscal Intermediary—Medical, Part 1, Chapter 1, Section VII.

Since there are certain financial incentives in an at-risk contract which may have significant impacts on utilization and quality of care, CHAMPUS will, in the near future, award a Quality Monitoring contract to conduct concurrent and retrospective reviews of patient care, monitor the Contractor's quality assurance program and case management system and conduct focused reviews of potential problem areas. An Evaluation Contract will also be awarded to assess the impact of the concept and execution of the contracted provider arrangement on the beneficiaries, the providers, the Contractor and the government and recommend the expansion, modification or the elimination of the concept.

The demonstration is scheduled to run from October 1, 1986 through March 31, 1989.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

September 30, 1986.

[FR Doc. 86–22426 Filed 10–2–86; 8:45 am]

BILLING CODE 3810–01–M

Medical Reimbursement Rates for Fiscal Year 1987

Notice is hereby given that the Assistant Secretary of Defense (Comptroller) in a September 19, 1986, memorandum to the Assistant Secretary of Defense (Health Affairs) and the Assistant Secretaries of the Military Departments (FM) established reimbursement rates for inpatient and outpatient medical care provided during Fiscal Year 1987 as follows:

	IMET [1]	Inter-agency [2]	Other
Per inpatient day			
Burn Center	$883	$1,506	$1,635
General medical and dental care	153	410	441
Per outpatient visit			
General	19	55	58
Per Faa Traffic Controller Examination		87	

[1] International Military Education and Training Students.
[2] Other Federal Agency-sponsored patients and Government civilian employees and their dependents outside the United States.

The per diem rate (supplies and subsistence) charged to dependents of military personnel in Federal medical facilities is $7.55 per day.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

September 30, 1986.

[FR Doc. 86–22425 Filed 10–2–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Applications for New Awards Under the Lectures Program of the Fund for the Improvement of Postsecondary Education (FIPSE) for Fiscal Year 1987 (CFDA No. 84.116G)

Purpose: Provides grants and cooperative agreements to institutions of postsecondary education and other public and private institutions and agencies to improve postsecondary education and educational opportunities through the development and presentation of lectures on key issues in postsecondary education at conferences and educational institutions.

Priorities: In accordance with 34 CFR 75.105 (c)(1), the Secretary invites applications that address the following issues. However, proposals that address other significant issues in postsecondary education are also eligible for support.

(1) What has been the social and economic impact of the dramatic increase since 1960 in the proportion of American young people attending college, and what has been the impact

on the nature and quality of college education itself? (2) How can postsecondary education best respond to changes in the country's racial and ethnic composition? What can we learn from earlier educational responses to previous demographic shifts? (3) What are the most important changes in colleges' curricular offerings and students' curricular choices during the past decade? Are there significant commonalities in the way the particular disciplines have evolved during this period?

Deadline for Transmittal of Applications: December 2, 1986.

Applications Available: October 3, 1986.

Available Funds: The Department of Education Appropriations Act of 1986 appropriated $12,710,000 for FIPSE. The Department of Education requested $10,000,000 in its FY 1987 budget request for FIPSE. Of the appropriated amount for FY 1987, the Department anticipates that $30,000 will be available for new awards under the FIPSE Lectures Program early in the fiscal year, with an additional $30,000 available for new awards in the summer of 1987. It is estimated that 12 grants of no more than $5,000 each will be made during FY 1987. In addition, the current statutory authority for this program expires at the end of fiscal year 1986. Grant awards in 1987 are contingent on the Congress reauthorizing this program.

Estimated Size of Awards: $5,000.

Estimated Number of Awards: 12.

Project Period: 12 months.

For Applications and Information Contact: Russell Y. Garth, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3100 ROB-3, Washington, DC 20202. Telephone (202) 245-8091.

Applicable Regulations: The following regulations are applicable to the FIPSE Lectures Program:

(1) When published in final and effective, the priority for the FIPSE Lectures Program, published as a proposed priority in the **Federal Register** on September 4, 1986, 50 FR 31712-31713.

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75, (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), and Part 78 (Education Appeal Board), with the exceptions noted in the following regulations.

(3) The Fund for the Improvement of Postsecondary Education, 34 CFR Part 630.

Program Authority: 20 U.S.C. 1135a-3.

Dated: September 29, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 22490 Filed 10-2-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee on U.S. Oil and Gas Outlook; Meeting

Notice is hereby given that the Coordinating Subcommittee on U.S. Oil and Gas Outlook will meet in October 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Coordinating Subcommittee on U.S. Oil and Gas Outlook will be addressing the current activities of all task groups and providing guidance for future studies. Its analysis and findings will be based on information and data to be gathered by the various task groups.

The Coordinating Subcommittee on U.S. Oil and Gas Outlook will hold its sixth meeting on Tuesday and Wednesday, October 14 and 15, 1986, starting at 9:00 a.m., in the 29th Floor Conference Room of Tenneco Inc., the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee on U.S. Oil and Gas Outlook meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee on U.S. Oil and Gas Outlook is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee on U.S. Oil and Gas Outlook will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington DC, on September 26, 1986.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 86-22417 Filed 10-2-86; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council; Economic and Environmental Impacts Task Group; Meeting

Notice is hereby given that the Economic and Environmental Impacts Task Group will meet in October 1986. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Economic and Environmental Impacts Task Group will evaluate the impact of the 1970's energy crises on the U.S. economics—economic growth, employment, inflation, oil and gas industry cash flow, capital investment, international trade, the financial markets (U.S. and international), real interest rates, etc. This Task Group will also analyze the potential future economic impact of the factors on issues identified by the other Task Groups.

The Economic and Environmental Impacts Task Group will hold its sixth meeting on Tuesday, October 21, 1986, starting at 10:00 a.m., in the Conference Room of the National Petroleum Council, 1625 K Street, NW., Washington, DC.

The tentative agenda for the Economic and Environmental Impacts Task Group meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review the factors affecting petroleum supply and demand.
3. Discuss the group assignments.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Economic and Environmental Impacts Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Economic and Environmental Impacts Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to

make oral statements should inform Ms. Pat Dickinson, Advanced Fuels, Technology, Extraction and Environmental Controls, Fossil Energy, 301/353-2430, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on September 29, 1986.

Donald L. Bauer,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 86-22485 Filed 10-2-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-57-NG]

Paramount Resources U.S. Inc., Application to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada for short-term and spot sales.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on September 19, 1986, of an application filed by Paramount Resources U.S. Inc. (Paramount) for blanket authorization to import from Canada up to 400 MMcf of natural gas per day, not to exceed a total of 300 Bcf during a two-year term beginning on date of first delivery. The Canadian gas would be purchased from Paramount's Canadian parent, Paramount Resources Ltd., and a variety of producers, producer groups, associations, and pipeline companies located in Canada. The Canadian gas would be sold in the U.S. spot market to local distribution companies, pipelines, and industrial and commercial end-users at competitive prices. Paramount would import the gas for its own account or as an agent for both foreign suppliers and U.S. purchasers. Paramount intends to use existing facilities of U.S. pipelines to transport the imported gas, the proposes filing quarterly reports to the ERA. The quarterly reports would be filed within 30 days following each calendar quarter and would show the details of each transaction including: parties, price, volume, transporters, term of the agreements, take-or-pay or make-up provisions, if any, points of entry and markets served.

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than November 3, 1986.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9482.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their response on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as a basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to the application will not serve to make the protestant a party to this proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue, SW Washington, DC 20585, (202) 252-9478. They must be filed no later than 4:30 p.m., e.s.t., November 3, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision on the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Paramount's application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 26, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-22487 Filed 10-2-86; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 86-52-NG]

Bonus Energy, Inc.; Application To Import Natural Gas From Canada for Short-Term and Spot Sales

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on September 11, 1986, of an application from Bonus Energy, Inc. (Bonus), a wholly-owned subsidiary of Bonus Petroleum Corporation for blanket authorization to import Canadian natural gas for short-term sales in the domestic spot market. Authorization is requested to import up to 100 MMcf of Canadian natural gas per day and a maximum of 50 Bcf over a two-year term beginning on the date of first delivery of the import. Bonus proposes to purchase the volumes of natural gas from its affiliate, Bonus Gas Processors Corporation, from Diamond Shamrock and from other reliable Canadian suppliers for its own account or for others, and to resell those imported volumes on the short-term or spot market to purchasers in the U.S. Bonus proposes to submit quarterly reports giving details of individual transactions in the month following each calendar quarter. Bonus intends to use existing facilities for transportation of the gas.

The application was filed with the ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than November 3, 1986.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-9622

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-6667

SUPPLEMENTARY INFORMATION: The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Bonus requests consideration of its application on an expedited basis, including dispensing with the procedure of providing an opportunity for additional comments. An ERA decision on Bonus' request for expedited treatment, particularly with respect to whether additional written comments or other procedures will be necessary in this case, will not be made until all responses to this notice have been received and evaluated.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA-076-A, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9478. They must be filed no later than 4:30 p.m. e.s.t., November 3, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why the are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316. A copy of Bonus' application is available for inspection and copying in the Natural Gas Division Docket Room, GA-076-A, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 26, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-22419 Filed 10-2-86; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 86-50-NG]

Great Lakes Gas Transmission Co. and Michigan Consolidated Gas Co.; Joint Application To Reassign an Import Authorization Without Increasing the Volumes of Natural Gas Imported From Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of joint application to reassign an import authorization without increasing the volumes of natural gas imported from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on August 25, 1986, of a joint application from Great Lakes Gas Transmission Company (Great Lakes) and Michigan Consolidated Gas Company (MichCon) requesting that the volumes of natural gas that Great Lakes is authorized to

import from Canada be reduced by the amount it resells to MichCon, and that MichCon be authorized to import the gas directly. TransCanada PipeLines Limited (TransCanada) would remain the supplier of the gas and Great Lakes would transport it for MichCon. The authorized import for resale to MichCon is for a total of up to 59,578 Mcf per day and MichCon requests authorization to import identical volumes. The only significant change is the proposed transfer of the import authority from Great Lakes to MichCon.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–1111. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than November 3, 1986.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–076, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252–9622

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: During the last two years, Great Lakes has encouraged MichCon and its other resale customers to negotiate pricing arrangements directly with TransCanada. This has resulted in significantly lower prices and arrangements that include indices which adjust prices in accordance with market conditions. As a result of this experience the applicants believe it is in their mutual interest for MichCon to purchase directly from TransCanada the volumes of gas now being purchased by Great Lakes and resold to MichCon, and for Great Lakes only to transport these volumes for MichCon. This would allow MichCon more flexibility in future price negotiations and will provide better communication of market signals between MichCon and TransCanada. The authorizations issued to Great Lakes would be modified to eliminate the volumes that Great Lakes is authorized to import from TransCanada for resale to MichCon, and MichCon would be authorized to import the identical volumes directly from TransCanada.

The application included a July 31, 1986, precedent agreement between Great Lakes, MichCon and TransCanada, a proposed gas purchase contract between MichCon and TransCanada, and a proposed transportation service agreement between Great Lakes and MichCon. According to the precedent agreement, the gas purchase contract and the transportation service agreement will be executed by the respective parties within five days after receipt of all regulatory approvals acceptable to the parties, excluding the approval of Great Lakes' FERC gas tariff under which Great Lakes will transport the gas for MichCon. Effective as of the first day of the month following the receipt of all regulatory and governmental approvals acceptable to the parties, MichCon will import the volumes of gas directly from TransCanada; Great Lakes and MichCon will terminate their service agreement; and Great Lakes will transport the MichCon volumes from the Emerson, Manitoba, interconnection to the MichCon delivery points in accordance with the FERC gas tariff. The proposed gas purchase contract has identical pricing provisions to those currently in effect and the contract term remains the same, ending November 1, 1991. The pricing provisions include a monthly demand charge based upon a combination of the tolls of TransCanada and NOVA, the transporting pipeline in Alberta, and a commodity price that is initially $2.52 per MMBtu bu which can be adjusted whenever ANR Pipeline, MichCon's chief domestic supplier changes its tariffs by more than five percent in any month.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their response on the issue of competitiveness as set forth in the policy guidelines. The applicants assert that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076–A, RG–23, Forrestal Building, 100 Independence Avenue, SW., Washington, DC 20585, (202) 252–9478. They must be filed no later than 4:30 p.m. e.s.t., November 3, 1986.

The Administrator intends to develop a decisional record on the application through responses to the notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316. A copy of this joint application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A, at the above address. The docket room is open between the hours of 8:00 a.m.and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, September 26, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-22420 Filed 10-2-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER86-558-006 etc.]

Gulf States Utilities Company et al.; Electric Rate and Corporate Regulation Filings

September 26, 1986.

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

1. Gulf States Utilities Company

[Docket No. ER86-558-006]

Take notice that on September 22, 1986, Gulf States Utilities Company (Gulf States) tendered for filing revisions to its filing in Docket No. ER86-558-000 in compliance with the Commission's order of August 22, 1986.

Gulf States asserts that it has mailed copies of this filing to all parties that were served with copies of the original filing of Gulf States.

Comment date: October 9, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Louisiana Public Service Commission v. System Energy Resources Inc. (formerly Middle South Energy, Inc.)

[Docket No. EL86-58-000]

Take notice that on September 18, 1986, the Louisiana Public Service Commission (the Louisiana Commission) tendered for filing a complaint pursuant to Rule 206 of the Commission's rules of practice and procedures, 18 CFR 385.206, and sections 205 and 206 of the Federal Power Act, 16 U.S.C. 824d, 824e (1982).

In its filing the Louisiana Commission asserts that the rate of return on equity under the Unit Power Sales Agreement for the sale of capacity and energy by System Energy Resources, Inc. to operating companies of the Middle South Utilities, Inc. system should be reduced. The Louisiana Commission asks that its complaint be set for hearing at the earliest possible date, that the allowed rate of return on common equity under the Unit Power Sales Agreement be reduced to a just and reasonable level based on current conditions, and that the Commission grant the Louisiana Commission any other relief to which it may be entitled.

Comment date: October 27, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. PacifiCorp, doing business as Pacific Power & Light Company

[Docket No. ES86-63-000]

Take notice that on September 17, 1986, PacfiCorp, dba Pacific Power & Light Company (Pacific), filed an application with the Federal Energy Regulatory Commission seeking an order (1) authorizing it to issue and sell, in one or more public offerings or private placements, prior to December 31, 1988, fixed or floating rate debt in aggregate principal amount of not more than $200,000,000 (or its equivalent amount in, or based upon, foreign currencies determined at the time of issue), (2) authorizing it to enter into a letter of credit agreement with one or more banks or such other agreements as may be necessary or appropriate to provide additional credit support for the payment of the principal of, in interest on, and the premium (if any) on the debt, (3) authorizing it to enter into one or more currency payment echanges, and (4) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Comment date: October 16, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Western Area Power Administration

[Docket No. EF86-5161-000]

Take notice that on September 17, 1986, the Under Secretary of the Department of Energy, by Rate Order No. WAPA-30, did confirm and approve on an interim bases, to be effective on the date Stampede Powerplant is placed into commercial operation, Western Area Power Administration's (Western) Power Rate Schedules SNF-1 and SNF-2 for the Stampede Division, Washoe Project (Stampede). The power rate will be in effect pending the Commission's approval of them, or substitute rates, on a final basis, or until superseded.

The power repayment study dated July 31, 1986, on which the power rates are based, indicates that a nonfirm energy charge of 40.65 mills per kWh is needed to recover the full cost of service. This rate will be used in the event that the Government operates and maintains the Stampede facilities.

In the event that the customer operates and maintains all of the Stampede Powerplant facilities at its own expense, the customer will pay the cost of service, less the operations and maintenance expenses, now calculated at 27.86 mills per kWh. Under both rate structures, the customer will pay for each kWh of nonfirm energy delivered to the customer at the Stampede Powerplant, except for the energy designated to service the project loads.

The Administrator of Western certifies that the rates are consistent with applicable laws and that they are the lowest possible rates consistent with sound business principles. The Under Secretary states that the rate schedules are submitted for confirmation and approval on a final basis for a 5-year period pursuant to authority vested in the Commission by Amendment No. 1 to Delegation Order No. 0204-108.

Comments date: October 9, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or a 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 comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22457 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1250-001 etc.]

City of Pasadena Water & Power Department et al.; Availability of Environmental Assessment and Finding of No Significant Impact

September 29, 1986.

In the matter of City of Pasadena Water & Power Department, Project No. 1250-001; Energeology, Inc., 4948-002; Energos Management, Inc., 6897-001; Commercial Energy Management, Inc., 7447-002; Nockamixon Hydro Associates, 8662-000; Bellows-Tower Hydro, Inc., 9672-000; Harden Manufacturing Company, 6492-002.

In accordance with the National Environmental Policy Act of 1969, the Office of Hydropower Licensing, Federal Energy Regulatory Commission (Commission), has reviewed the applications for major and minor licenses (or exemptions) listed below and has assessed the environmental impacts of the proposed developments.

Project No.	Project name	State	Water body	Nearest town or county	Applicant
			Licenses		
1250-001	Azuza Water Power	CA	San Gabriel River	Azuza	City of Pasadena Water and Power Department.
4948-002	Thief Valley	OR	Powder River	North Powder	Energeology, Inc.
6897-001	Carters Reregulation Dam	GA	Coosawattee River	Murray County	Energos Management, Inc.
7447-002	Portneuf River	ID	Portneuf River	Lava Hot Springs	Commercial Energy Management, Inc.
8662-000	Nockamixon	PA	Tohickon Creek & Lake Nockamixon	Quakertown	Nockamixon Hydro Associates.
9672-000	St. Regis Falls	NY	St. Regis River	Waverly	Bellows-Tower Hydro, Inc.
			Amendments		
6492-000	Hardins Hydro-Power	NC	South Fork Catawba River	Dallas	Harden Manufacturing Company.

Environmental assessments (EA's) were prepared for the above proposed projects. Based on independent analyses of the above actions as set forth in the EA's, the Commission's staff concludes that these projects would not have significant effects on the quality of the human environment. Therefore, environmental impact statements for these projects will not be prepared. Copies of the EA's are available for review in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426.

Kenneth F. Plumb,

Secretary.

FR Doc. 86-22458 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF86-1075-000]

Merck & Co., Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

September 26, 1986.

On September 18, 1986, Merck & Co., Inc. (Applicant), of P.O. Box 2000, Rahway, New Jersey 07065 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the junction of Scott Avenue and Routes 1 & 9 in Rahway, New Jersey. The facility will consist of two combustion turbine-generators, two supplementally fired heat recovery steam generators (HRSGs) and a back pressure steam turbine-generator. The new facility will integrate with existing two back-up boilers and two back-up pressure turbines (one for peak steam load and one for back-up service). Steam recovered from the facility will be used in heating application associated with pharmaceutical manufacturing facility. The net electrical power production capacity of the facility will be 40.7 MW. The primary energy sources will be natural gas and No. 2 fuel oil. The installation of the facility will commence in September 1987.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22465 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-11762-005, etc.]

Sun Exploration and Production Company, et al.; Applications for Certificates, Abandonments of Service and Petitions to Amend Certificates [1]

September 29, 1986.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 15, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11762-005, D, Sep. 15, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	Northern Natural Gas Company, Harper Field, Clark County, Kansas.	(1)	
G-14943-001, D, Sep. 15, 1986	do	Tennessee Gas Pipeline Company, North Sun K-1 Sand Field, Starr County, Texas.	(2)	
G-15296-000, D Sep. 15, 1986	do	Northwest Pipeline Corporation, Aztec (Pictured Cliff Formation) Field, San Juan County, New Mexico.	(3)	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI62-462-003, D, Sep. 15, 1986	....do	Northern Natural Gas Company, Harper Field, Clark County, Kansas.	(1)	
CI70-654-000, D, Sep. 15, 1986	....do	Transcontinental Gas Pipe Line Corp., North Rincon Field, Starr County, Texas.	(4)	
CI77-4-002, D, Sep. 15, 1986	....do	El Paso Natural Gas Company, Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, New Mexico.	(3)	
CI77-769-002, D, Sep. 15, 1986	....do	United Gas Pipe Line Company, Carthage North & Bethany Fields, Harrison County, Texas.	(5)	
CI61-1332-001, D, Sep. 15, 1986	Oxy Cities Service NGL Inc., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Company, Bluitt Plant, Roosevelt County, New Mexico.	(6)	
CI65-561-001, D, Sep. 15, 1986	....do	Natural Gas Pipeline Company of America, Bluitt Plant, Roosevelt County, New Mexico.	(6)	
G-7310-000, D, Sep. 12, 1986	ARCO Oil & Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Mountain Fuel Supply Company, Powder Wash Field, Moffat County, Colorado.	(7)	
G-13299-005, D, Sep. 12, 1986	....do	ANR Pipeline Company, Laverne Field, Beaver County, Oklahoma.	(8)	
G-3894-025, D, Sep. 17, 1986	....do	Texas Gas Transmission Corporation, North Tepetate Field, Acadia Parish, Louisiana.	(9)	
G-6629-000, D, Sep. 17, 1986	Sun Exploration & Production Co	Transcontinental Gas Pipe Line Corp., North Sun Field, Starr County, Texas.	(4)	
CI86-730-000 (CT61-1463), B, Sep. 15, 1986.	Texaco Inc., P.O. Box 52332, Houston, Texas 77052.	Tennessee Gas Pipeline Company, LeBlanc Field, Allen Parish, Louisiana.	(10)	
CI86-731-000, A, Sep. 16, 1986	Samedan Oil Corporation, et al., P.O. Box 909, Ardmore, Okla. 73402.	Cumberland Gas Inc., NW SE 35-1S-55W, Washington County, Colorado.	(11)	
CI86-739-000, B, Sep. 10, 1986	Citizens Energy Corporation and Citizens Resources Corporation, 530 Atlantic Avenue, Boston, Mass. 02210.	Commonwealth Gas Pipeline Corporation and Orange and Rockland Utilities, Inc., South Marsh Island Area, Block 261, Offshore Louisiana, Federal Domain.	(12)	
CI86-734-000, A, Sep. 18, 1986	Union Exploration Partners, Ltd., P.O. Box 7600, Los Angeles, Calif. 90051.	ANR Pipeline Company, Blocks 158, 159, 160 and 161, East Breaks Area, Offshore Texas.	(13)	
CI86-736-000, B, Sep. 19, 1986	Viking Resources, P.O. Box 2441, Monroe, Louisiana 71207.	United Gas Pipe Line Company, Monroe Field, Quachita Parish, Louisiana.	(14)	
CI75-223-001, D, Sep. 18, 1986	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	ANR Pipeline Company, Mocane Laverne Field, Harper County, Oklahoma.	(15)	
CI77-230-002, D, Sep. 18, 1986	....do	Texas Gas Transmission Corporation, South Bayou Mallet Field, Acadia Parish, Louisiana.	(16)	
CI86-733-000 (CI71-645), B, Sep. 17, 1986.	Pennzoil Company, P.O. Box 2967, Houston, Texas 77252-2967.	Equitable Gas Company, Homer F. Smith and John M. Smith Leases, Otter District, Braxton County, West Virginia.	(17)	

[1] Property sold to Kaiser-Francis Oil Company.
[2] Expiration of leases.
[3] Property sold to Unit Drilling and Exploration Company.
[4] Property sold to Kan Perkins Oil and Gas, Inc.
[5] Property sold to the Maurice L. Brown Company.
[6] No gas has been purchased under the percentage-of-proceeds contract for some time due to line deterioration. Replacement of the line would be uneconomical so the percentage contract was terminated 9-1-86.
[7] Deletion of acreage because of Partial Assignment executed 9-27-85. ARCO assigned its interest in certain acreage to BHP Petroleum (America's) Inc.
[8] Deletion of acreage because of Partial Assignment executed 8-21-85. ARCO assigned its interest in certain acreage to Natural Gas Compression Corp.
[9] Deletion of acreage because of Partial Assignment executed 4-1-86. ARCO assigned its interest in certain acreage to Riceland Petroleum Co.
[10] Texaco released all its right, title and interest to the oil, gas, and mineral leases committed to the contract. At the time of release, the acreage was non-productive.
[11] Applicant is filing under contract dated 5-16-86.
[12] Short-term contracts with purchasers expired; Sellers entered into contracts to sell gas based on erroneous warranty from supplier that gas was exempt from Natural Gas Act regulation.
[13] Applicant is filing under Gas Purchase Contract dated 8-12-86.
[14] Uneconomical.
[15] Property sold to Kenneth W. Cory.
[16] Property sold to John W. McGowan.
[17] Low production for several years. Pennzoil Company has terminated the contract effective 9-5-86. Effective 8-22-86, Pennzoil Company sold to Ross & Wharton Gas Company, Inc., the leasehold interests and the two wells.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 86-22467 Filed 10-2-86; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP86-729-000]

Consolidated Gas Transmission Corporation; Application

September 30, 1986.

Take notice that on September 17, 1986, Consolidated Gas Transmission Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP86-729-000 an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the transportation of natural gas on behalf of Transcontinental Gas Pipe Line Corporation (Transco) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated states that it is currently transporting up to 75,000 Mcf of natural gas per day on behalf of Transco pursuant to a self-implementing agreement scheduled to expire on November 1, 1986 under the "grandfather" provisions of Order No. 436. Consolidated states that it receives the gas from Tennessee Gas Pipeline Company (Tennessee) at three existing interconnections in New York and Pennsylvania and redelivers equivalent volumes to Transco at an existing interconnection in Pennsylvania.

Consolidated states that it has entered into a new transportation contract with Transco dated September 10, 1986 to provide for the continuation of service after the November 1, 1986 termination date of the grandfathered service. It is stated that under the terms of the new contract, which would run through October 31, 1994, Consolidated would provide transportation of up to 75,000 Mcf per day for Transco under its TI Rate Schedule. Tennessee is said to have filed for similar authorization to continue transportation for Transco in Docket No. CP86-543-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in

determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22445 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-179-002]

Consolidated Gas Transmission Corp.; Petition for Extension of Authority to Institute Direct Billing Procedure for Retroactive Production-Related Cost Allowances

September 26, 1986.

Take notice that on September 19, 1986, Consolidated Gas Transmission Corporation (Consolidated) filed a petition for an order extending through March 31, 1987, the authority of Consolidated to directly bill its customers for certain retroactive production related cost allowances provided for by Order No. 94, *et al.*, as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Consolidated initially received authorization to institute direct billing procedures for Order No. 94 costs by order issued September 30, 1985 (32 FERC ¶ 61,448). That order defined the retroactive period for collection of such costs claimed by producers but not yet paid by Consolidated as beginning on July 25, 1980 and ending on September 30, 1986. Consolidated states that most of its outstanding producer claims are based on area rate clauses contained in the gas purchase contracts. In a recent notice of proposed rulemaking, issued in accordance with the court's instruction in *Texas Eastern Transmission Corporation v. FERC* (TETCO),[1] the Commission established protest procedures which would allow parties the opportunity to show that a particular area rate clause did not authorize collection of Order No. 94 costs. Consolidated states that because of the pendancy of the final rule, it cannot resolve all questions involving its outstanding producer claims by September 30, 1986. Consolidated further states that its outstanding claims are not significant.

According to Consolidated, the *TETCO* decision hindered its evaluation of producer claims by creating uncertainty about the effect of the area rate clauses. Consolidated states that the proposed six-month extension would allow time for the Commission to act on its proposed rule and would give Consolidated the opportunity to consider all relevant rules and regulations in deciding whether to pay these outstanding claims.

Consolidated states that it has served a copy of the Petition on its customers and all parties interested in this proceeding.

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 October 3, 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. 86-22459 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[1] 769 F.2d 1053 (5th Cir. 1985), *cert. denied*, 106 S.Ct. 1967 (1986). This decision was issued August 19, 1985.

[Docket No. RP86-118-002]

Consolidated Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 29, 1986.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on September 23, 1986, filed the following revised tariff sheets to supplement its filing of May 30, 1986, in this proceeding:

First Revised Sheet No. 33
Original Sheet No. 34
First Revised Sheet No. 75
Original Sheet Nos. 76-82
Original Sheet No. 87
First Revised Sheet Nos. 113 and 114
Original Sheet Nos. 115-118

all the Original Volume No. 1 of Consolidated's FERC Gas Tariff.

The tariff sheets propose a firm transportation rate and rate schedule and operation conditions for transportation as may be required under 18 CFR 284.7(a). The proposed tariff sheets are essentially the same as those agreed to by Consolidated in the Stipulation and Agreement filed on February 10, 1986, in Docket No. RP85-169.

Copies of the filing were served upon Consolidated's customers, interested state commissions and parties to the proceeding.

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 and 385.211). All motions or protests should be filed on or before October 6, 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. 86-22461 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-10-M

[Docket No. ST86-1014-000]

Cranberry Pipeline Corp.; Staff Panel

September 29, 1986.

Pursuant to the Commission's July 23, 1986 order in Docket No. ST86-1014-000, a Staff Panel (Panel) shall be convened

to allow opportunity for written comments and for the oral presentation of views, data, and arguments. The Panel will not be a judicial or evidentiary-type hearing and there will be no cross-examination of persons presenting statements. Members participating on the Panel before whom the presentations are made may ask questions. If time permits, Panel members may also ask such relevant questions as are submitted to them by participants. Other procedural rules relating to the Panel will be announced at the time the proceeding commences.

The Staff Panel will be held on Tuesday, October 7, 1986 at 10:00 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426. Any questions regarding these proceedings should be directed to Randall Keen, Esquire at 202–357–9112. All interested persons and staff may attend the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–22446 Filed 10–2–86; 8:45 a.m.]

BILLING CODE 6717-01-M

[Docket No. TC86–12–000 etc.]

El Paso Natural Gas Co. et al.; Tariff Sheet Filings

September 30, 1986.

In the matter of El Paso Natural Gas Company, Docket No. TC86–12–000; Eastern Shore Natural Gas Company, Docket No. TC86–13–000; Mississippi River Transmission Corporation; Docket No. TC86–14–000; Southwest Gas Corporation, Docket No. TC86–17–000.

Take notice that the following pipelines [1] have filed revised tariff sheets to become effective November 1, 1986, pursuant to § 281.204(b) of the Commission's Regulations, which requires interstate pipelines to update their respective index of entitlements annually to reflect changes in priority 2 entitlements (Essential Agricultural Users).

Pipeline and docket No.	
(1) El Paso Natural Gas Company, TC86–12–000, Filed: September 15, 1986.	Fifth Revised Sheet No. 329 to First Revised Volume No. 1, Nineteenth Revised Sheet, No. 1–M.3 to Third Revised Volume No. 2, Nineteenth Revised Sheet No. 7–MM.3 to Original Volume No. 2A
(2) Eastern Shore Natural Gas Company, TC86–13–000. Filed: September 15, 1986.	Eighth Revised Sheet No. 424 of FERC Gas Tariff, Original Volume No. 1.
(3) Mississippi River Transmission Corporation, TC86–14–000, Filed: September 15, 1986.	Seventh Revised Sheet No. 75, Sixth Revised Sheet No. 76, Fourth Revised Sheet No. 77, Seventh Revised Sheet, NO. 78, Sixth Revised Sheet No. 79 of FERC Gas Tariff, Second Revised Volume No. 1.
(4) Southwest Gas Corporation, TC86–17–000, Filed: September 18, 1986.	Sixth Revised Sheet No. 25C of FERC Gas Tariff, Original Volume No. 1

Any person desiring to be heard or to make any protest with reference to said tariff sheet filing should on or before October 10, 1986, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Appendix

El Paso Natural Gas Company, P.O. Box 1492, El Paso, Texas 79978

Eastern Shore Natural Gas Company, P.O. Box 615, Dover, Delaware 19903–0615

Mississippi River Transmission Corporation, 9900 Clayton Road, St. Louis, Missouri 63124

Southwest Gas Corporation, P.O. Box 15015, 5241 Spring Mountain Road, Las Vegas, Nevada 89114

[FR Doc. 86–22447 Filed 10–2–86; 8:45 a.m.]

BILLING CODE 6717-01-M

[1] Addresses of the pipelines are listed in the Appendix hereto.

[Docket No. FC86–29–000]

Kentucky Utilities Company; Application

September 26, 1986.

Take notice that on September 19, 1986, the Kentucky Utilities Company (the Company) tendered for filing an Application pursuant to Title 18, CFR 33.1. *et seq*, requesting that authority be granted under Title 16, U.S.C. 824b(a) allowing the Company to purchase, acquire, hold and sell securities of other public utilities as part of a planned investment program. The Company proposes to limit its holding or ownership of any given class of securities to an amount not to exceed one percent (1%) of the capital stock or funded debt outstanding of any other public utility subject to the provisions of the Federal Power Act. Additionally, the Company is requesting a modification of the reporting requirements under Title 18 CFR 33.8 to allow an annual report of acquisitions and holdings of securities. The Application sets forth the limitations and requirements protecting the public interest. The Application is on file with the Commission and open to public inspection.

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 October 6, 1986. Protests will be considered by the Commission in determining the appropriate action ot be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–22471 Filed 10–2–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86–149–001]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 29, 1986.

Take notice that on September 22, 1986 Mississippi River Transmission Corporation ("Mississippi") tendered for filing First Revised Sheet Nos. 59A and 59B to its FERC Gas Tariff, Second Revised Volume No. 1, to be effective on September 1, 1986.

Mississippi states that the above-referenced tariff sheets are being submitted pursuant to a Commission order issued September 3, 1986, in the captioned docket which accepted for filing Original Sheet Nos. 59A and 59B effective September 1, 1986, subject to refund and certain conditions. Such tariff sheets revised Paragraph 17 of Mississippi's tariff by adding Paragraph 17.5 "Interim Commodity Unit Adjustments Between Effective Dates"

(Interim Adjustment) to allow Mississippi greater flexibility to adjust its jurisdictional rates in response to changes in gas costs more frequently than twice a year. Ordering Paragraph (D) required Mississippi to file within thirty (30) days revised tariff sheets to clarify the effective date for interim adjustments, and to reflect that Mississippi shall be required to justify its undercollections to the extent it appears the adjustments were not used to track known and measurable changes in gas costs.

Mississippi states that copies of its filing have been served on all jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 6, 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. 86-22462 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-142-002]

Natural Gas Pipeline Company of America; Proposed Change to FERC Gas Tariff

September 29, 1986.

Take notice that on September 22, 1986, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective August 25, 1986:

Substitute Seventh Revised Sheet No. 121
Substitute First Revised Sheet No. 121A
Substitute Original Sheet No. 121B
Substitute Original Sheet No. 121C
Original Sheet No. 121D

Natural states the purpose of these tariff sheets is to reflect the tariff language clause revisions to Natural's Purchased Gas Adjustment, as required by Ordering Paragraphs (C)(1), (C)(2) and (C)(3) of the Commission Order issued August 22, 1986, in Docket No. RP86-142-000. Natural states that the tariff language clause requiring revision pertains to its efforts to provide greater flexibility within the Purchased Gas Adjustment framework to permit rate adjustments in response to changes in gas costs more frequently than twice a year.

A copy of this filing is being mailed to Natural's jurisdictional customers, interested state regulatory agencies, and intervenors in the subject docket.

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 must be filed on or before October 6, 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. 86-22463 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86-3-28-004]

Panhandle Eastern Pipe Line Co., Proposed Changes in FERC Gas Tariff

September 29, 1986.

Take notice that on September 19, 1986 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing the following revised sheet to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Original Sheet No. 43-4.3.

The proposed effective date of this revised tariff sheet is September 1, 1986.

This revised tariff sheet is being submitted by Panhandle at this time in compliance with the Commission's August 29, 1986 Order to reflect revised tariff language for Panhandle's flexible PGA to exclude the effects of storage activity from the determination of gas costs in determining compliance with the three percent limitation.

Panhandle states that the filing of this revised tariff sheet by Panhandle in compliance with the Commission's August 29, 1986 Order in this proceeding is without prejudice to Panhandle's rights to seek rehearing or review of the conditions contained in the August 29, 1986 Order.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Section 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 6, 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. 86-22464 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP86-523-000 and CP86-524-000]

Iroquois Gas Transmission System; Extension of Time

September 29, 1986.

On September 18, 1986, the Attorney General of the State of Connecticut (Connecticut) filed a motion for an extension of time to file comments on the Notice of Intent to Prepare a Draft Environmental Impact Statement and Request for Comments on its Scope, issued September 3, 1986 in the above-docketed proceeding. In support of its request, Connecticut states that additional time is required because Iroquois Gas Transmission System (Iroquois) has not yet filed its final Environmental Report on the project. Connecticut is concerned that Iroquois' final environmental report may present different environmental concerns than the company's preliminary report and requests the extension so that it can respond to the final report.

Upon consideration, notice is hereby given that an extension of time for the filing of comments in the above-docketed proceeding is granted to 5:00 PM on November 20, 1986. This extension should allow sufficient time for Iroquois to file its final environmental report and for the parties

to take the report into consideration in preparing their comments on the scope of the environmental impact of the project.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22448 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-59]

Northern Natural Gas Company, Division of Enron Corp.; Request for Waiver of Tariff Provisions

September 26, 1986.

Take notice that on September 19, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern) tendered for filing a request that the Commission grant a limited waiver of the provisions of Paragraph(s) 18 and 21 of Northern's FERC Gas Tariff, Third Revised Volume No. 1 (Volume 1 Tariff) and Paragraph(s) 1 and 4 of Northern's Original Volume No. 2 Tariff (Volume 2 Tariff) so as to permit Northern to file its Annual Rate Adjustments for Purchased Gas Cost and the Cost of Transportation of Gas through the Alaskan Natural Gas Transportation System by November 27, 1986 rather than October 27, 1986 as is presently required.

Northern states its Offer of Settlement and Stipulation and Agreement of Settlement (S&A) currently pending before the Commission in Docket No. RP85-206 will directly impact upon the computation of purchased gas costs and rate design in Northern's Purchased Gas Adjustment (PGA). The requested one month extension will provide Northern with additional time to incorporate into its PGA filing the applicable aspects of the S&A and avoid the unnecessary confusion of an amended PGA filing in the event an acceptable final order is issued approving the S&A within a reasonable time prior to November 27, 1986. Furthermore, pursuant to the timing schedule established in the S&A, Northern's customers had until September 10 to advise Northern of the level of contract demand they intended to be turned back or converted to firm transportation during the first year of the Contract Demand Turnback/ Conversion Program. In turn, Northern must complete its review of these requests, finalize all transporation agreements, and file, by November 9, 1986, the applicable adjustments to its demand rates based upon the revised level of firm entitlement.

Northern is not proposing to change the effective date of the Annual Rate Adjustments which will continue as December 27 or January 1, whichever is applicable. Northern has served copies of this request upon all of its 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 October 3, 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. 86-22470 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER86-107-001, ER86-107-002, ER86-120-002, ER86-107-003]

Pacific Gas and Electric Co.; Filing

September 26, 1986.

Take notice that on September 18, 1986, Pacific Gas and Electric Company (PG and E) tendered for filing a compliance report containing the calculation of refunds and interest payable to CPNational; and calculations of refunds and interest payable to the Department of Water Resources of the State of California.

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 October 6, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-22469 Filed 10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-85-002]

Texas Gas Transmission Corp.; Tariff Filing

September 26, 1986.

Take notice that on September 23, 1986, Texas Gas Transmission Corporation (Texas Gas) tendered for filing proposed changes to its FERC Gas Tariff, Original Volume No. 1. Such changes have been filed to comply with § 284.8 of the Federal Energy Regulatory Commission's (Commission) regulations, applicable to firm transportation service authorized on a self-implementing basis pursuant to Subpart B of Part 284 of the Commission's regulations, all as more fully set forth in the filing on file with the Commission and open to public inspection.

Texas Gas requests waivers of all Commission rules and regulations, as necessary, to permit the tendered tariff sheets to become effective July 1, 1986. Texas Gas expressly states that its filing is without prejudice to its certificate application pending in Docket No. CP86-521.

Copies of this filing were served upon Texas Gas'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 October 3, 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. 86-22466 Filed10-2-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-793-000

Valley Gas Transmission, Inc.; Request Under Blanket Authorization

September 26, 1986.

Take notice that on September 25, 1986, Valley Gas Transmission, Inc. (Valley), P.O. Box 32999, San Antonio, Texas 78216, filed in Docket No. CP86-739-000 a request pursuant to §§ 157.205

and 284.223 of the Commisison's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to transport natural gas on behalf of W.M. Laughlin (Laughlin) under the authorization issued in Docket No. CP86–171–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request, which is on file with the Commission and open to public inspection.

Valley states that, pursuant to a transportation agreement dated June 5, 1986, it proposes to transport natural gas on behalf of Laughlin on Valley's system in Duval and Jim Wells Counties, Texas. Valley further states that peak day volumes under this agreement would not exceed 1,976 million Btu per day, annual volumes would not exceed 199,080 million Btu per day, and the average daily volume would be 553 million Btu per day. The proposed transportation service commenced on June 25, 1986, pursuant to the 120-day self implementing provisions of § 284.223(a)(1) of the Regulations.

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. 86–22468 Filed 10–2–86; 8:45 am]

BILLING CODE 6717–01–M

Office of Conservation and Renewable Energy

[Case No. CAC–001]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Test Procedures for Central Air Conditioners, Including Heat Pumps, to Carrier Corp.

AGENCY: Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. CAC–001) granting Carrier Corporation a waiver for its variable speed (VSP) model carrier air conditioners and heat pumps for existing DOE test procedures for central air conditioners and heat pumps.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–132, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–12, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–9513

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Carrier Corporation has been granted a waiver for its variable speed central air conditioners and heat pumps, permitting the company to use an alternate test method.

Issued in Washington, DC, September 19, 1986.

John R. Berg,

Principal, Deputy Assistant Secretary, Conservation and Renewable Energy.

In the Matter of: Carrier Corporation.

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3266, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including central air conditioners. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy amended the prescribed test procedure regulations by adding paragraph 430.27 to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inadequate comparative data. 45 FR 64108 (September 26, 1980).

Carrier Corporation (Carrier) filed a "Petition for Waiver" in accordance with paragraph 430.27 of 10 CFR Part 430. DOE published in the Federal Register Carrier's petition and solicited comments, data, and information respecting the petition. Comments were received from Lennox Industries Inc., Rheem Manufacturing Company, and Borg-Warner Air Conditioning, all manufacturers of air conditioners and heat pumps. Comments were also received from Coil Company, Inc., manufacture of heat transfer and air handling systems. The comments received by DOE were sent to the petitioner on March 25, 1986. The petitioner submitted DOE a rebuttal statement to the comments on April 11, 1986. DOE consulted with the Federal Trade Commission on May 23, 1986, concerning the Carrier petition.

Assertations and Determinations

Carrier's petition seeks a waiver from the DOE test procedures for central air conditioners and heat pumps for Carrier's variable speed units. The petition requests authorization to substitute the test and calculation methods in Appendix B of the Air Conditioning and Refrigeration Institute (ARI) Standard 210/240–84 for the test and calculation methods in Appendix M to Subpart B of 10 CFR Part 430. In addition, the petition requests five modifications to Appendix B of ARI Standard 210/240–84 to be included in the waiver to allow proper representation of the unique operating characteristic of the equipment.

All interested parties, including DOE, agree that the existing test and calculation methods of Apendix M to Subpart B of 10 CFR Part 430 are inappropriate for variable speed units. All interested parties also agree that appropriate test and calculation methods of variable speed units would be those based on Appendix B of ARI Standard 210/240–84 with modifications. However, there is not total agreement with Carrier's requested modifications to Appendix B of ARI Standard 210/240–84. Consequently, the following five determinations are made regarding the five modifications requested by Carrier.

1. The ARI Standard 210/240 includes a cyclic test pattern which represents 20 percent compressor "on" time, i.e., the compressor runs for six minutes of a 30 minute cycle (6/30=.2). Since efficiency is the quotient of output capacity and input energy, the cyclic efficiency is determined by actual measurement of cooling capacity and electric energy

during this cyclic test. Since cooling can continue after the compressor is off, the ARI standard allows cooling capacity to be measured for the compressor "on" period plus an additional two minutes, i.e., a capacity integration period of eight minutes.

Carrier states that the microprocessor control on its variable speed units has a minimum run time of 12 minutes; and as such, it is not possible for an "on" period of less than 12 minutes to occur in normal operation of the equipment. Consequently Carrier requests that the cyclic test pattern representing a 20 percent "on" time fraction consisting of six minutes "on" and 24 minutes "off" be replaced by a cyclic test pattern representing a 20 percent "on" time fraction consisting of 12 minutes "on" and 48 minutes "off." Regarding the capacity integration period, Carrier requests 14 minutes, which is consistent with the ARI standard, i.e., compressor run time plus two minutes.

In their comments, Lennox and Rheem suggested different "on" time fractions from that simulated by a six minutes "on" and 24 minutes "off" cycle. Although Lennox agreed to the requested 12 minutes "on" time, Lennox suggested 18 minutes "off" time as more realistic, substantially shorter to run and providing necessary repeatability. Borg-Warner supported 12 minutes "on" and 48 minutes "off" cyclic test with the reservation that this test cycle is only appropriate for variable speed systems that can operate down to approximately 50 percent compressor speed or lower. Borg-Warner also commented in support of the 14-minute capacity integration period requested by Carrier.

Responding to the Lennox and Rheem comments, Carrier agreed that it is the intent of the cyclic test to model a unit satisfying a building load. Therefore, it is not necessary to perform the test with the same fractional run time (loading) as single speed and two speed units. In response to the Borg-Warner comment, Carrier agreed that the proposed 12 minutes "on" and 48 minutes "off" cycle test should be allowed only for systems which have ability to modulate capacity to approximately 50 percent or less of maximum capacity.

The National Bureau of Standards (NBS) and DOE reviewed this request in terms of compatibility with variable speed system operation, existing DOE procedures and the thermostat theory. The analysis showed that 12 minutes "on" time, 48 minutes "off" time will constitute a cycle that is compatible with a residential thermostat curve while 12 minutes "on" and 18 minutes "off" cycle will not. Furthermore, the cyclic test requested by Carrier represents an "on" time fraction, 20 percent, that is consistent with the existing DOE test procedures. It also appears that a cyclic test with a longer "off" period will provide conservative (lower) efficiency results. DOE considers such conservative results appropriate until the Department addresses this issue thoroughly in the test procedure amendment process.

Carrier's request to set the capacity integration period to 14 minutes allows for a two-minute capacity integration after compressor shut-off, as does the ARI method. However, DOE believes that the capacity integration time should not be extended beyond the compressor's time of operation because it would result in over-estimations of unit capacity. Furthermore, in the current test procedure, the capacity integration time equals the compressor's time of operation.

Based on all of the above, DOE has determined that Carrier should be granted a waiver to perform a cyclic test of its variable speed systems at 12 minutes "on" and 48 minutes "off" compressor operation and a 12-minute capacity integration time, with limitation that this waiver apply only to systems that can modulate down to approximately 50 percent maximum capacity or lower.

2. The primary efficiency advantage of a variable speed unit is the ability to avoid cycling losses for most of the cooling (or heating) season. Specifically, cycling losses are avoided when the unit modulates its speed to meet a partial load rather than cycle on and off. The range of outdoor temperatures for which the unit does not cycle is called the load matching region. To capture this advantage in the analytic geometry of the SEER calculations, ARI procedures require an additional test point termed the intermediate test point. This test is in addition to the already required high speed/high outdoor temperature test and the lower speed/lower outdoor temperature test. All agree that the intermediate test should be reflective of the loan matching region. However, specifying the laboratory test conditions for the intermediate test is a difficult matter, since cooling load and the unit's cooling capacity both vary with outdoor temperature.

The ARI procedures require the intermediate test to be conducted at an intermediate outdoor temperature of 87°F. The capacity of the unit during this test is to be 67 percent of the capacity measured during the high speed/high outdoor temperature test. This specification method requires the conductor of the laboratory test to "hunt" interactively for the correct intermediate compressor speed to satisfy the specifications. In lieu of the ARI method of specification, Carrier requests a less burdensome specification based on outdoor temperatures and compressor *speed*. Specifically, Carrier requests testing at the intermediate outdoor temperature of 87°F, identical to the ARI procedures, and any compressor speed between maximum and minimum speeds. Carrier contends that the capacity and power for an appropriate intermediate test point can be determined using the minimum speed, intermediate speed and maximum speed test points to find the outdoor temperature at which the equipment capacity intersects the load line (respective equations are included in the petition). The capacity and power values for this intersection can be then used as the intermediate speed test results for determining SEER. Carrier states that the present specification of the intermediate test point by the temperature conditions and equipment capacity requires an iterative test and is unnecessarily burdensome. Lennox, Rheem, and Borg-Warner commented on this request. Lennox considered an arbitrary speed test as unacceptable and questioned the technical feasibility of auditing such a test point. Lennox also was concerned that such a test would be run at the lowest possible speed to increase the SEER. Rheem also opposed the petitioner's request and insisted that the intermediate test point be specified by the temperature conditions and capacity. Rheem suggested ± 2 percent allowance for variation from the test value to the calculated building load value. Rheem also contended that allowing the compressor speed to vary between the minimum and maximum value would introduce excessive errors when attempting to adjust the test values. Borg-Warner requested sample calculations that would allow better understanding of Carrier's proposal.

In its rebuttal to these comments, Carrier maintained again that specification of the intermediate speed point by capacity was impractical. However, Carrier suggested that an improvement to its requested method for the intermediate speed test would be to bracket the speed range from ⅓ to ½ between minimum and maximum speed in lieu of any speed between minimum and maximum. Carrier also stated that verification of the efficiency claim by an "audit test," conducted by ARI in its certification program, may be conducted at any speed. Carrier explained that the adjustment method based on high speed and low speed test points will always match the intermediate speed point to

the load line, and the effect of changing the intermediate speed value from test to test should be within the uncertainty of the test data. Carrier's rebuttal also contained an example of calculations for the intermediate speed point as requested by Borg-Warner.

DOE accepts Carrier's argument that an intermediate speed test specified, in part, by equipment capacity is excessively burdensome. Also, after reviewing information prepared by the petitioner and in consultation with NBS, DOE accepts the bracketed speed provision of the intermediate test point suggested by Carrier and agrees that correcting the capacity and power based on low and high speed test points is a reasonable method for evaluating the intermediate performance of a variable speed unit. However, DOE concluded that material submitted by the petitioner does not support entirely its statement that verifying the intermediate speed test can be done by running the "audit test" at any speed. Consequently, DOE has determined that verification of the intermediate cooling test should be performed by testing at the same speed as the manufacturer's test.

3. In its petition Carrier maintained that, in order to evaluate fairly its variable speed unit, an appropriate intermediate test point is needed for the heating performance procedures as well as the cooling performance procedures. However, because of the added complexities of the heating performance evaluation procedures, an appropriate intermediate test point is not easily defined. Specifically, unlike cooling performance which is based on a single sizing, i.e., the relationship of the capacity of the unit to the cooling load at design conditions, heating performance is based on several different sizing possibilities. Also, the heating evaluation procedures already include a test point at an intermediate outdoor temperature, called the frost accumulation test point. This test point is designed to capture the degradation in performance due to the frosting and defrosting of a heat pump and is specified in ARI and DOE procedures to be run at maximum speed with 35 °F outdoor temperature. Carrier claims the 35 °F outdoor temperature is appropriate for an intermediate test point but the maximum speed provision is inappropriate. Carrier is seeking modifications to Appendix B allowing the test to be performed at an intermediate speed specified as a value between the minimum and maximum speeds for the equipment. Carrier states that the capacity and power of the intermediate speed test point may be corrected with respect to temperature to find the intersection with the heating load line in the same manner as the intermediate speed cooling point. Carrier contends that the frost accumulation test run at maximum speed is not well-matched to the load line and, as a result, has almost no influence on the HSPF.

Lennox, Rheem and Borg-Warner commented on this request. Lennox commented that maximum speed capacity is well-matched to the load line since 35 ° temperature is very close to the balance point in most residences. As with the intermediate test point for cooling, Lennox expressed concern about the technical feasibility of auditing an arbitrary speed test point. Lennox also was concerned that the intermediate test point would be run at lowest possible speed to increase the coefficient of performance (COP).

Rheem suggested that the intermediate speed should be specified in relationship to building load, which would parallel the cooling intermediate speed determination. Borg-Warner also recommended that the frost accumulation test be conducted at the same compressor speed as that used for the 95 °F outdoor temperature for the cooling mode.

Responding to Lennox's comment, Carrier stated that while maximum speed capacity may be well matched to the load line at 35 °F in actual residences, it is not true for the prescribed heating load line. Rebutting Rheem's comment, the petitioner proposed to bracket the speed at the intermediate heating point, as for the cooling mode, in the range from ⅓ to ½ between minimum and maximum speed.

In response to the Borg-Warner comment, Carrier stated that the building load at 35 °F, as shown in the example, is only slightly greater than the unit capacity at minimum speed. Carrier contended that running a defrost test at the maximum speed would mean requiring variable speed heat pumps to satisfy a different load line than it is required for single- and two-speed heat pumps.

DOE analyzed Carrier's request in consultation with NBS and determined that an intermediate speed frost accumulation test is appropriate for the Carrier variable speed unit in lieu of the maximum speed frost accumulation test contained in DOE and ARI procedures. However, where Carrier felt the compressor speed for the intermediate test could be specified as any compressor speed between maximum and minimum, DOE and NBS believe more guidance is needed regarding this intermediate speed specification. Specifically, today's Decision and Order requires the intermediate compressor speed to be high enough to obtain system capacity that is 95 percent or more of the building load at 35 °F for which the HSPF is being calculated. It is believed this specification is necessary to avoid testing at unrealistically low compressor speeds which could overstate the performance improvement due variable speed units.

4. Carrier requests that HSPF for variable speed heat pumps that employ a demand defrost control be increased by four percent instead of making any adjustments to the frost accumulation test point data as provided in the current test procedure. Carrier contends that a simple increase of the capacity at the frost accumulation test by seven percent (Appendix M to Subpart B of Part 430, § 5.2) is not appropriate since the HSPF calculation method for variable speed systems is substantially different from that for single speed systems. Carrier's request for a four percent HSPF credit is based on an analysis of comments on the proposed rule as published in the December 1979 final rule. 44 FR 76703 (December 27, 1979).

Lennox and Borg-Warner commented on this request. Lennox stated that a demand defrost credit should be applied to the test point which it affects and should be consistent with the test procedures currently being used. Borg-Warner supported the HSPF enhancement requested by Carrier.

The enhancement factor for a demand defrost control system was introduced by DOE in order "to compensate for improved performance not measured in the Frost Accumulation Test". 44 FR 76714 (December 27, 1979). The enhancement factor was introduced for single-speed and two-speed systems because otherwise the calculation would assume that a system with a demand defrost control would defrost as often as a system with a time defrost control, while at weather conditions other than those specified in the Frost Accumulation Test, a system with a demand defrost control would defrost only when necessary.

Based on available evidence, DOE has concluded that in the case of a variable speed heat pump, most of the performance improvement due to a demand defrost control would be measured in the Frost Accumulation Test run at intermediate speed. For example, it appears that a frost accumulation test run at a low speed to match the minimum prescribed building load with system capacity would result

in minimal or no frost-related degradation if the system is equipped with a demand defrost control. If the system will not defrost during the test, the maximum improved performance will be measured by the test.

In conclusion, DOE determined not to grant Carrier's request for a flat four percent HSPF enhancement factor for demand defrost control system. Instead, DOE is granting an enhancement factor ranging from zero to four percent, adjustable according to the number of defrost cycles in a 12-hour period. Accordingly, today's Decision and Order included an equation allowing a full enhancement credit for heat pumps having the defrost test period less than 90 minutes, and linearly, based on the number of defrost cycles saved, prorates the enhancement credit for longer test periods resulting in zero credit if a tested heat pump does not go into defrost during a 12-hour test.

5. In addition to varying the compressor speed, Carrier's unit also varies the indoor air fan speed with various part loads. Carrier requested that the indoor air flow rate at fan speeds less than the maximum speed be determined as the ratio of fan speed to maximum fan speed multiplied by air flow at maximum fan speed. The petitioner states that present standards, DOE's and ARI's, do not provide instructions for determining the indoor mass flow of air at intermediate fan speeds.

Borg-Warner commented in support of this request stating that the Carrier requested method for determining air mass flow rate was used by Borg-Warner on its variable speed heat pumps.

Based on the information provided by the petitioner and the commenters, DOE has determined to grant Carrier's request for the method for determining indoor air mass flow rate.

It is, therefore ordered that: (1) The "Petition of Waiver" filed by Carrier Corporation (CAC-001) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix M of 10 CFR Part 430 Subpart B, Carrier Corporation shall be permitted to test its variable speed (VSP) model heat pumps and cooling units on the basis specified in 10 CFR Part 430, with the modifications set forth below:

(i) *Test Procedure.* Test procedures shall be as specified in section 5 of ARI Standard 210/240-84 and in section 8.0 of ANSI/ASHRAE Standard 116-1983, with the inclusion of the following conditions.

(A) *Cooling and heating cycle tests* shall be conducted by cycling the compressor 12 minutes "on" and 48 minutes "off". The capacity and all electrical energy shall be measured for the compressor "on" time of 12 minutes. All off-cycle electrical energy shall be measured for the compressor 48 minutes "off" time. Off-cycle electrical energy does not include fan power.

(B) *Intermediate cooling and heating steady-state tests* shall be conducted at indoor coil and outdoor coil air conditions selected for the intermediate cooling steady-state test and heating frost accumulation test, respectively, in Table B1 of ARI Standard 210/240-84. The tolerances for the dry-bulb and wet-bulb temperatures of the air entering the indoor and outdoor coils shall be within the test operating tolerance and test condition tolerance specified in Table III-A of ANSI/ASHRAE Standard 116-1983. the intermediate compressor speed during the cooling test shall be in the range from ⅓ to ½ between the minimum and maximum speed. The intermediate compressor speed during the frost accumulation test shall be high enough to obtain system capacity that is 95 percent or more of the building load at 35 °F for which HSPF is to be calculated. Determination of the compressor speed shall be conducted by a method which has the ability to provide results with less than two percent error.

The air volumetric flow rate at fan speeds less than the maximum speed shall be determined using the fan laws for a fixed resistance sytems. The following equation shall be used to calculate the flow rate of air:

$$CFM^{v} = (CFM^{max}) * (RPM_F^{v} / RPM_F^{max})$$

where:

CFM^{v} = volumetric flow rate of air at fan speed less than maximum speed

CFM^{max} = volumetric flow rate of air at the maximum fan speed

RPM_F^{v} = the fan speed for which air flow rate is calculated

RPM_F^{max} = the maximum fan speed

Fan speed shall be determined by a method having the ability to provide results with uncertainty less than two percent.

(ii) *Seasonal Energy Efficiency Ratio, SEER.* The SEER shall be determined by the method for two-speed or two compressor units, as specified in ANSI/ASHRAE Standard 116-1983 and ARI Standard 210/240-84, and in accordance with the following changes. The capacity for the unit modulating at the intermediate compressor speed (k=v) at any temperature (t_x) shall be defined as:

$$Q^{k=v}(t_x) = Q_{ss}^{k=v}(87) + M_q\,(t_x - 87)$$

where:

$Q_{ss}^{k=v}(87)$ = the capacity of the unit at 87°F determined by the intermediate cooling steady-state test

M_q = slope of the capacity curve for the intermediate compressor speed (k=v)

$$M_q = \frac{Q_{ss}^{k=1}(82) - Q_{ss}^{k=1}(67)}{82 - 67} * (1 - N_q) + N_q * \frac{Q_{ss}^{k=2}(95) - Q_{ss}^{k=2}(82)}{95 - 82}$$

$$N_q = \frac{Q_{ss}^{k=v}(87) - Q_{ss}^{k=1}(87)}{Q_{ss}^{k=2}(87) - Q_{ss}^{k=1}(87)}$$

Where: All Q's, except for $Q_{ss}^{k=v}(87)$, are determined by ANSI/ASHRAE 116-1983 and ARI Standard 210/240-84 by test or linear interpolation.

Once the equation for $Q^{k=v}(t_x)$ has been determined, the temperature where $Q^{k=v}(t_x) = BL(t_x)$ can be found. This temperature is designated as t_{vc} and replaces 87 °F in the equations for Case II in Appendix B of ARI Standard 210/240-34.

The electrical power input for the unit operating at the intermediate compressor speed (k=v) and the temperature (t_{vc}) shall be defined as:

$$E_{ss}^{k=v}(t_{vc}) = E_{ss}^{k=v}(87) + M_E\,(t_{vc} - 87)$$

where: $E_{ss}^{k=v}(87)$ = the electrical power input of the unit at 87°F determined by the intermediate cooling steady-state test

M_E = slope of the electrical power input curve for the intermediate compressor speed (k=v)

$$M_E = \frac{E_{ss}^{k=1}(82) - E_{ss}^{k=1}(67)}{82 - 67} * (1 - N_E) + N_E \frac{E_{ss}^{k=2}(95) - E_{ss}^{k=2}(82)}{95 - 82}$$

$$N_E = \frac{E_{ss}^{k=v}(87) - E_{ss}^{k=1}(87)}{E_{ss}^{k=2}(87) - E_{ss}^{k=1}(87)}$$

Where: All E's, except $E_{ss}^{k=v}(87)$, are determined from ANSI/ASHRAE 116-1983 and ARI Standard 210/240-84 by test or linear interpolation.

Once $E_{ss}^{k=2}(t_{vc})$ has been determined, it replaces $E_{ss}^{k=v}(87)$ in the equations for Case II in Appendix B of ARI Standard 210/240-84.

(iii) *Heating Seasonal Performance Factor, HSPF.* The HSPF shall be determined by the method for two-speed or two compressor units, as specified in ANSI/ASHRAE Standard 116-1983 and ARI Standard 210/240-84, and in accordance with the following changes.

The capacity for the unit modulating at the intermediate compressor speed (k=v) at any temperature (t_x) shall be defined as:

$$Q^{k=v}(t_x) = Q_{def}^{k=v}(35) + M_q\,(t_x - 35)$$

where: $Q_{def}^{k=v}(35)$ = the capacity of the unit at 35°F determined at the intermediate compressor speed (k=v) in defrost accumulation test

M_q = slope of the capacity curve for the intermediate compressor speed (k=v)

$$M_q = \frac{Q_{ss}^{k=1}(62) - Q_{ss}^{k=1}(47)}{62 - 47} * (1 - N_q) + N_q \frac{Q_{ss}^{k=1}(47) - Q_{ss}^{k=2}(17)}{47 - 17}$$

$$N_q = \frac{Q_{def}^{k=v}(35) - Q_{ss}^{k=1}(35)}{Q_{ss}^{k=2}(35) - Q_{ss}^{k=1}(35)}$$

where: All Q's, except $Q_{def}^{k=v}(35)$, are determined from ANSI/ASHRAE Standard 116-1983 and ARI Standard 210/240-84 by test or linear interpolation.

Once the equation for $Q^{k=v}(t_x)=BL(t_x)$ has been determined, the temperature where $Q^{k=v}(t_x=BL(t_x)$ can be found. This temperature is designated as t_{VH}. A separate t_{VH} shall be determined for each design heating requirement.

The electrical power input for the unit operating at the intermediate compressor speed (k=v) and at the temperature (t_{VH}) shall be defined as:

$$E_{ss}^{k=v}(t_{VH}) = E_{ss}^{k=v}(35) + M_E(t_{VH} - 35)$$

where: $E_{ss}^{k=v}(35)$ = the electrical power input of the unit at 35°F determined at the intermediate compressor speed (k=v) in the frost accumulation test

M_E = slope of the electrical power input curve for the intermediate compressor speed (k=v)

$$M_E = \frac{E_{ss}^{k=1}(62) - E_{ss}^{k=1}(47)}{62 - 47} * (1 - N_E) + N_E \frac{E_{ss}^{k=2}(47) - E_{ss}^{k=2}(17)}{47 - 17}$$

$$N_E = \frac{E_{ss}^{k=v}(35) - E_{ss}^{k=1}(35)}{E_{ss}^{k=2}(35) - E_{ss}^{k=1}(35)}$$

Where: All E's except $E_{ss}^{k=v}(35)$ are determined from ANSI/ASHRAE Standard 116-1983 and ARI Standard 210/240-84 by test or linear interpolation.

The following section replaces Case II in section 2.2 of ARI 210/240-84.

Case II

When the compressor speed varies between the maximum speed (k=2) and minimum speed (k=1) such that k=v to satisfy the building load at temperature t_j evaluate the following equations:

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$$Q_{ss}^{k=v}(t_j) = BL\ (t_j)$$

where: $Q_{ss}^{k=v}(t_j)$ = steady-state capacity delivered by the unit at any speed between the minimum and maximum compressor speeds at temperature t_j

when $t_j \geq t_{VH}$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(t_{VH}) + \frac{E_{ss}^{k=1}(t_3) - E_{ss}^{k=v}(t_{VH})}{t_3 - t_{VH}} * (t_j - t_{VH})$$

where: $E_{ss}^{k=v}(t_j)$ = the electrical power input required by the unit at temperature t_j and at a variable compressor speed between the minimum and maximum compressor speeds

$E_{ss}^{k=v}(t_{VH})$ = the electrical power input required by the unit at temperature t_{VH} and at the intermediate compressor speed (k=v), as determined above

$E_{ss}^{k=1}(t_3)$ = the electrical power input required by the unit at temperature t_3 and at the minimum compressor speed

t_3 = temperature at which $Q_{ss}^{k=1}(t_j) = BL\ (t_j)$

when $t_j < t_{VH}$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(t_{VH}) + \frac{E_{ss}^{k=2}(t_4) - E_{ss}^{k=v}(t_{VH})}{t_{VH} - t_4} * (t_{VH} - t_j)$$

where: $E_{ss}^{k=2}(t_4)$ = the electrical power input required by the unit at temperature t_4 and at the maximum compressor speed

t_4 = temperature at which $Q_{ss}^{k=2}(t_j) = BL(t_j)$

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For air-source units with variable-speed compressors that are equipped with "demand defrost control systems", the value for HSPF, as determined above shall be multiplied by an enhancement factor, E_{def}, to compensate for improved performance not measured in the Frost Accumulation Test.

The factor, F_{def}, depends on the number of defrost cycles in a 12-hour period (n) and should be calculated as follows:

$$F_{def} = 1 + 0.04 \frac{N-1}{7}$$

where: n = 720/t, or 8, whichever is smaller
t = length of the frost accumulation test period in minutes

(3) The waiver shall remain in effect from the date of issuance of this Order until the Department of Energy prescribes final test procedures appropriate to the type of variable-speed central air conditioners and heat pumps manufactured by Carrier Corporation.

(4) This waiver is based upon the prescribed validity of statements, allegations, and documentary materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

[FR Doc. 86-22354 Filed 10-2-86; 8:45 am]

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Energy Conservation Program For Consumer Products; Petition for Waiver of Central Air Conditioner Test Procedures From The Trane Co. (CAC-002)

AGENCY: Conservation and Renewable Energy Office, Department of Energy.

SUMMARY: Today's notice publishes a "Petition for Waiver" from The Trane Company (Trane) of Tyler, Texas, requesting a waiver from the existing Department of Energy (DOE) test procedures for central air conditioners. Trane manufactures residential and commercial air conditioning appliances. The petition requests DOE to grant relief from the test procedure relating to the compressor speed specification for Trane's TTS/TWS model series central air conditioners (heat pumps). Trane seeks to test using intermediate compressor speeds instead of the single speed specified. Trane requests the test and calculation methods of Appendix B to the Air Conditioning and Refrigeration Institute Standard 210/240-84, with modifications, be substituted for the DOE test procedures for central air conditioners. DOE is soliciting comments, data, and information respecting the petition.

DATE: DOE will accept comments, data and information not later than November 3, 1986.

ADDRESS: Written comments and statements shall be sent to: Department of Energy, Office of Conservation and Renewable Energy, Case No. CAC-002, Mail Stop CE-132, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station, CE-132, Forrestal Building, 1000 Independence Avenue, Washington, DC 20585, (202) 252-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-12, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 252-9513

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPAC), Pub. L. 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3266, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including central air conditioners. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

DOE has amended the prescribed test procedures by adding 10 CFR 430.27, Petitions of Waiver, to allow the Assistant Secretary for Conservation and Renewable Energy temporarily to waive test procedures for a particular basic model. 45 FR 64109 (September 26, 1980). Waivers may be granted when one or more design characteristics of a basic model either prevent testing of the basic model according to the prescribed test procedures, or lead to results so unrepresentative of the model's true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendment become effective, resolving the problem that is the subject of a waiver.

Trane's petition seeks a waiver from the DOE test provisions that require testing at a single compressor speed. Trane requests allowance to use Appendix B of the Air Conditioning and Refrigeration Institute (ARI) Standard 210/240-84 with amendments. The amendments to ARI Standard 210/240-84 requested by Trane include revisions to cycling period and intermediate steady state test point. The intermediate speed proposed by Trane matches system capacity to building load at 87 °F. Also, Trane requests the allowance of test and calculation procedures which incorporate test data for system operation at minimum and maximum speeds.

Pursuant to paragraph (b) of 10 CFR 430.27, DOE is hereby publishing the "Petition for Waiver" in its entirely. The petition contains no confidential information DOE solicits comments, data, and information respecting the petition.

Issued in Washington, DC September 11, 1986.

John R. Berg,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

July 9, 1986.

Assistant Secretary, Conservation and Renewable Energy,

United States Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Gentlemen: This petition for waiver is being submitted pursuant to 10 CFR, Part 430,

Appendix M to Subpart B, *Test Procedures for Central Air Conditioners, Including Heat Pumps.* Waiver is requested for Trane's TTS/TWS model variable speed cooling-only products and heat pumps in the cooling mode.

Models in the TTS/TWS product lines use variable speed motors to drive the compressor, indoor blower, and outdoor fan. The compressor is controlled over a wide range of speeds: the indoor blower and outdoor fan motors operate over a smaller range. Modulation of all three motors allows the system to better meet specific load requirements, thereby minimizing energy use. The system requires use of our micro-processor design in conjunction with a special thermostat, offering a wide range of additional energy conserving options.

York demonstrated (Case BEE–1338, January 13, 1981) that the current two-speed rating procedure did not adequately represent true seasonal performance and efficiency of a variable speed system, and was granted permission to use a modified test and rating calculation procedure for their ENMOD heat pump products. ARI has since published a revised standard (ARI 210/240–84) that incorporates variable speed test and calculation procedures, almost identical to the York method, and plans to further edit and revise this procedure. Carrier requested that they be allowed to use a modified version of the ARI/York procedures in their petition of December 4, 1985, which was published in the February, 1986 **Federal Register.**

We believe the York/ARI procedures to be the fairest method of estimating variable speed system cooling performance. However, the York/ARI procedures require further clarification for laboratory repeatability and verification purposes. Carrier attempted to address this issue in their petition, but some of their proposed procedures, such as the "floating intermediate point" testing, were not specific enough to ensure a consistent interpretation of test data for rating of variable speed products. Furthermore, the Carrier petition appears to be predicated on the specific design details of their intended product offering.

This petition is a request for authorization to substitute the test and calculation methods, with some minor modifications, of Appendix B of ARI 210/240–84 for Appendix M, Subpart B of Part 230 as applied to the cooling mode of variable speed products. The modifications proposed herein are independent of design details of any specific system, and are offered as a universal rating procedure for variable speed air conditioners (and heat pumps in the cooling mode.) A subsequent petition will be submitted, as appropriate, for rating of heat pumps in the heating mode.

The proposed rating method and modifications, to ARI 210/240–84 are described below and further detailed in an attachment. Graphical representations of the requested procedure can also be found in the attachment.

1. Two steady state test points at both minimum and maximum speed are used to establish a pair of lines that describe the extremes of the operating range as a function of outdoor temperature for both capacity and energy usage. The specific points and equations for the lines are defined in ARI 210/240–84, Appendix B and in the attachment. Proposed procedural clarifications are as follows:

A. Rated capacity for the system will be based on the tested capacity at an indoor condition of 80 °F dry bulb and 67 °F wet bulb and an outdoor condition of 95 °F dry bulb, maximum speed, with minimum indoor static pressure requirements as defined in ARI 210/240–84, Section 5.1.3.6.

B. We propose that indoor airflow at speeds lower than maximum be determined by using the fan laws for fixed resistence systems. The ratio of measured fan speed to maximum fan speed is multiplied by the volumetric airflow rate at maximum speed. Minimum static requirements only apply at the capacity rating point (Test A, Table 1 in the Appendix). This modification was also requested in Carrier's petition.

C. Outdoor airflow is as determined by the unit controls. Neither Carrier nor York addressed variable outdoor airflow.

2. A building cooling load line, described by Equation 1 in ARI 210/240–84, Appendix B, and the attachment, is applied to the minimum/maximum operating lines so that the distinct operating modes (i.e., max. speed operation vs. load matching vs. cycling) can be established. No modifications in the building cooling load line are requested.

The temperature intersections of the building cooling load line and the maximum speed and minimum speed lines define the modulating speed range of the system. At temperatures above the intersection of the load line and the maximum speed line, the system will operate continuously at maximum speed. At temperatures below the intersection of the load line and the minimum speed line, the system will cycle on and off.

3. Additional intermediate points in the load matching area could be tested to more accurately describe the system's energy reduction at lower speeds. Our testing confirms the work done by York, which indicated that a linear relationship for an energy approximation in the load matching area does not adequately reflect the reduction in energy usage at the lower speed range. This deficiency can be substantially eliminated by measuring the energy consumption at a test condition which matches system capacity to building load at 87 °F. This approach is consistent with both the York petition and ARI 210/240–84. However, neither of these references stipulated a tolerance for acceptability of the match between the load line and the system capacity. Our proposal is that this match be defined by:

A. If the measured capacity is within 1% of the calculated building load at 87 °F, then the tested power is used as described in ARI 210/240–84, Case II Calculations.

B. If the measured capacity is within 3% but not withn 1% of the calculated building load at 87 °F, then another test point is run per the procedure below, and the power at the 87 °F bin is interpolated based on the two points and the calculated cooling building load at 87 °F (details in attachment).

1. If the first tested capacity falls above the building load line, then the speed is lowered so that the second test capacity is below the building load line and within 3% of the line.

2. If the first tested capacity falls below the building load line, then the speed is raised so that the second test capacity is above the buiding load line and within 3% of the line.

C. A measured capacity that is not within 3% of the calculated building load at 87 °F is unacceptable, and the point must be rerun.

In contrast to this proposal, Carrier's test/interpolation procedure appears to have been written for their specific system. It is unfair to assume that all variable speed systems will have similar speed range and other operating characteristics. There may be significant differences in operating characteristics which make it difficult to specify an intermediate test by speed. Testing based on building load, as in the York/ARI procedures, will be more applicable to a broader range of variable speed products.

4. Using the system power at each extreme of the load matching region and the measured power at the intermediate point(s), the power at the bin temperatures in the load matching region can be approximated using a series of straight line relationships. This procedure is described in ARI 210/240–84, Appendix B, Case II Calculations and in the attachment. No modifications to it are requested.

5. For the portion of the load line where the unit is cycling, ARI 210/240–84, Appendix B allows the option of using a degradation coefficient value (Cd) of 0.25 or performing cycling tests at the 67 °F bin temperature, which we agree is representative of the temperature range in which cycling actually occurs for variable speed products. However, variable speed products will cycle less than single speed products.

A. We propose that the "on" time for cyclic testing be determined by the minimum "on" time allowed by the controls or multiplying six (6) minutes by the maximum to minimum speed capacity ratio at 80/67–67, whichever is longer. For example, a product having a 2:1 maximum to minimum capacity ratio at 80/67–67 would be tested with the longer of 12 minutes or the minimum "on" time allowed by its controls. This is consistent with the stated intent of carrier's proposal, but sets a specific procedure that can be applied to a broader range of variable speed products.

B. We propose that the "off" time for cyclic testing be determined by either the minimum "off" time allowed by the controls or thirty (30) minutes less the "on" time, whichever is longer. This procedure, unlike Carrier's proposal, maintains a comparable 30 minute cycle for all systems when practical, and credits those systems whose controls allow less cycling.

6. For the portion of the load line where the unit is operating at maximum speed, both the capacity and power of the system at maximum speed, as determined by the established maximum operating line, are used as described in ARI 210/240–84, Appendix B and the attachment. No modifications are requested.

Test data could be supplied to further demonstrate that the proposed method of rating variable speed products in the cooling mode is more representative of the efficiency

of a variable speed system than the current two-speed rating method.

We understand that York's ENMOD model variable speed system is no longer being offered. No other manufacturer to our knowledge is domestically marketing a product that incorporates variable speed compressors, blowers, and fans in their design.

Sincerely,

L.E. Chaump,

Vice-President Engineering.

Attachment I: Details of Rating Method for Variable Speed Products in the Cooling Mode

This attachment is a revised version of ARI 210/240–84, Appendix B. The changes reflected herein are to adapt the appendix to the proposed rating method and to clarify notation and terminology.

BILLING CODE 6450-01-M

ATTACHMENT I: DETAILS OF RATING METHOD FOR VARIABLE SPEED PRODUCTS IN THE COOLING MODE

Test conditions and methodology for rating unitary air conditioning with variable speed compressors as diagrammed in Figure 1.

1. Test Conditions

1.1 The tests and test conditions which are required to determine values of capacity ratings and values of measure of energy efficiency appear in Table 1.

1.2 The "on" time for cyclic testing is determined by the minimum "on" time allowed by the controls or multiplying the maximum to minimum speed capacity ratio at 80/67-67 by six minutes; whichever is longer.

$$\text{"on" time} = \frac{q_{ss}^{k=2}(67F)}{q_{ss}^{k=1}(67F)} \quad (6)$$

where $q_{ss}^{k=2}(67F)$ is determined using eq. (4)

$q_{ss}^{k=1}(67F)$ is from Low Ambient Cooling Steady State Test, Table 1.

1.3 The "off" time for cyclic testing is determined by the minimum "off" time allowed by the controls or thirty minutes less the determined "on" time from 1.2 above, whichever is longer.

1.4 In lieu of conducting the Cyclic Cooling and Low Ambient Dry Coil tests, an assigned value of .25 may be used for the cooling degradation coefficient, C_D.

1.5 Minimum indoor static pressure requirements as defined in ARI 210/240-84, Section 5.1.3.6, apply to Test A in Table 1.

1.6 At speeds less than maximum, the indoor airflow is determined by the following equation:

$$CFM_{k=v} = \frac{RPM_{k=v}}{RPM_{k=2}} CFM_{k=2}$$

where

$CFM_{k=v}$ = Airflow rate at lower speed
$CFM_{k=2}$ = Airflow rate from Test A in Table 1
$RPM_{k=2}$ = Fan RPM from Test A in Table 1
$RPM_{k=v}$ = Fan RPM at lower speed

2. Calculations (NOTE: Refer to Bin Analysis method in ASHRAE 116)

2.1 Cooling Seasonal Performance Factor. For variable speed compressor units the seasonal energy efficiency ratio (SEER) is found from the following equation:

$$SEER = \frac{\sum_{j=1}^{N} q(t_j)}{\sum_{j=1}^{8} E(t_j)}$$

The terms $q(t_j)$ and $E(t_j)$ as defined in ASHRAE 116, summed over temperature bins, are evaluated at each temperature bin according to the three possible casees listed below.

The building cooling load $BL(t_j)$ for the three cases is obtained from the following equation:

eq.(1)

$$BL(t_j) = \frac{t_j - 65}{95 - 65} \frac{[q_{ss}^{k=2}(95F)]}{\text{Size Factor}}$$

where $q_{ss}^{k=2}(95)$ = steady state capacity measured from Test "A" in Table 1.

Size Factor = 1.1 for 10% oversizing.

CASE I

Units operating at minimum compressor speed (k=1) for which the steady state cooling capacity $q_{ss}^{k=1}(t_j)$ is greater than or equal to the building cooling load $BL(t_j)$, evaluate the following.

eq.(2)

$$q_{ss}^{k=1}(t_j) = q_{ss}^{k=1}(67F) + \frac{q_{ss}^{k=1}(82F) - q_{ss}^{k=1}(67F)}{82 - 67}(t_j - 67)$$

where $q_{ss}^{k=1}(67F)$ = steady state capacity measured from the Low Ambient Cooling Steady State Test, Table 1.

$q_{ss}^{k=1}(82F)$ = steady state capacity measured from Test "B-1", Table 2.

$q_{ss}^{k=1}(t_j)$ = steady state capacity at the minimum compressor speed intended for normal operation in the cooling mode at temperature t_j.

eq.(3)

$$E_{ss}^{k-1}(t_j) = E_{ss}^{k-1}(67F) + \frac{E_{ss}^{k-1}(82F) - E_{ss}^{k-1}(67F)}{82 - 67}(t_j - 67)$$

where $E_{ss}^{k-1}(67F)$ = the electrical power input for the Low Ambient Cooling Steady State Test.

$E_{ss}^{k-1}(82F)$ = the electrical power input from Test "B-1"

$E_{ss}^{k-1}(t_j)$ = the electrical power input at the minimum compressor speed in the cooling mode at temperature t_j.

Cooling Building Load Factor $$X^{k-1} = \frac{BL(t_j)}{q_{ss}^{k-1}(t_j)}$$

Cooling Part Load Factor

$$PLF^{k-1} = 1 - C_D(1 - X^{k-1})$$

where C_D is as defined in Chapter 9 of ASHRAE 116 with the Dry Coil Cooling Steady State test construed as Test C and the Cyclic Cooling Dry Coil test construed as Test D, both run at minimum compressor speed. (See Table 1)

$$q(t_j) = X^{k-1} q_{ss}^{k-1}(t_j) n_j$$

$$E(t_j) = \frac{X^{k-1} E_{ss}^{k-1}(t_j) n_j}{PLF^{k-1}}$$

where n_j = is the number of cooling hours in the j^{th} temperature bin given in ARI Standard 210/240, Appendix A.

CASE II

When the compressor speed varies between the maximum (k=2) and minimum (k=1) compressor speeds (such that k=v) to satisfy the building cooling load a temperature t_j, (NOTE: unit does not cycle on and off), evaluate the following equations.

$$q_{ss}^{k=v}(t_j) = BL(t_j)$$

where $q_{ss}^{k=v}(t_j)$ = steady state capacity delivered by the unit at any speed between minimum and maximum compressor speeds at temperature t_j.

when $t_j \geq 87°F$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(87F) + \frac{E_{ss}^{k=2}(t_2) - E_{ss}^{k=v}(87F)}{t_2 - 87}(t_j - 87)$$

where t_2 = temperature t_j at which $q_{ss}^{k=2}(t_j) = BL(t_j)$ found by equating eq.(1) and eq.(4) and solving for t_j.

$E_{ss}^{k=2}(t_2)$ = the electrical power input at maximum compressor speed at temperature t_2 calculated from eq.(5).

$E_{ss}^{k=v}(t_j)$ = the electrical power input required by the unit at temperature t_j and some variable compressor speed between the minimum and maximum compressor speeds.

$E_{ss}^{k=v}(87F)$ = the electrical power input at 87F, from either equation (6) or equations (7) and (8).

When the measured capacity at the intermediate test point (Table 1), $q_{ssI}^{k=vI}(87F)$, is within 1% of BL(87F), then

eq.(6)

$$E_{ss}^{k=v}(87F) = E_{ssI}^{k=vI}(87F)$$

When two intermediate points are measured, where one measured capacity, $q_{ss1}^{k=v1}$ (87F), is within +3% of BL(87F) and the other, $q_{ss2}^{k=v2}$ (87F), is within -3% of BL(87F), then $E_{ss}^{k=v}$ (87F) is evaluated using eq.(7) and (8):

eq.(7)

$$\text{WEIGHT} = \frac{q_{ss1}^{k=v1}(87F) - BL(87F)}{q_{ss1}^{k=v1}(87F) - q_{ss2}^{k=v2}(87F)}$$

eq.(8)

$$E_{ss}^{k=v}(87F) = E_{ss1}^{k=v1}(87F) - \text{WEIGHT}\left(E_{ss1}^{k=v1}(87F) - E_{ss2}^{k=v2}(87F)\right)$$

When $t_j < 87°F$

$$E_{ss}^{k=v}(t_j) = E_{ss}^{k=v}(87F) + \frac{E_{ss}^{k=2}(t_2) - E_{ss}^{k=v}(87F)}{t_2 - 87F}(t_j - 87)$$

where t_1 = temperature t_j at which $q_{ss}^{k=1}(t_j) = BL(t_j)$ found by equating eq.(1) and eq.(2) and solving for t_j.

$E_{ss}^{k=1}(t_1)$ = the electrical power input at minimum compressor speed at temperature t_1 calculated from eq.(3).

$$q(t_j) = q_{ss}^{k=v}(t_j)n_j$$

$$E(t_j) = E_{ss}^{k=v}(t_j)\,n_j$$

CASE III

When a unit operates continuously at maximum compressor speed (k=2) at an outdoor temperature t_j, evaluate the following equations:

eq. (4)

$$q_{ss}^{k=2}(t_j) = q_{ss}^{k=2}(82F) + \frac{q_{ss}^{k=2}(95F) - q_{ss}^{k=2}(82F)}{95 - 82}(t_j - 82)$$

where $q_{ss}^{k=2}(t_j)$ = steady state capacity at the maximum compressor speed at temperature t_j.

$q_{ss}^{k=2}(82F)$ = steady state capacity from Test "B-2", Table 1

eq. (5)

$$E_{ss}^{k=2}(t_j) = E_{ss}^{k=2}(82F) + \frac{E_{ss}^{k=2}(95F) - E_{ss}^{k=2}(82F)}{95 - 82}(t_j - 82)$$

where $E_{ss}^{k=2}(t_j)$ = the electrical power input at the maximum compressor speed at temperature t_j.

$E_{ss}^{k=2}(82F)$ = the electrical power input from Test "B-2", Table 1

$E_{ss}^{k=2}(95F)$ = the electrical power input from Test "A", Table 1

$$q(t_j) = q_{ss}^{k=2}(t_j)\, n_j$$

$$E(t_j) = E_{ss}^{k=2}(t_j)\, n_j$$

TABLE I : Test Conditions

Test	INDOOR COIL AIR ENTERING DB F	INDOOR COIL AIR ENTERING WB F	OUTDOOR COIL AIR ENTERING DB F	OUTDOOR COIL AIR ENTERING WB F
"A" Cooling Steady State At Maximum (k=2) Compressor Speed	80	67	95	75[1]
"B-2" Cooling Steady State At Maximum (k=2) Compressor Speed	80	67	82	65[1]
"B-1" Cooling Steady State At Minimum (k=1) Compressor Speed	80	67	82	65[1]
Low Ambient Cooling Steady State At Minimum (k=1) Compressor Speed	80	67	67	53.5[1]
Dry Coil Cooling Steady State At Minimum (k=1) Compressor Speed	80	57[4]	67	53.5[1]
Cyclic Cooling Dry Coil[3] At Minimum (k=1) Compressor Speed	80	57[4]	67	53.5[1]
Intermediate Cooling Steady State[2] At Variable (k=v) Compressor Speed	80	67	87	69[1]

All Tests are performed at the condenser speed and indoor blower speed intended for normal operation.

NOTES:

1. Not maintained if no condensate rejected to outdoor coil.
2. Compressor speed is selected to provide capacity as described in Case II calculations, Attachment I.
3. Test conducted by cycling compressor as described in Attachment I, Sections 1.2 and 1.3.
4. Wet bulb sufficiently low that no condensate forms on evaporator.

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BILLING CODE 6450-01-C

Southwestern Power Administration

[Rate Order No. SWPA-19]

Order Confirming, Approving and Placing Increased Sam Rayburn Dam Power Rate in Effect on an Interim Basis

AGENCY: Department of Energy, Southwestern Power Administration.

ACTION: Notice of Power Rate Order.

SUMMARY: The Under Secretary of Energy, acting under Delegation Order No. 0204–108, as amended May 30, 1986 (51 FR 19744), has confirmed, approved and placed in effect on an interim basis, an increased annual power rate of $1,715,040 for the sale of power and energy by the Southwestern Power Administration from Sam Rayburn Dam to Sam Rayburn Dam Electric Cooperative, Inc. The rate supersedes the annual rate of $1,704,504 that was placed in effect by the Federal Energy Regulatory Commission (FERC) June 22, 1983, and will produce additional annual revenue of $10,536, or 0.6 percent beginning FY 1987.

EFFECTIVE DATES: Rate Order No. SWPA–19 specifies October 1, 1986, through September 30, 1990, as the effective period for the annual rate of $1,715,040 for the sale of power and energy from Sam Rayburn Dam.

FOR FURTHER INFORMATION CONTACT: Francis R. Gajan, Director, Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, Oklahoma 74101, (918) 581–7529.

SUPPLEMENTARY INFORMATION: The SWPA Administrator has prepared the 1986 Sam Rayburn Dam Current Power Repayment Study based on the annual power rate of $1,704,504, that has been in effect since June 22, 1983. The study indicates that the power rate is no longer adequate to satisfy cost recovery criteria for the sale of power and energy from Sam Rayburn Dam to Sam Rayburn Dam Electric Cooperative, Inc., under Contract No. 14–02–0001–1124. The Administrator prepared a 1986 Revised Sam Rayburn Dam Power Repayment Study which indicates that additional annual revenue of $10,536, or 0.6 percent is required beginning October 1, 1986, to satisfy the provisions of Section 5 of the Flood Control Act of 1944 and Department of Energy Order No. RA 6120.2. In this regard, the Administrator has determined that the annual rate of $1,715,040 is the lowest possible rate to the customer consistent with sound business principles. The rate has been approved on an interim basis through September 30, 1990, or until confirmed and approved on a final basis by the FERC.

Issued in Washington, DC, September 26, 1986.

Joseph F. Salgado,

Under Secretary.

In the matter of: Southwestern Power Administration—Sam Rayburn Dam Rate.

Pursuant to sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 29, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to conform, approve and place into effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the Delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. By Delegation Order No. 0204–108, effective December 14, 1983, 48 FR 55664 (December 14, 1983) the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place into effect on an interim basis power and transmission rates, and delegated to the Federal Energy Regulatory Commission on an exclusive basis the authority to confirm, approve and place in effect power and transmission rates on a final basis. Amendment No. 1 to Delegation Order No. 0204–108, effective May 30, 1986, 51 FR 19744 (May 30, 1986), revised the delegation of authority to confirm, approve and place into effect on an interim basis power and transmission rates by delegating such authority to the Under Secretary of the Department of Energy rather than the Deputy Secretary of the Department of Energy. This rate order is issued pursuant to the Delegation Order to the Under Secretray of Energy.

Background

The existing annual Sam Rayburn Dam power rate of $1,704,504 has been in effect since confirmed and approved on a final basis by the Federal Energy Regulatory Commission (FERC) for the period June 22, 1983, through June 15, 1984. The rate was extended on an interim basis by the Deputy Secretary of Energy through September 30, 1986, in Rate Order No. SWPA–14, and the rate extension was confirmed and approved on a final basis by the FERC November 6, 1984. The 1986 Sam Rayburn Dam Current Power Repayment Study indicates that the rate is no longer adequate to satisfy cost recovery criteria for the isolated project. The 1986 Sam Rayburn Dam Revised Power Repayment Study indicates that an annual rate of $1,715,040 will be required beginning October 1, 1986, to repay the project's investment and annual costs in accordance with Department of Energy Order No. RA 6120.2 and Section 5 of the Flood Control Act of 1944. The proposed increase in revenue amounts to $10,536, or 0.6 percent annually and is classified as a minor rate adjustment in accordance with Title 10, Part 903, Subpart A of the code of Federal Regulations (10 CFR 903), "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (50 FR 37837). SWPA published Notice in the **Federal Register** June 24, 1986, announcing a 30-day period for public review and comment concerning the proposed rate adjustment as required by 10 CFR 903. By letter dated June 13, 1986, SWPA mailed a preliminary copy of the **Federal Register** Notice and supporting data for the 1986 Power Repayment Studies to the Customer for information and review. By letter dated July 1, 1986, SWPA provided the customer a copy of the official publication of the **Federal Register** Notice. Based on the date of publication, written comments from the customer and interested parties were accepted through July 24, 1986, and are contained along with SWPA's responses in the Comments and Responses Section of this Rate Order.

Discussion

The 1986 Current Power Repayment Study tests the adequacy of the existing rate based on the latest cost evaluation period extending from FY 1986 through FY 1990. This study is an update of the 1985 Power Repayment Study which was based on a cost evaluation period FY 1985 through FY 1989. The most significant difference in the two studies results from extending the cost evaluation period the additional year and updating costs to current levels. Page A–5 of the 1986 Power Repayment Study compares the 1985 and 1986 Studies.

The U.S. Army Corps of Engineers (Corps) provided estimates of Sam Rayburn Dam Operations and Maintenance (O&M) expense for the 1986 Power Repayment Study based on FY 1985 cost levels and SWPA adjusted those projections for inflation using Gross National Product Deflators for FY 1986 through FY 1990. The 1985 Power Repayment Study included Corps O&M expense estimates based on FY 84 cost levels which SWPA adjusted for inflation using Gross National Product Deflators for FY 1985 through FY 1989. The estimates of Corps O&M expense for the 1985 Power Repayment Study varied from $503,000 (plus a one-time major maintenance item of $294,500) in FY 1985 to a maximum escalated O&M expense figure of $612,900 for FY 1989, which was extended through the end of the repayment period in FY 2018. Estimates of Corps O&M expense for the 1986 Power Repayment Study increased to $686,000 per year for FY 1990 through the end of the repayment period. The average annual level of estimated Corps O&M expense increased some $61,600 from $613,500 in the 1985 Power Repayment Study

to $675,100 in the 1986 Power Repayment Study, or 10 percent. This increase in projected costs results from a substantial underestimate of base level O&M expenses in the earlier 1985 projections. Further detailed information regarding the level of Corps O&M expense estimates may be found on pages G–21 and G–22 of the 1986 Power Repayment Study.

SWPA estimates of General Administrative and Overhead (GA&O) expense for the 1986 Power Repayment Study are based on the FY 1986 Budget of the U.S. Government for FY 1986 and the FY 1987 OMB Target for FY 1987 through FY 1990. The FY 1990 amount is used for each subsequent year of the Power Repayment Study. General Administrative and Overhead (GA&O) Expense is assigned to the Sam Rayburn Dam project based on the capital investment in the Southwestern Federal Power System, excluding transmission investment, as a percentage of total capital investment in the Southwestern Federal Power System, and the hydroelectric capacity of the project as a percent of the total hydroelectric capacity in the Southwestern Federal Power System. Previously, the GA&O Expense was allocated based only on investment, but as new projects such as Truman and Cannon have been added to the Southwestern Federal Power System in recent years, at significantly increased investment to installed capacity ratios (cost of capacity), it became apparent that the assignment of marketing costs (General Administration and Overhead) was becoming increasingly skewed toward the newer projects with no apparent corresponding and related increase in the normal level of effort required to market such projects and maintain such marketing arrangements. Consequently, a revised methodology was developed to more accurately and realistically reflect the relative costs of marketing individual projects having various levels of investment, production capability and transmission requirement. In FY 1985, as a result of the revised methodology, an adjustment of $444,769 was made to GA&O for the Sam Rayburn Dam project for FY 1966—FY 1984. This expense was reassigned to be recovered from the Integrated System. A five year average (FY 1981—FY 1985) of actual Transmission and GA&O Expense for the Southwestern Federal Power System indicates that GA&O Expense comprises 44.4 percent and Transmission Expense 55.6 percent of the total Transmission and GA&O Expense. Transmission Expense is not chargeable to the Sam Rayburn Dam project. The 1985 Power Repayment Study estimated GA&O expense for the Sam Rayburn Dam Project to be $107,600 in FY 1985 and increase to $121,100 in FY 1989, which was carried through the end of the repayment period. The 1986 Power Repayment Study estimates the GA&O expense to be $102,000 for FY 1986 and increase to $115,800 in FY 1990 which is projected through the end of the repayment period. The average annual GA&O Expense projected in the 1986 Power Repayment Study is 5.3 percent less than projected in the 1985 Power Repayment Study. Estimates of the future project replacements were provided by the Corps of Engineers July 22, 1985, based on 1985 cost data. The 1985 cost estimates have been escalated to FY 1986 cost levels by SWPA using "The Handy-Whitman Index of Public Utility Construction Costs" for January 1986. The 1985 Power Repayment Study estimated project replacements totaling $3,769,500 for the period FY 1986 through FY 2016. The 1986 Power Repayment Study estimates replacements totaling $3,493,600 for the same period. This is a decrease of 7.3 percent based on the latest estimates from the Corps.

SWPA has made significant progress toward repayment of the Federal investment. Through FY 1985, repayment status for the Sam Rayburn Dam Project is $4,537,365, which represents approximately 19 percent of the $23,820,836 Federal investment in the project. The status of repayment has increased almost 75 percent above the $2,603,000 noted by the FERC in their Order issued November 6, 1984. The FERC also previously indicated an interest in SWPA's progress toward repayment as compared to various amortization methods which assume scheduled payments without ever falling behind. SWPA has prepared an analysis which indicates that under such a scheduled compound interest amortization method SWPA would have repaid approximately 21 percent of the Federal investment through FY 1985. A corresponding analysis of a scheduled straight-line amortization method, similar to the method proposed in the President's FY 1987 Budget as Repayment Reform for application in future years, would have resulted in 34 percent of the investment being repaid through FY 1985. The 1986 Power Repayment Study shows that Sam Rayburn Dam repayment status will reach the level of the scheduled compound interest amortization method by FY 1988. As an additional matter of interest, SWPA's financial records indicate that through FY 1985, amortization for the project exceeds accumulated depreciation of $1,949,331 (based on compound interest depreciation and an average service life exceeding 80 years) by $2,588,034.

Comments and Responses

The Southwestern Power Administration received one written reply concerning the Notice published in the **Federal Register** June 24, 1986, announcing the proposed Sam Rayburn Dam power rate increase scheduled for implementation October 1, 1986.

Comment

By letter dated July 8, 1986, Sam Rayburn Dam Electric Cooperative, Inc., (SRDEC) expressed no opposition or objection to the October 1, 1986, implementation of the proposed annual rate of $1,715,040 for the sale of power and energy from Sam Rayburn Dam. SRDEC expressed their opinion that the June 24, 1986, **Federal Register** Notice announcing the opportunity for public review and comment concerning the proposed rate increase is inadequate because it does not clearly state whether the proposed power rate is in excess of cost recovery criteria.

Response

The Southwestern Power Administration is not required in the **Federal Register** Notice announcing the period of public review and comment to state whether a power rate is in excess of cost recovery criteria, but rather if it satisfies or meets cost recovery criteria. This rate proposal, as indicated by the 1986 Revised Sam Rayburn Dam Power Repayment Study, clearly meets cost recovery criteria, which is stated as follows in the **Federal Register** Notice, "Therefore, the SWPA Administrator has developed a proposed annual rate of $1,715,040 which is shown by the 1986 Revised Power Repayment Study to satisfy repayment criteria outlined in Section 5 of the Flood Control Act of 1944 and Department of Energy Order No. RA 6120.2."

Availability of Information

Information regarding this rate proposal including studies, comments and other supporting material, is available for public review and comment in the offices of the Southwestern Power Administration, 333 West 4th, Tulsa, Oklahoma 74103.

Administrator's Certification

The 1986 Revised Sam Rayburn Dam Power Repayment Study indicates that the increased annual Sam Rayburn Dam power rate of $1,715,040 will repay all costs of the project including amortization of the power investment consistent with provisions of Department of Energy Order No. RA 6120.2. In accordance with Section 1 of Delegation Order No. 0204–108, as amended May 30, 1986 (51 FR 19744), the Administrator has determined that the proposed Sam Rayburn Dam power rate is consistent with applicable law and is the lowest possible rate consistent with sound business principles in accordance with section 5 of the Flood Control Act of 1944.

Environment

The environmental impact of the proposed Sam Rayburn Dam power rate has been analyzed in consideration of the Department of Energy "Environmental Compliance Guide". The amount of the proposed increase does not warrant an Environmental Assessment or an Environmental Impact Statement in accordance with these regulations.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective October 1, 1986, the proposed annual rate of $1,715,040 for the sale of power and energy from Sam Rayburn Dam to Sam Rayburn Dam Electric Cooperative, Inc., under Contract No. 14–02–0001–1124, as amended November 1, 1980. The rate shall remain in effect on an interim basis through September 30, 1990, or until the FERC confirms and approves the rate on a final basis.

Issued in Washington, DC, September 26, 1986.

Joseph F. Salgado,

Under Secretary.

[FR Doc. 86–22488 Filed 10–2–86; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OAR-FRL-3090-3]

Phillips Petroleum Co.; Administrative Determination and Denial of Waiver Under Clean Air Act.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of a request for an administrative determination and an application for a waiver under section 211(f) of the Clean Air Act (Act) from the Phillips Petroleum Company (Phillips) for a tetraethyl lead fuel additive package known as Phil AD PB. In addition, this notice announces the Agency's determinations that Phil AD PB does not require a waiver and, thus, that the waiver requested by Phillips has been denied.

ADDRESS: Copies of the information relative to this request for administrative determination and waiver application, and subsequent submissions, are available for inspection in Public Docket No. EN–86–16 at the Central Docket Section (LE–131A) of EPA, Gallery-I, West Tower, 401 M Street, SW., Washington, DC 20460, (202) 382–7548, between the hours of 8:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Sylvia I. Correa, Attorney/Advisor, Field Operations and Support Division (EN–397F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382–2635.

SUPPLEMENTARY INFORMATION:

I. Phillips' Submissions

On April 3, 1986, Phillips submitted a request for a formal determination by EPA that the marketing of a fuel additive known as Phil AD PB[1] would not violate the prohibition in section 211(f) of the Act against the introduction of certain new fuels or additives, into the market without a waiver from EPA. Nonetheless, Phillips also submitted a waiver application under section 211(f)(4) of the Act for Phil AD PB.

Phil AD PB is a proprietary mixture formulated to provide valve lubrication in older engines not designed for the use of unleaded gasoline. The additive would contain about 4.2 grams per gallon elemental lead, and would be recommended for blending with unleaded or leaded gasoline at a ratio of 1:40 additive to gasoline (or one pint per five gallons of gasoline) for normal usage and 1:20 additive to gasoline (1 quart per five gallons of gasoline) for severe engine operation.

In its request for an administrative determination, Phillips stated that its fuel additive would be sold only as a consumer additive through discount stores, service station display counters, supermarkets and other establishments where individual consumers would purchase the product. Phil AD PB would be sold in pints, quarts, gallons and 55-gallon drums. Phillips stated that the pint, quart, and gallon sizes of Phil AD PB would be sold under the following marketing conditions designed to prevent the use of the additive in unleaded vehicles:

(1) *Labeling*—Phillips stated that each container of Phil AD PB would be boldly labeled that it was not for use in "unleaded gasoline only" vehicles. The label would also indicate that the use of Phil AD PB in an unleaded gasoline vehiche may void warranties on that vehicle.

(2) *Promotional material*—Phillips stated that the promotional material associated with its product would not promote the octane enhancement qualities of the product. Promotional material would be limited to advertising the reduction of valve seat recession associated with the use of unleaded gasoline in some older leaded engines.

(3) *Container Design*—Phillips also stated that all small containers of Phil AD PB (i.e., pints, quarts, and gallons) would be designed so that the container spout would not fit into the fuel filler inlet of a vehicle equipped with a restricted filler inlet pursuant to 40 CFR 80.24(b).

In addition to these three conditions, Phillips claimed that another factor likely to reduce the likelihood of Phil AD PB being used in unleaded vehicles would be the cost. Phillips stated that the expense of Phil AD PB would cause the cost of misfueling to be greater than the cost of proper fueling, and this in turn would eliminate a large part of the incentive to misuse the product.

A. Request for an Administrative Determination

In its request for an administrative determination, Phillips argued, among other things, that the prohibition in section 211(f)(1) of the Act was not applicable if the fuel or fuel additive manufacturer could demonstrate that the fuel or fuel additive would be sole only as a consumer additive.

Phillips stated that its additive would be marketed through discount stores, service station display counters, supermarkets and other establishments where individual consumers would purchase the product, and, in some cases, through marinas and farmer cooperatives for use by boat owners and farmers. The product would be sold in pints, quarts, gallons and 55-gallon drums.

B. Waiver Request Under Section 211(f)

In the event that EPA disagreed with Phillips' argument that no waiver is necessary, Phillips also submitted a request under section 211(f)(4) that the Administrator waive the prohibitions established under section 211(f)(1). Under section 211(f)(4), EPA may grant a waive only if the applicant demonstrates that its product will not cause vehicles in which it is used to exceed the emission standards to which the vehicles have been certified. Phillips pointed out that it was *not* attempting to demonstrate that its additive, if used in vehicles certified for use on unleaded gasoline, would not cause a failure to meet emission standards. Rather, it argued that the additive would not cause or contribute to a failure of unleaded vehicles to meet emissions standards because it would not be used in unleaded vehicles.

Phillips argued that the measures discussed earlier, intended to reduce the possibility of misfueling, along with the cost of the product, would ensure that Phil AD PB would not be used in vehicles certified for the use of unleaded gasoline, and therefore, would not result in the failure of any vehicle in which it is used to meet applicable emission standards.[2] As such, Phil AD PB would qualify for a waiver under section 211(f)(4) of the Act.

II. EPA Determinations

EPA has consistently maintained—in accordance with Congress' intent—that additive sales to consumer end users (who put the additive into gasoline for their own vehicles) are not subject to the section 211(f)(1) prohibition and thus not require waivers. In EPA's March 7, 1985 lead phasedown regulations, the Agency reiterated this longstanding interpretation, stating that the leaded gasoline sold as a consumer additive would not require a waiver from EPA, unlike certain fuels or additives sold at the pump. 50 FR 9395. Today's notice once again reiterates that policy. Of course, the Agency retains the authority to regulate any additive or fuel under

[1] In its April 3, 1986 submission, Phillips referred to its product as "VALVPRO." Subsequently, Phillips informed EPA that the product's name had been changed to Phil AD PB.

[2] Phillips also stated that proper use of Phil AD PB in vehicles designed to use leaded gasoline would not affecat emissions of any pollutants for which emission standards apply.

section 211(c) of the Act, if appropriate, to protect public health and welfare or to maintain the effectiveness of emission controls.

Thus, EPA agrees that sales of Phil AD PB (for mixing by consumers for use in their own vehicles) in accordance with the marketing restrictions described in Phillips' April 3 correspondence, would be well within the Agency's stated interpretation and would not require a waiver. Nor would such sales be subject to the lead phasedown regulations. EPA's policy regarding consumer end users does not extend, however, to individuals or groups (e.g., marinas or farm cooperatives) who would mix the additive into gasoline and then sell the blend to a final consumer. Individuals or groups mixing the additive with gasoline for resale would be considered refiners (*see* 40 CFR 80.2(h), (i)) and, in the case of a lead additive, would have to comply with the lead phasedown regulations at 40 CFR Part 80. These persons would have to report their lead usage as well as the lead content of the final fuel. This leaded gasoline production must be in accordance with the current lead phasedown standard and associated regulations in 40 CFR Part 80. Moreover, Phillips would be required to report lead transferred to these individuals or groups in Supplement B of its Lead Additive Report (EPA Form 3520–6B). *See* 40 CFR 80.20 (a)(ix). However, in accordance with the legislative history of section 211(f), no waiver would be required for the sale of lead additives to a refiner for use in leaded gasoline.

In summary, the Clean Air Act permits the sale of an additive such as Phil AD PB for direct use by consumer end users without a waiver. If the sale of the additive is not for the purpose of mixing by a consumer end user for use in the consumer's own vehicle, but rather to a party who will blend the additive with gasoline for resale to others, then that party must abide by regulations pertaining to refiners, including the lead phasedown regulations. The Agency is aware that the 55-gallon drum containers in particular could be purchased by a person who purports to be a consumer at the time of purchase, but who subsequently mixes the additive with gasoline for resale. EPA is concerned with such potential abuse of its lead phasedown rules and encourages Phillips to consider use of extra protection measures in marketing 55-gallon drum containers. EPA intends to monitor sales of lead additives closely to ensure that they are not used to circumvent or undermine the lead phasedown rules.

Concerning the waiver request, if the Administrator does not act to grant or deny an application within 180 days of receipt of the application, the waiver shall be treated as granted. As stated above, Phillips' additive, Phil AD PB, is not required to obtain a waiver if sold as a consumer additive under the conditions specified in its April 3 correspondence. However, a formal waiver application has been submitted, and thus, the 180-day deadline for action by the Administrator applies. Since the Agency has determined that a waiver is not necessary or appropriate for the uses of Phil AD PB described in Phillips' letter of April 3, the waiver request is hereby denied.

III. Additional Information

This action is not a "rule" as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because it is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

EPA has also determined that this action does not meet any of the criteria for classification as a "major rule" under Executive Order 12291. Thus, no regulatory impact analysis has been prepared.

This is a final Agency action of national applicability. Jurisdiction to review this action lies exclusively in the U.S. Court of Appeals for the District of Columbia Circuit. In accordance with section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication. Under section 307(b)(2), judicial review may not be obtained in any subsequent judicial proceeding brought by the Agency to enforce the statutory prohibitions.

Dated: September 29, 1986.

Lee M. Thomas,

Administrator.

[FR Doc. 86–22412 Filed 10–2–86; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–3090–1]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075. Availability of Environmental Impact Statements Filed September 22, 1986 Through September 26, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 860390, DSuppl, FHW, MN, WI, US 10 Improvement, St. Croix River Bridge Replacement, MN–61 to WI–29 and WI–10, Funding, Due: November 17, 1986, Contact: Roger Borg (612) 349–5230.

EIS No. 860391, Draft, USA, NM, White Sands Missile Range Ground Based Free Electron Laser Technology Integration Experiment Facility, Construction and Operation, Due: November 18, 1986, Contact: Rebecca Griffith (817) 334–2095.

EIS No. 860392, Draft, AFS, CA, Mendocino National Forest, Land and Resource Management Plan, Implementation, Due: January 2, 1987, Contact: Lyle Laverty (916) 934–3316.

EIS No. 860393, Draft, COE, OH, Wm. H. Zimmer Conversion Project, Nuclear Power Plant into Coal Fired Electrical Generating Plant, 10 and 404 Permit, Clermont County, Due: November 17, 1986, Contact: Robert Oliver (502) 582–5601.

EIS No. 860394, Final, FHW, CA, CA–4 Freeway Construction, Wilson Way to CA–99, Funding, San Joaquin County, Due: November 3, 1986, Contact: Michael Cook (916) 551–1307.

EIS No. 860395, Final, BLM, UT, Warm Springs Resource Area, Resource Management Plan, Implementation, Millard County, Due: November 3, 1986, Contact: Wayne Kammerer (801) 896–8221.

EIS No. 860396, Final, BLM, OR, WA, Baker Resource Area, Resource Management Plan, Implementation, Due: November 10, 1986, Contact: Sam Montgomery (503) 523–6391.

EIS No. 860397, Final, BLM, CO, Little Snake Resource Area, Resource Management Plan, Implementation, Due: November 3, 1986, Contact: Duane Johnson (303) 824–8261.

EIS No. 860398, Final, BLM, ID, Challis Planning Unit, Corral-Horse Basin, Jerry Peak West and Jerry Peak Wilderness Study Areas, Wilderness Recommendations, Custer County, Due: November 3, 1986, Contact: Jerry Goodman (208) 756–5400.

EIS No. 860399, Final, BLM, ID, Big Lost and Pahsimeroi Planning Units, Appendicitis Hill, White Knob Mountains and Burnt Creek Wilderness Study Areas, Wilderness Recommendations, Butte and Custer Counties, Due: November 3, 1986, Contact: Jerry Goodman (208) 756–5400.

EIS No. 860400, Final, BLM, ID, North Idaho Planning Area, Selkirk Crest, Crystal Lake, Grandmother Mountain, Snowhole Rapids and Marshall

Mountain Wilderness Study Areas, Wilderness Recommendations, Due: November 3, 1986, Contact: Fritz Rennebaum (208) 765–7365.

EIS No. 860401, Draft, COE, OR, Malheur Lake Flood Damage Reduction Plan, Implementation, Harney County, Due: December 2, 1986, Contact: Witt Anderson (509) 522–6633.

EIS No. 860402, Final, OSM, TN, Rock Creek Watershed, Designation of Lands Unsuitable for Surface Coal Mining Operations, Bledsoe and Hamilton Counties, Due: November 3, 1986, Contact: Willis Gainer (615) 673–4348.

Amended Notices

EIS No. 860357, Draft, NOA, REG, PAC, Japanese Salmon Fishery 1987 through 1991 Incidental Take of Dall's Porpoise, Permit Issuance, Due: November 24, 1986, Published FR 9–5–86—Review period extended.

EIS No. 860220, DRevised, UAF, AZ, Sells Military Operations Area/Air Traffic Control Assigned Airspace Supersonic Flight Operations Overlying Tohono O'Odham Indian Reservation and Organ Pipe Cactus National Monument, Continuation, Pima County, Due: November 10, 1986, Published FR 6–13–86—Review period extended.

EIS No. 860288, Draft, AFS, SEV, Southern Region, Southern Pine Beetle Suppression Program on Federal and Non-Federal Lands, Implementation, Due: October 20, 1986, Published FR 9–19–86—Incorrect due date.

EIS No. 860361, DRevised, AFS, CA, Sierra National Forest, Land and Resource Management Plan, Due: December 12, 1986, Published FR 9–19–86—Incorrect due date.

EIS No. 860333, Draft, UAF, ND, SD, MN, Central Radar System, Over-the-Horizon Backscatter Radar System, Construction and Operation, Due: October 31, 1986, Published FR 8–22–86—Review period extended.

Dated: September 30, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86–22492 Filed 10–2–86; 8:45]

BILLING CODE 6560–50–M

[ER-FRL-3090-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared September 15, 1986 through September 19, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated February 7, 1986 (51 FR 4804).

Draft EISs

ERP No. D–FRC–L05194–WA, Rating 3, Snohomish River Basin, 7 Hydroelectric Development Projects, Construction, Operation, and Maintenance, License, WA. **SUMMARY:** EPA believes the information presented in the draft EIS is insufficient to determine the significance or likelihood of adverse impacts, either from individual projects or cumulative effects. Critical deficiencies are: (1) Lack of instream flow agreements; (2) lack of site-specific geotechnical data; (3) presumed adequacy of yet undetermined mitigative measures; and (4) inadequate consideration of alternatives. In addition, the draft EIS analysis appears to be inconsistent with regional power forecasts. EPA believes that these deficiencies are of such a magnitude as to require preparation of a supplemental or revised draft EIS for full public review.

Final EISs

ERP No. F–AFS–F65009–WI, Nicolet Nat'l Forest, Land and Resource Mgmt. Plan, WI. **SUMMARY:** EPA's review resulted in no objections to the preferred alternative. EPA requested that the Record of Decision be amended to reflect a commitment to mitigation of wetland impacts and encouraged strict enforcement of erosion controls during road construction.

ERP No. F–AFS–K65085–NV, Humboldt Nat'l Forest, Land and Resource Mgmt. Plan, NV. **SUMMARY:** EPA is satisfied that concerns raised on the draft EIS have been addressed in the final EIS. EPA has asked to be kept informed of progress in carrying out mitigation measures that were adopted by the Forest Service in its Record of Decision.

ERP No. F–COE–F32183–MI, Great Lakes Connecting Channels and Harbors Improvements, St. Marys Fall Channel, St. Marys River, MI. **SUMMARY:** EPA's review resulted in no objections to the preferred alternative.

ERP No. F–COE–G36127–00, Slidell-Pearlington Flood Control Plan, Pearl River Basin, Pearl River, LA and MS. **SUMMARY:** The final EIS adequately responded to EPA comments issued on the draft EIS. EPA has not identified any new issues of concern with regard to the proposed action.

ERP No. F–FHW–G40112–AR, US 71 Construction, I–40 to Fayetteville Freeway, AR. **SUMMARY:** EPA has no objections to the proposed action as described.

ERP No. FS–FHW–H40133–IA, Relocated IA–58 and US 218 (formerly 518) Improvements, Relocated US 20 In Cedar Falls to IA–3 in Waverly, 404 Permit, IA. **SUMMARY:** EPA has concerns with noise impacts resulting from the project, but expressed no objections provided that FHWA provide noise mitigation during final design. EPA will coordinate with FHWA during this noise abatement evaluation. EPA complimented FHWA on their extensive effort to ensure that project impacts were suitably mitigated.

ERP No. F–IBR–K30018–CA, Grass Valley Creek Debris Dam Sediment Control Project, Trinity River, Construction and Operation, CA. **SUMMARY:** The final EIS addressed the concerns EPA raised on the draft EIS. EPA requested that it be kept informed of the progress.

ERP No. FA–USN–E11006–GA, Kings Bay Fleet Ballistic Missile Submarine Support Base, North River Access Restriction, Construction, GA. **SUMMARY:** EPA finds their initial comments satisfactorily addressed.

Regulations

ERP No. R–COE–A35151–00, 33 CFR Parts 209, 335, 336, 337, and 338. Operations and Maintenance Regulations for Activities Involving the Discharge of Dredged or Fill Material in Waters of the US and Ocean Waters (51 FR 19693). **SUMMARY:** EPA's review of the subject draft regulation revealed two major areas of concern. These two areas are the time allotted for states' actions with respect to: 1) water quality certifications, and 2) coastal zone consistency certifications.

ERP No. R–MMS–A02217–00, 30 CFR Parts 250 and 256, Oil, Gas, and Sulphur Operations in the Outer Continental Shelf (OCS), OCS Minerals and Rights-of-Way Mgmt., General and OCS Orders for all Regions of the OCS (51 FR 9316). **SUMMARY:** EPA believes the proposed rule simplifies and consolidates the existing mix of regulations, operating orders, and other directives without lessening environmental safeguards. EPA did, however, recommend several changes that would strengthen the rule.

Dated: September 30, 1986.

David G. Davis,

Acting Director, Office of Federal Activities.

[FR Doc. 86–22493 Filed 10–2–86; 8:45 am]

BILLING CODE 6560–50–M

[SAB-FRL-3090-5]

Science Advisory Board; Executive Committee Meeting

Under Pub. L. 92-463, notice is hereby given of a meeting of the Executive Committee of the Science Advisory Board (SAB) on October 23-24. The meeting will be held at the U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Room 1101 West Tower. The meeting will begin at 9:00 a.m. October 23 and will adjourn at approximately 12:00 noon on October 24.

The purpose of the meeting is to brief and discuss with the Committee a number of issues including: reports of Science Advisory Board committees and subcommittees; new EPA requests for SAB reviews; a SAB risk communication discussion paper and other issues of interest to Committee members.

The meeting is open to the public. Any member of the public wishing to attend or obtain information should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street SW. Washington, DC 20460 or call (202) 382-4126 by close of business October 17, 1986.

Dated: September 26, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86-22413 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59231; FRL-3090-9]

Toxic and Hazardous Substances Control; Test Market Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

NOTICE: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two application for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by: October 20, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59231]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-60

Close of Review Period. November 7, 1986.

Manufacturer. Uniroyal, Incorporated.

Chemical. (G) An isocyanate terminated polyurethane prepolymer.

Use/Production. (G) Chemical intermediate for industrial applications. Prod. range: 45,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: inhalation, a total of 3 workers, up to 4 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No data submitted.

T 86-61

Manufacturer. Confidential.

Chemical. (G) Amines, bis (hydrogenated tallow alkyl) methyl, citrates.

Use/Production. (G) Additive for commercial products Prod. range: Confidential.

Toxicity Data. No data on TME substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

Dated: September 26, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-22414 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59787 FRL-3091-1]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of seven such PMNs and provides a summary of each.

DATES: Close of Review Period.

Y 86-252, 86-253, 86-254 and 86-255—October 12, 1986.

Y 86-256 and 86-257—October 13, 1986.

Y 86-258—October 14, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-252

Manufacturer. Confidential.

Chemical. (G) Acrylic resin.

Use/Production: (S) Coatings. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

Y 86-253

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production: (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-254

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production: (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-255

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production: (S) Coatings. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-256

Manufacturer. Confidential.
Chemical. Esterified copolymers of alpha olefins and maleic anydride.
Use/Production: (G) Oil additive. Prod. range: 273,000 to 1,500,000 kg/yr.
Toxicity Data. No data on the PMN substance submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-257

Manufacturer. CYRO Industries.
Chemical. (G) Modified methyl methacrylate polymer.
Use/Production: (S) Industrial, commercial and consumer polymer phase of a thermoplastic molding and extrusion compound. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-258

Manufacturer. Confidential.
Chemical. (G) Polyurethane.
Use/Production. (G) Polymer. Prod. range: 1,000 to 3,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: a total of 1 worker, up to 8 hrs/day, up to 4 day/yr.
Environmental Release/Disposal. No data submitted.

Dated: September 26, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-22415 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51 643]; FRC-3091-2]

Toxic and Hazardous Substances Control; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of forty-two such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-1701, 86-1702, 86-1703, 86-1704, 86-1705, 86-1706, 86-1707, 86-1708, 86-1709, 86-1710, 86-1711 and 86-1712—December 17, 1986.

P 86-1713, 86-1714, 86-1715, 86-1716, and 86-1717—December 20, 1986.

P 86-1718, 86-1719, 86-1720, 86-1721, 86-1722, 86-1723, 86-1724, 86-1725, 86-1726, 86-1727, 86-1728, 86-1729, 86-1730, 86-1731 and 86-1732—December 21, 1986.

P 86-1733, 86-1734, 86-1735, 86-1736, and 86-1737—December 22, 1986.

P 86-1738, 86-1739, 86-1740, 86-1741, and 86-1742—December 23, 1986.

Written comments by:

P 86-1701, 86-1702, 86-1703, 86-1704, 86-1705, 86-1706, 86-1707, 86-1708, 86-1709, 86-1710, 86-1711 and, 86-1712—November 17, 1986.

P 86-1713, 86-1714, 86-1715, 86-1716, and 86-1717—November 20, 1986.

P 86-1718, 86-1719, 86-1720, 86-1721, 86-1722, 86-1723, 86-1724, 86-1725, 86-1726, 86-1727, 86-1728, 86-1729, 86-1730, 86-1731 and 86-1732—November 21, 1986.

P 86-1733, 86-1734, 86-1735, 86-1736, and 86-1737—November 22, 1986.

P 86-1738, 86-1739, 86-1740, 86-1741 and 86-1742—November 23, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51643]" and the specific PMN number should be sent to: document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by the EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-1701

Manufacturer. Alcolac, Incorporated.
Chemical. (G) Hydroxylated, unsaturated natural ester.
Use/Production. (G) A moisturizer and a chemcial intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 2 hrs/day, up to 117 days/yr.
Environmental Release/Disposal. 21 to 42 kg released to water. Disposal by Publicly Owned Treatment Work (POTW).

P 86-1702

Manufacturer. Alcolac, Incorporated.
Chemical. (G) Polyalkoxylated, hydroxylated natural ester.
Use/Production. (G) Moisturizer. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 to 2 workers, up to 3 hrs/day, up to 25 days/yr.
Environmental Release/Disposal. 94 to 188 kg released to water. Disposal by POTW.

P 86-1703

Manufacturer. Alcolac, Incorporated.
Chemical. (S) Poly alkoxylated alkyl pheny sodium sulfate.
Use/Production. (S) Emulsifier for emulsion polymerization. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 1 worker, up to 2 hrs/day, up to 30 days/yr.

Environmental Release/Disposal. 88 to 176 kg released to aqueous. Disposal by POTW.

P 86–1704

Manufacturer. Alcolac, Incorporated.

Chemical. (S) Sodium sulfate of oxirane, methyl-polymer with oxirane, mono (octyl phenyl) ether.

Use/Production. (S) Emulsifier for emulsion polymerization. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 2 hrs/day, up to 30 days/yr.

Environmental Release/Disposal. 88 to 176 kg released to aqueous. Disposal by POTW.

P 86–1705

Manufacturer. Alcolac, Incorporated.

Chemical. (G) Alkyl phenyl polyalkoxylate.

Use/Production. (G) Emulsifier, intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 6 hrs/day, up to 26 days/yr.

Environmental Release/Disposal. 97 to 184 kg released to aqueous. Disposal by POTW.

P 86–1706

Manufacturer. Alcolac, Incorporated.

Chemical. (S) Polypropylene glycol octyl phenyl ether.

Use/Production. (S) Raw material for DV–1777. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 6 hrs/day, up to 10 days/yr.

Environmental Release/Disposal. 97 to 184 kg released to aqueous. Disposal by POTW.

P 86–1707

Manufacturer. Occidental Chemicals Company.

Chemical. (G) Dialkyl, dihydroxyalkyl quarternary sulfate salt.

Use/Production. (G) Intermediate (precursor reactant). Prod. range: Confidential.

Toxicity Data. No data (on PMN substance) submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

P 86–1708

Manufacturer. American Hoechst Corporation.

Chemical. (G) Fiber reactive monoazo dyestuff.

Use/Production. (G) Fiber reactive dye for fibers. Prod. range: Confidential.

Toxicity Data. Acute oral: 5,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin — Non-irritant, Eye — Non-irritant.

Exposure. Confidential.

Environmental Release/Disposal. No release. Disposal by on site NPDES Treatment Works.

P 86–1709

Importer. Rohm and Hass Company.

Chemical. (G) Crosslinked poly (acrylic aminium chloride).

Use/Import. (G) For use with aqueous solutions with a contained use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No exposure.

Environmental Release/Disposal. No release.

P 86–1710

Importer. Rohm and Hass Company.

Chemical. (G) Crosslinked poly (acrylic acid).

Use/Import. (G) For use with aqueous solutions in a contained use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No exposure.

Environmental Release/Disposal. No release.

P 86–1711

Importer. Rohm and Hass Company.

Chemical. (G) Crosslinked poly (aminoacrylamide).

Use/Import. (G) For use with aqueous solutions in a contained use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No exposure.

Environmental Release/Disposal. No release.

P 86–1712

Manfacturer. Milliken and Company.

Chemical. (G) Alkoxylated diphenol.

Use/Production. (G) Intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86–1713

Importer. Confidential.

Chemical. (G) Urethane oligomer.

Use/Importer. (G) Wood coatings. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. No data submitted.

Environmental Release/Disposal. No release.

P 86–1714

Importer. Cray Valley Products, Incorporated.

Chemical. (G) Carboxyacrylic resin solution.

Use/Import. (S) Industrial paint. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: dermal and inhalation, a total of 100 workers, up to 200 hrs/yr each.

Environmental Release/Disposal. No data submitted.

P 86–1715

Importer. Interchem, Incorporated.

Chemical. (G) Guar phosphate ester, sodium salt.

Use/Import. (S) Industrial, commercial and consumer film formrs, specially on paper surface. Import range: Confidential.

Toxicity Data. Acute oral: 20 ml/kg.

Exposure. Use: dermal, inhalation and occular, a total of 1 person/shift, 3 shifts/day, up to 1 hr/shift.

Environmental Release/Disposal. No data submitted.

P 86–1716

Importer. CIBA–GEIGY Corporation.

Chemical. (G) Substituted triazine azo naphthalenesulfonic acid.

Use/Importer. (G) Textile dye. Import range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg. Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Irritant; Skin sensitization—Sensitizer; Ames test: Non-mutagenic; NOEL: 300 mg/kg/day.

Exposure. Processing: inhalation, a total of 1 worker, up to .5 hr/day, up to 3 days/yr.

Environmental Release/Disposal. 0.4 kg/batch released to water. Disposal by POTW.

P 86–1717

Manfacturer. Scher Chemicals Incorporated.

Chemical. (S) Benzenemethanaminium, N-(3-amidopropyl)-N, N-dimethyl,-N-(hydrogenated C^{18}-unsaturated dimer acyl) derivs. chlorides.

Use/Production. (S) Cationic surfactant and emulsifier for liquid detergents and for fabric softeners. Prod. range: 7,000 to 10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 2 hrs/day, up to 5 days/yr.

Environmental Release/Disposal. 5 kg/batch released to water. Disposal by POTW.

P 86–1718

Manufacturer. Dynamit Nobel Chemical.

Chemical. (S) 2-Methoxyethyl cyanoacetate.

Use/Production. (S) Industrial intermediate for specialty cyanoacrylate adhesives. Prod. range: 50,000 to 100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 6 workers, up to .5 hr/day, up to 15 days/yr.

Environmental Release/Disposal. 7.5 kg released to land. Disposal by Resource Conservation Recovery Act (RCRA) permitted landfill.

P 86-1719

Importer. Confidential.

Chemical. (G) Polycyclic organic pigment.

Use/Import. (G) Colorant. Import range: Confidential.

Toxicity Data. No data submitted on the PMN substance submitted.

Exposure. Processing: inhalation, dermal and occular, a total of 1 worker.

Environmental Release/Disposal. Disposal by landfill and incineration.

P 86-1720

Manufacturer. Fritzsche Dodge & Olcott—A Unit of BASF K&F Corporation.

Chemical. (S) 4-(1,5-Dimethyl hexylidene)-1-methylcyclohexene 1 4-(1-methylene-5-methylhexyl)-1-methylcyclohexene 1, 4-(1,5-dimethyl-1-hexenyl)-1-methylcyclohexene 1.

Use/Production. (S) Consumer, as a component of fragrance compounds which may find end use in household chemicals such as dishwashing and laundry detergents, air fresheners, etc. Prod. range: 90 to 180 kg/yr.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Less than 1 kg/day released to air and water. Disposal by plant waste water treatment.

P 86-1721

Importer. Confidential.

Chemical. (G) Phenolic acrylic.

Use/Import. (G) Coating resin. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1722

Importer. Confidential.

Chemical. (G) Phenolic polyurethane resin.

Use/Import. (G) Coating resin. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1723

Manufacturer. Fritzsche Dodge & Olcott—A Unit of BASF K&F Corporation.

Chemical. (S) 3-(1-Ethoxyethoxy)-3,7-dimethyl-octene.

Use/Production. (S) Consumer, as a component for fragrance compounds which may find end use in household chemicals such as dishwashing and laundry detergents, air fresheners, etc. Prod. range: 100 to 1,000 kg/yr.

Toxicity Data. Irritation: Skin—Non-irritant, Eye—Non-irritant, Skin sensitization—Non-sensitizer.

Exposure. Confidential.

Environmental Release/Disposal. Less than 1 kg/day released to air and water. Disposal by waste water treatment plant on-site.

P 86-1724

Manufacturer. AZS Chemical Corporation.

Chemical. (G) Acid-terminated, isophthalic/terphthalic polyester resin.

Use/Production: (S) Industrial binder in warp sizing of spun yarns, sizing agent for filament yarns and hand builder for some types of finished goods. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal inhalation, a total of 18 workers, up to 2 hrs/day, up to 12 days/yr.

Environmental Release/Disposal. 1,400 kg/batch released to water. Disposal by waste water treatment facility.

P 86-1725

Manufacturer. The Dow Chemical Company.

Chemical. (G) Modified ethylene carbon monoxide copolymer.

Use/Production: (G) Adhesives for polar substrates. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1726

Manufacturer. The Dow Chemical Company.

Chemical. (G) Modified ethylene carbon monoxide copolymer.

Use/Production: (G) Adhesives for polar substrates. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1727

Manufacturer. The Dow Chemical Company.

Chemical. (G) Difunctional organo lithium initiator.

Use/Production: (S) Site-limited polymerization initiator. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 3 workers.

Environmental Release/Disposal. No release. Disposal by incineration.

P 86-1728

Manufacturer. The Dow Chemical Company.

Chemical. (G) Difunctional organo lithium initiator.

Use/Production: (S) Site-limited polymerization initiator. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 3 workers.

Environmental Release/Disposal. No release. Disposal by incineration.

P 86-1729

Manufacturer. Confidential.

Chemical. (G) Polyalkylene oxide, aromatic diisocyanate prepolymer.

Use/Production: (G) Reactive elastomer. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1730

Importer. Confidential.

Chemical. (G) Diarylaroylphosphine oxide.

Use/Import. (G) Photoinitiator to be used in fast curing thin sections of polyester and vinyl ester resin. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

P 86-1731

Manufacturer. Confidential.

Chemical. (G) Disubstituted quinoline.

Use/Production: (S) Industrial agricultural chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Mild-irritant, Eye—Irritant; Ames test: Mutagenic.

Exposure. Manufacture and use: dermal and inhalation, a total of 158 workers, up to 5 hrs/day, up to 177 days/yr.

Environmental Release/Disposal. Released to air. Disposal by incineration.

P 86-1732

Manufacturer. Confidential.
Chemical. (G) Substituted heterocycle azo naphthalenesulfonic acid, salt.
Use/Production: (G) Open, non-dispersive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-1733

Manufacturer. King Industries, Incorporated.
Chemical. (G) Alkyl benzene sulfonic acid, compound with amine.
Use/Production: (G) Coatings additive. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 2 workers.
Environmental Release/Disposal. Confidential.

P 86-1734

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyester urethane.
Use/Production: (S) Industrial, commercial and consumer coating and adhesive. Prod. range: 20,000 to 40,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/day, up to 10 days/yr.
Environmental Release/Disposal. No data submitted.

P 86-1735

Manufacturer. AZS Corporation.
Chemical. (G) Saturated polyester resin.
Use/Production: (S) Industrial and commercial pigment binder in polyester coatings. Prod. range: 50,000 to 400,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 6 hrs/day, up to 6 days/yr.
Environmental Release/Disposal. 2 kg/batch released to air with 900 kg to water. Disposal by wastewater treatment.

P 86-1736

Importer. Cray Valley Products, Incorporated.
Chemical. (G) Carboxyacrylic resin solution.
Use/Import: (S) Industrial paint. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-1737

Importer. Cray Valley Products, Incorporated
Chemical. (G) A polyamino amide solution.
Use/Import: (S) Industrial protective paints. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-1738

Manufacturer. P-S Chemicals, Incorporated.
Chemical. (G) Neutralized acrylic acid homopolymer.
Use/Production: (S) Industrial dispersant for water base minerals slurries. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 3 workers, up to 8 hrs/day, up to 100 day/yr.
Environmental Release/Disposal. .5 kg/batch released to water. Disposal by POTW.

P 86-1739

Manufacturer. Confidential.
Chemical. (G) Acrylylalkyl substituted benzenepolycarboxylic acid derivative.
Use/Production: (G) Contained use in an article. Prod. range: 700 to 12,500 kg/yr.
Toxicity Data. Acute oral: 5,000 kg/mg; Acute dermal: 20 ml/kg; Irritation: Skin—Slight irritant; Eye—Slight irritant.
Exposure. Manufacture and processing: dermal, a total of 36 workers, up to .3 hr/day, up to 24 days/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

P 86-1740

Manufacturer. Confidential.
Chemical. (G) Mixed arylamides from reaction of arylaminoindenamine with an aryl acid chloride, an alkoxy substituted aryl acid chloride and a monobrominated aryl acid chloride.
Use/Production: (G) Contained use in an article. Prod. range: 10 to 300 kg/yr.
Toxicity Data. Acute oral: 5,000 kg/mg; Acute dermal: 2,000 mg/kg Irritation: Skin—Slight irritant.
Exposure. Manufacture and processing: dermal, a total of 30 workers, up to .7 hr/day, up to 24 days/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

P 86-1741

Manufacturer. Confidential.
Chemical. (G) Acrylaminoindenamine.
Use/Production: (G) Chemical intermediate. Prod. range: 10 to 200 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 8 workers, up to .3 hr/day, up to 2 days/yr.
Environmental Release/Disposal. No release. Disposal by incineration.

P 86-1742

Importer. Cray Valley Products, Incorporated.
Chemical. (S) Polymer of epoxidized soya bean oil and acrylic acid.
Use/Import: (S) Industrial metal coatings. Import range: 1,000 to 10,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Import: dermal, inhalation and occular, a total of 5 workers.
Environmental Release/Disposal. No data submitted.

Dated: September 26, 1986.

V. Paul Fuschini,

Acting Division Director, Information Management Division.

[FR Doc. 86-22416 Filed 10-2-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51640; FRL-3080-1]

Certain Chemicals Premanufacture Notices

Correction

In FR Doc. 86-20751 beginning on page 32956 in the issue of Wednesday, September 17, 1986, make the following corrections:

1. On page 32956, in the third column, in the sixth line under, "Dates", "86-6124" should read "86-1624".

2. On page 32956, in the third column, in the fourth and fifth lines under "Written comments by:", move "November 2, 1986." after "1617" and before "86-1618".

3. On page 32957, in the second column, under "P 86-1619", in the first line, "*Manufacturer.*" should read "*Importer.*".

4. On page 32958, in the first column, under "P 86-1629", in the sixth line, "50 to" should read "500 to".

BILLING CODE 1505-10-M

FEDERAL RESERVE SYSTEM

Citco Bancshares, Inc., et al; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation

Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 23, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citco Bancshares, Inc.*, Elizabethton, Tennessee; to engage *de novo* through its subsidiary, Southeast Financial Services, Inc., Nashville, Tennessee, in the servicing and making of loans, primarily SBA loan packages, pursuant to section 225.25(b) (1) of the Board's Regulation Y. These activities will be conducted throughout the State of Tennessee.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Busey Corporation*, Urbana, Illinois; to engage *de novo* through its subsidiary, First Busey Trust and Investment Co., Urbana, Illinois, in trust company functions and investment of financial advice pursuant to sections 225.25(b) (3) and (4) of the Board's Regulation Y.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. **Commonwealth Bancorp, Inc.**, Arlington, Texas; to engage *de novo* through its subsidiary, Commonwealth Services, Inc., Arlington, Texas, in data processing and data transmission services, facilities, and data bases; or access to them pursuant to § 225.25(b)(7) of the Board's Regulation Y. These activities will be conducted in the State of Texas.

Board of Governors of the Federal Reserve System, September 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-22402 Filed 10-2-86; 8:45 am]

BILLING CODE 6210-01-M

City Holding Co. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 24, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *City Holding Company*, Charleston, West Virginia; to acquire 100 percent of the voting shares of The Peoples Bank of Point Pleasant, Point Plesant, West Virginia.

2. *Maxwell Corporation*, Northfork, West Virginia; to become a bank holding company by acquiring 27.72 percent of the voting shares of Ameribank, Charleston, Charleston, West Virginia. Comments on this application must be received by October 27, 1986.

3. *National Banc of Commerce Company*, Charleston, West Virginia, to acquire 100 percent of the voting shares of The Chemical Bank and Trust Company, South Charleston, West Virginia. Comments on this application must be received by October 27, 1986.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Community Bancshares, Inc.*, Blountsville, Alabama; to acquire 100 percent of the voting shares of Madison County Bank, New Hope, Alabama, a *de novo* bank.

2. *Community Bancshares, Inc.*, Blountsville, Alabama; to acquire 100 percent of the voting shares of Morgan County Bank, Falkville, Alabama, a *de novo* bank.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Avoca Financial Services, Inc.*, Council Bluffs, Iowa; to become a bank holding company by acquiring 94.58 percent of the voting shares of Citizens Savings Bank, Avoca, Iowa.

2. *Illini Community Bancorp, Inc.*, Springfield, Illinois; to acquire 67 percent of the voting shares of Peoples National Bank of Springfield, Springfield, Illinois.

3. *Security Bancorp, Inc.*, Southgate, Michigan; to acquire 100 percent of the voting shares of Trenton Bank and Trust Company, Trenton, Michigan.

4. *Sturm Investment, Inc.*, Omaha, Nebraska; to merge with First National Bank of Macomb, Macomb, Illinois, and thereby indirectly acquire First Holdings, Inc., Omaha, Nebraska. Comments on this application must be received by October 20, 1986.

5. *Western Iowa Consultants, Inc.*, Council Bluffs, Iowa; to become a bank holding company by acquiring 94.58 percent of the voting shares of Citizens Savings Bank, Avoca, Iowa.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Commercial Bank Investment Company*, Denver, Colorado, and Commercial Bancorporation of

Colorado, Denver, Colorado; to acquire 83.8 percent of the voting shares of Rocky Mountain Bank and Trust Company, Fort Collins, Colorado.

2. *First United Bancshares, Inc.*, Ord, Nebraska; to acquire 100 percent of the voting shares of Mid-Nebraska Bancshares, Inc., Ord, Nebraska, and thereby indirectly acquire Nebraska State Bank, Ord, Nebraska; Wolbach Insurance Agency, Inc., Ord, Nebraska, and thereby indirectly acquire Peoples State Bank, Wolbach, Nebraska; Broken Bow Enterprises, Inc., Ord, Nebraska, and thereby indirectly acquire Broken Bow State Bank, Broken Bow, Nebraska; and Grant Bancshares, Inc., Ord, Nebraska, and thereby indirectly acquire The Farmers National Bank of Grant, Grant, Nebraska.

E. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Amtex Bancshares, Inc.*, Bridge City, Texas; to acquire 100 percent of the voting shares of Pavillion National Bank, Dallas, Texas.

2. *Rio Grande City Bancshares, Inc.*, Rio Grande City, Texas; to merge with Floresville Bancshares, Inc., Floresville, Texas, and thereby acquire Bank of Floresville, Floresville, Texas.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Orange National Bancorp*, Orange, California; to become a bank holding company by acquiring 100 percent of the voting shares of Orange National Bank, Orange, California.

Board of Governors of the Federal Reserve System, September 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-22403 Filed 10-2-86; 8:45 am]

BILLING CODE6210-01-M

GAB Bancorp; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 24, 1986.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *GAB Bancorp*, Jasper, Indiana; to engage *de novo* through its subsidiary, GAB Mortgage Corp., Jasper, Indiana, in the making and servicing of loans, limiting its activities to loan origination activities pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the State of Indiana.

Board of Governors of the Federal Reserve System, September 30, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-22521 Filed 10-2-86; 8:45 am]

BILLING CODE 6210-01-M

Norwest Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 24, 1986.

A. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Corporation*, Minneapolis, Minnesota; to acquire through its subsidiaries, Norwest Financial Services, Inc., Des Moines, Iowa, and Norwest Financial, Inc., Des Moines, Iowa, Dial Bank, Sioux Falls, South Dakota. In connection with this application, Norwest Financial Services, Inc., and Norwest Financial, Inc. have applied to become bank holding companies. Norwest Corporation, Norwest Financial Services, Inc., and Norwest Financial, Inc., propose to continue to engage, directly or through their subsidiaries, in the activities of consumer finance; sales finance;

commercial finance (including, but not limited to, accounts receivable financing, factoring and other secured lending activities); lease financing; the underwriting of credit life and credit accident and health insurance related to extensions of credit by Norwest Corporation or its subsidiaries; and the offering for sale and selling of bookkeeping, payroll and other management financial reporting services in the states of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indian, Iowa, Kansas, Kentucky, Louisian, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming; and to continue to engage, directly or through their subsidiaries on a nationwide basis, in general insurance agency activties, pursuant to section 4(c)(8)(G) (subject to any state law restrictions) of the Bank Holding Company Act of 1956; and in the activities of servicing loans and other extensions of credit for others; and making, acquiring or servicing loans and other extensions of credit of a type made by a mortgage company pursuant to § 225.25(b)(1), (b)(5), (b)(7), and (b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 29, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-22404 Filed 10-2-86; 8:45 am]

BILLING CODE 6210-01-M

United Bancorp of Kentucky, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 24, 1986.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *United Bancorp of Kentucky, Inc.*, Lexington, Kentucky; to acquire 100 percent of the voting shares of Bank of Lexington & Trust Company, Inc., Lexington, Kentucky.

B. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First State Corporation*, Harwood Heights, Illinois; to acquire 100 percent of the voting shares of Parkway Bank and Trust Company, Harwood Heights, Illinois. Comments on this application must be received by October 23, 1986.

2. *Fort Wayne National Corporation*, Fort Wayne, Indiana; to acquire 100 percent of the voting shares of Old-First National Corporation, Bluffton, Indiana, and thereby indirectly acquire Old-First National Bank in Bluffton, Bluffton, Indiana. Comments on this application must be received by October 23, 1986.

C. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Coleman Bancshares, Inc.*, Coleman, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First Coleman National Bank of Coleman, Coleman, Texas.

Board of Governors of the Federal Reserve System, September 30, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-22522 Filed 10-2-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on September 26, 1986.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of packages)

National Institutes of Health

Subject: Piedmont Health Survey of the Elderly—Revision—(0925-0267)
Respondents: Individuals or households

Centers for Disease Control

Subject: Dust and Endotoxin Dose Response Relationship for Cotton Dust—Extension—(0920-0177)
Respondents: Individuals or households
OMB Desk Officer: Bruce Artim

Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of package)
Subject: Report of Student Beneficiary About to Attain Age 19—Extension—(0960-0274)
Respondents: Individuals or households
OMB Desk Officer: Judy A. McIntosh

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)
Subject: Quarterly Acute Care General Hospital Report Summary and the Quarterly Specialty Hospital Review Reporting Summary—Extension—(0938-0418)—HCFA-510-511
Respondents: Small businesses or organizations
Subject: Condition of Approval and Reapproval and Procedures for Reduction of FFP 45 CFR 433.112, 433.116, and 433.117—Extension—(0938-0442)—HCFA-R-82
Respondents: Small businesses or organizations
Subject: Financial Statement of Debtor—Extension—(0938-0270)—HCFA-379
Respondents: Individuals or households; Businesses or other for-profits; Small businesses or organizations
OMB Desk Officer: Fay S. Iudicello

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk

Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

ATTN: (name of OMB Desk Officer)

Dated: September 29, 1983.

Barbara S. Wamsley,

Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-22431 Filed 10-2-86; 8:45 am]

BILLING CODE 4150-04-M

Health Resources and Services Administration

Application Announcement for Grants for Residency Training in General Internal Medicine and General Pediatrics; Amendment

The Bureau of Health Professions, Health Resources and Services Administration, announces the following amendment to the application announcement for Grants for Residency Training in General Internal Medicine and General Pediatrics which was published in the **Federal Register**, Vol. 51, No. 177, September 12, 1986, page 32541.

The following paragraph is deleted:

Additionally, all applicants must either demonstrate an increase in minority and disadvantaged residents or show evidence of efforts to recruit minority and disadvantaged residents into their medical education program. The deleted paragraph is replaced by the following:

Additionally, it is proposed to give special consideration to applicants who either demonstrate an increase in minority and disadvantaged residents or show evidence of efforts to recruit minority and disadvantaged residents into their medical education programs.

Interested persons are invited to comment on the proposed special consideration. Normally, the comment period would be 60 days. However, due to the need to implement changes in time for the Fiscal Year 1987 award cycle, this comment period has been reduced to 30 days. All comments received on or before November 3, 1986, will be considered before the final special consideration is established. No funds will be allocated or final selections made until a final notice is published indicating whether the proposed special consideration is to be applied.

Written comments should be addressed to: Acting Director, Division of Medicine, Bureau of Health Professsions, Health Resources and Services Administration, Parklawn Building, Rm. 4C-25, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Dated: September 26, 1986.

David N. Sundwall,

Administrator, Assistant Surgeon General.

[FR Doc. 86-22434 Filed 10-2-86; 8:45 am]

BILLING CODE 4160-IS-M

Public Health Service

Food and Drug Administration; Statement of Organizations, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685, February 25, 1970, as amended most recently in pertinent parts at 49 FR 10185, March 19, 1984, and at 50 FR 25329, June 18, 1985) is amended to reflect organizational changes in the Food and Drug Administration (FDA).

The changes include transferring food chemistry, science, and technology functions from the Office of Nutrition and Food Sceinces, Center for Food Safety and Applied Nutrition, FDA, to the Office of Physical Sciences. This reorganization will enable the Center to redirect sufficient laboratory resources which will assist the agency in addressing emerging public health concerns regarding food processing and technology.

Section HF-B, Organization and Functions is amended as follows:

1. Delete paragraph (k-4), *Office of Physical Sciences (HFFW)* in its entirety and replace it with a new paragraph (k-4) reading as follows:

(k-4) *Office of Physical Sciences (HFFW).* Provides scientific evaluation of the chemical data in food additive petitions. Estimates human exposure to food additives and their impurities.

Evaluates color additive petitions for adequacy and reliability of chemical data; administers examination of foods, drugs, and cosmetics for unpermitted uses of color additives and for uses of permitted color additives in an unsafe manner. Provides analytical services in support of Center and field programs.

Originates, plans, and conducts research to elucidate the composition/identity of cosmetics, color additives, color additive diluents, natural toxins, inadvertent industrial chemical contaminants, metals, and related substances to determine potential contamination. Develops methodology for the determination of these substances.

Administers the color certification program and performs inspections of color manufacturers in conjunction with the field.

Develops methods of analysis for foods, food additives, color additives, pesticides, cosmetics, metals, adulterated products, and inadvertent natural and industrial contaminants in food.

Determines marketing patterns for food contact materials and establishes estimates for dietary exposure to indirect food additives.

Provides information to appropriate components on the planning, administration, and evaluation of compliance programs to minimize public health and economic problems associated with cosmetic production, packaging, distribution, and contamination of foods by pesticides, industrial chemicals, metals, and natural toxins.

Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture, packaging, marketing, and consumption patterns of foods.

Develops, evaluates, and drafts the substantive content of food standard proposals establishing standards of identity, quality, and fill of container and the technological and engineering specifications of Current Good Manufacturing Practice (CGMP) regulations.

Develops, collects, coordinates, and interprets technical information to evaluate the effect of processing on the composition, interaction and transformation of dietary and other components in food matrices. Provides training in food processing technologies in support of agency programs. Develops, evaluates, and monitors studies to address the impact of biotechnology on food processing and issues of public health concern.

2. Delete paragraph (k-5) *Office of Nutrition and Food Sciences (HFFY)* in its entirety and replace it with a new paragraph (k-5), reading as follows:

(k-5) *Office of Nutrition and Food Sciences (HFFY).* Develops, recommends, and implements the Center's policy and regulatory approaches on the nutritional aspects of the national food supply and the application of modern clinical nutritional knowledge to evolution of special foods for dietary management of disease and injury.

Originates, plans, conducts, and monitors research and surveillance on the nutritional composition and quality of foods, the nutritional status and food consumption patterns of the population, factors affecting nutrient requirements, the microbial hazards associated with food and cosmetic products, the adverse effects of nutrient imbalance and excesses, and methods of nutrient analysis.

Maintains the Center's nutrient analytical capability for compliance purposes in cooperation with the field and maintains the data concerning food composition, food consumption, food ingredients, and microbial hazards in cooperation with other Government agencies.

Develops, implements, and evaluates information and education programs for consumers, arising from consumer experiences and expectations with regard to nutrition and products regulated by the Center.

Originates, plans, conducts, and monitors research on consumer exposure, experience, and expectations pertaining to products regulated by the Center.

Originates, plans, conducts, and monitors research (including planning field studies) to identify, evaluate, and resolve problems of food hygiene and sanitation, specifically microbiological research and technical support to all components of the Center and to the field.

Provides advice and guidance to the Center in the areas of consumer behavior, societal trends, and forecasts.

Dated: September 23, 1986.

Wilford J. Forbush,

Director, Office of Management.

[FR Doc. 86-22482 Filed 10-2-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-8446-A]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to The Chenega Corporation for approximately 1 acre. The lands involved are in the vicinity of Chenega, Alaska.

Seward Meridian, Alaska

T. 2 N., R. 8 E. (Surveyed)

Sec. 26, Lot 1.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the CORDOVA 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 November 3, 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. 86-22398 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-JA-M

Availability of Proposed Southern Rio Grande Plan Amendment; Environmental Impact Statement, (SRGPA/EIS)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the proposed (SRGPA/EIS). The document considers and analyzes a proposed State of New Mexico land exchange (73,560 acres of offered State land in the White Sands Missile Range and 5,000 acres of selected public land east of Las Cruces, New Mexico) and other land tenure adjustments for Dona Ana County, New Mexico. The Final contains the Proposed Plan. The Proposed Plan is a modified version of the Preferred Alternative (Alternative III) published in the Draft in March 1986. The Proposed Plan was developed as a result of comments received on the Draft SRGPA/EIS. Any person who participated in the planning process and has an interest that is or may be affected by approval of the proposed plan may file a protest.

DATE: Protest to the Proposed Plan must be filed by November 10, 1986.

ADDRESS: Protest must be sent to: Director (760), Bureau of Land Management, Department of the Interior, 18th & C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Marvin M. James, SRGPA/EIS Team Leader, 1800 Marquess Street, Las Cruces, New Mexico 88005, (505) 525-8228 or FTS 571-8312.

SUPPLEMENTARY INFORMATION: Persons who have participated in the planning process and have interests which may be adversely affected may protest approval of the plan. Protests should be made to the BLM Director with the following information:

1. Name, mailing address, telephone number, and interest of the person filing the protest.

2. A statement of the issue and issues being protested.

3. A statement of the part or parts being protested.

4. A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the records.

5. A concise statement explaining why the protesting party disagrees with BLM's Proposed Plan.

At the end of the 30-day protest period, the Proposed Plan, excluding any portions under protest, shall become final. Approval shall be withheld on any portion of the plan under protest until final action has been completed on such protest. Upon approval the final plan will be published with the Record of Decision.

A limited number of copies of the Final SRGPA/EIS are available from the BLM, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005. Public reading copies are available for review at the BLM New Mexico State Office, other BLM District Offices in New Mexico, and public and university libraries in Alamogordo, Truth or Consequences, Las Cruces, Portales, Santa Fe, and Albuquerque, New Mexico and El Paso, Texas.

Dated: September 23, 1986.

Monte G. Jordan,

Acting State Director.

[FR Doc. 86-22401 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-FB-M

Iditarod National Historic Trail Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: The Iditarod National Historic Trail (INHT) Advisory Council will meet to advise the Secretary of the Interior, through the designated official with regard to the implementation of a comprehensive management plan for the Iditarod National Historic Trail, Alaska.

Designated Official: Wayne A. Boden, District Manager, Anchorage District Office, Bureau of Land Management.

DATES: November 18 and 19, 1986.

Place: Anchorage District Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507.

Agenda

Monday, November 18, 1986

1:00 P.M.—Call to Order
1:15 P.M.—A Brief History of the National Trail by Joseph Redington, Sr.
1:30 P.M.—Iditarod National Historic Trail Slide Program
2:00 P.M.—Staff Reports: Cooperative Agreements—(BLM), Rights-of-Way Report—(BLM), National Register of Historic Places Report—(BLM), Gift Catalog Report—(FWS)
3:30 P.M.—Agency and Organization Reports

Tuesday, November 19, 1986

8:30 A.M.—Call to Order/Discussion of Issues
9:00 A.M.—Open Public Testimony
10:30 A.M.—Break
11:15 A.M.—Close of Public Testimony Summary of Issues
11:30 A.M.—Lunch Break
1:00 P.M.—Open Discussion and Resolutions
4:00 P.M.—Summary and Adjournment

Wayne A. Boden,

Anchorage District Manager.

[FR Doc. 86-22442 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-JA-M

[AK-975-07-4213-02]

Fairbanks District Advisory Council Meeting

The Advisory Council for the Fairbanks District of the Bureau of Land Management will have a general meeting on Wednesday, November 5, 1986. The meeting will be held in the training rooms of the BLM/Fairbanks District Office, 1541 Gaffney Road, Fairbanks (on Fort Wainwright).

The meeting will convene at 9 a.m. and conclude at 5 p.m. Public comments will be received by the Council from 3 to 4 p.m. Oral comments may be limited by time and it is recommended that public comments be submitted in writing at the meeting.

The major topics of discussion will be:

1. Review of Preferred Alternative of the Utility Corridor Resource Management Plan.
2. Proposals for off-road vehicle management in the Utility Corridor.
3. Review of draft charter and by-laws for the Northern Alaska Advisory Council.
4. Recreational opportunities on public lands under the management of the Bureau of Land Management in the interior and northern parts of Alaska.

All Advisory Council meetings are open to the public. For additional information contact the Bureau of Land Management, Public Affairs Office, 1541 Gaffney Road, Fairbanks, Alaska 99703, telephone (907) 356-2345.

Donald E. Runberg,

District Manager, Fairbanks District Office.

[FR Doc. 86-22435 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-JA-M

[ID-040-06-4332-08]

Environmental Impact Statement Availability; Challis and Big Lost/ Pahsimeroi Wilderness Proposals

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Availability of two final Environmental Impact Statements [EISs] for the Challis wilderness proposals and the Big Lost/Pahsimeroi wilderness proposals.

SUMMARY: The Challis EIS assesses the environmental consequences of managing three wilderness study areas (WSAs) as wilderness or non-wilderness and of managing a portion of two of those WSAs as wilderness. The alternatives assessed in the Challis EIS include: (1) A "no action/no wilderness" alternative for each WSA, (2) an "all wilderness" alternative for each WSA, and (3) "partial wilderness" alternatives for the Corral-Horse Basin and Jerry Peak WSAs.

The names of the three WSAs analyzed in the Challis EIS, their total acreage, and the proposed action for each are as follows:

—Corral/Horse Basin—48,500 acres, all non-suitable for wilderness designation;
—Jerry Peak—46,150 acres, 26,750 suitable, and 19,400 non-suitable for wilderness designation;
—Jerry Peak West—13,530 acres, all non-suitable for wilderness designation.

The Big Lost/Pahsimeroi EIS assesses the environmental consequences of managing three wilderness study areas (WSAs) as wilderness or non-wilderness, and of managing a portion of two of those WSAs as wilderness. The alternatives assessed in the Big Lost/Pahsimeroi EIS include: (1) A "no wilderness" alternative for each WSA, (2) an "all wilderness" alternative for each WSA, and (3) a "partial wilderness" alternative for the Appendicitis Hill and Burnt Creek WSAs.

The names of the three WSAs analyzed in the Big Lost/Pahsimeroi EIS, their total acreage, and the proposed action for each are as follows:

—Appendicitis Hill—21,900 acres, all non-suitable for wilderness designation;
—White Knob Mountains—9,950 acres, all non-suitable for wilderness designation;
—Burnt Creek—24,980 acres, all non-suitable for wilderness designation.

Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of these two EISs. This complies with the Council of Environmental Quality Regulations 40 CFR, Part 1506.10b(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of these EISs may be obtained from the District Manager, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and "C" Streets, NW., Washington, DC 20240;
or
Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Jerry Goodman, District Manager, Shoshone District Office, P.O. Box 430, Salmon, Idaho 83467. Telephone (208) 756-5400.

Dated: September 25, 1986.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 86-22432 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-GG-M

[ID-060-06-4332-08; FES 86-33]

Availability of Final Environmental Impact Statement; North Idaho Wilderness Proposals

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability of final environmental impact statement [EIS] for the North Idaho wilderness propoals.

SUMMARY: This EIS assesses the environmental consequences of managing five wilderness study areas (WSAs) as wilderness or non-wilderness. On three of the WSAs, one or more additional management alternatives are assessed, including designation as Outstanding Natural Area, designation of a portion of the WSA as Research Natural Area, designation of part of the WSA as wilderness, and management with emphasis on timber production.

The names of the five SWAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

—Selkirk Crest, 720 acres, all nonsuitable for wilderness designation
—Crystal Lake, 9,027 acres, all non-suitable for wilderness designation; Outstanding Natural Area designation on entire WSA
—Grandmother Mountain, 17,129 acres, all non-suitable for wilderness designation; Outstanding Natural Area and Research Natural Area designations on portions with intensive timber management on remainder
—Snowhole Rapids, 5,068 acres, all non-suitable for wilderness designation
—Marshall Mountain, 6,524 acres, all non-suitable for wilderness designation

Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of Interior and President to Congress. The final decision on wilderness designation rests with the Congress.

In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR, Part 1506.10b(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of this EIS may be obtained from the District Manager, Coeur d'Alene District Office, 1808 North 3rd Street, Coeur d'Alene, Idaho 83814. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and "C" Streets, NW., Washington, DC 20240;
or
Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: District Manager, Coeur d'Alene District Office, 1808 North 3rd Street, Coeur d'Alene, Idaho 83814. Telephone (208) 765-7365.

Dated: September 25, 1986.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 86-22433 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-GG-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggests on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 395-7313.

Title: Permanent Regulatory Program Requirements-Standards for Certification of Blasters (30 CFR Part 850).

Abstract: Sections 515(b)(15)(d) and 719 of Pub. L. 95-87 require the State Regulatory Authority to promulgate regulations requiring the training, examination and certification of persons engaging in or directly responsible for blasting or the use of explosives.

This information will ensure that blasting is conducted in a safe and environmentally sound manner.

Bureau Form Number: None
Frequency: One-time requirement
Description of Respondents: State Regulatory Authorities
Annual Responses: 6
Annual Burden Hours 22,460
Bureau Clearance Officer: Darlene Grose Boyd 343-5447.

Dated: September 29, 1986.

Carson W. Culp,

Assistant Director, Budget and Administration.

[FR Doc. 86-22443 Filed 10-2-86; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30896]

Nashville and Ashland City Railroad—Lease and Operation Exemption—Sequatchie Valley Railroad Co., Inc., Exemption

The Nashville and Ashland City Railroad (NAC) filed a notice of exemption for NAC to lease and operate a one-mile portion of rail line between RC milepost 0 and milepost 1.1 at or near Richard City, TN, being acquired by Sequatchie Valley Railroad Co., Inc. (SVR) from the Seaboard System Railroad Company (SBD).[1]

The lease and operation by NAC does not involve a class I carrier; is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and will not connect NAC's present operations to the proposed operations. The lease and operation comes within the class of transactions exempted from prior approval under 49 CFR 1180.2(d)(2).[2]

As a condition to the use of this exemption, any employee affected by the lease and operation shall be protected pursuant to Mendocino Coast Ry. Inc.—Lease and Operate, 354 I.C.C. 732 (1978), as modified at 360 I.C.C. 653 (1980).

Decided: September 29, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-22531 Filed 10-2-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30906]

Wisconsin and Calument Railroad Co.; Modified Rail Certificate

On September 11, 1986, a notice was filed by the Wisconsin and Calumet Railroad Company (W&C) for a modified certificate of public convenience and necessity under 49 U.S.C. 1150.23. By contract with the Wisconsin River Rail Transit Commission (WRRTC), W&C was authorized to operate the following 117.72 miles of rail in the State of Wisconsin between August 14 and

[1] See, Notice of Exemption in Finance Docket No. 30831, *Sequatchie Valley R. Co.*, 51 FR 27473 (July 31, 1986).

[2] A decision in Finance Docket No. 30895 is being served concurrently dismissing a Notice of Exemption alternatively filed by NAC under 49 CFR 1150.31.

October 16, 1986: [1] Middleton (milepost 146.72) the Prairie du Chien (milepost 237.4), excluding trackage between milepost 233.75 and milepost 233.59; Lone Rock (milepost 0.26) to Richland Center (milepost 16.14); and Mazomanie (milepost 0.07) to Prairie du Sac (milepost 13.07).

Prior to abandonment, the lines were owned and operated by the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (MILW). The Lone Rock-Prairie du Chien line was recommended for abandonment in Docket No. AB–7 (Sub–No. 83), *Chicago, M., St. P., & Pac. R. Co.-Abandonment-Between Lone Rock and Prairie du Chien, WI* (not printed), served February 28, 1980; MILW's Reorganization Court authorized abandonment in Order No. 300. The Middleton-Richland Center and Mazomanie-Prairie du Chien lines were recommended for abandonment in Docket No. AB–7 (Sub-No. 99), *Chicago, M., St. P., & Pac. R. Co.—Abandonment—Middleton to Richland Center, WI*, (not printed), served May 6, 1982; MILW's Reorganization Court then authorized abandonment in Order No. 587.

The lines were acquired from MILW by the Wisconsin Department of Transportation. Operation of the lines is the responsibility of the WRRTC, a pulic agency within the State of Wisconsin. WRRTC contracted with W&C to operate the lines.

This notice must be served on the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and on the American Short Line Railroad Association.

Dated: September 29, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86–22529 Filed 10–2–86; 8:45 am]

BILLING CODE 7035–01–M

[1] We note that under Rule 1150.23 operations may commence upon filing. The notice was filed September 11; operations, however, apparently commenced August 14. Although there is no adverse impact here, I admonish WTC to comply with the Commission's rules in the future as to commencement of operations.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Verd J. Erickson, D.D.S.; Revocation of Registration

On July 21, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Verd J. Erickson, D.D.S., 75 Yellow Creek Road, Suite 201, Evanston, Wyoming 82930, proposing to revoke his DEA Certificate of Registration AE4419481 as a practitioner in Schedules II, III, IV, and V. The statutory predicate for the Order to Show Cause was the November 22, 1985 conviction of Dr. Erickson in the Third Judicial District Court, Salt Lake County, Utah of three counts of unlawful distribution of controlled substances, felonies relating to controlled substances.

The Order to Show Cause was sent to Dr. Erickson registered mail, return receipt requested. DEA received the receipt which indicated that the Order to Show Cause was received on July 28, 1986 by Dr. Erickson. More than thirty days have elapsed since the Order to Show Cause was received, and the Drug Enforcement Administration has received no response. Pursuant to 21 CFR 1301.54 (a) and (d), Dr. Erickson is deemed to have waived his opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based upon the investigative file 21 CFR 1301.57.

The Administrator finds that in May, 1985, Dr. Erickson sold controlled substances to an undercover law enforcement officer in the State of Utah. On May 24, 1985, he sold thirty capsules of amphetamine to the undercover agent for sixty dollars, and on June 3, 1985, he sold 1,000 amphetamine tablets and 10, 30cc vials of Demerol to the same agent for $5,000. Dr. Erickson was arrested on June 3, 1985, and on October 23, 1985, he was found guilty of three counts of unlawful distribution of a controlled substance. On November 22, 1985, Dr. Erickson was convicted in the Third Judicial District Court, Salt Lake City, Utah of these three counts of unlawful distribution of controlled substances and was sentenced to not less than one year, not more than fifteen years, in the Utah State Prison. During proceedings involving a petition for bankruptcy, Dr. Erickson testified that he sold the controlled substances because he needed the money.

The Administrator further finds that the Wyoming Board of Dental Examiners ordered the revocation of Dr. Erickson's license to practice dentistry in the State of Wyoming on February 25, 1986. On March 6, 1986, the revocation of Dr. Erickson's dental license was stayed in the District Court, Third Judicial District, County of Uinta, State of Wyoming. That action is still pending. On July 18, 1986, the Utah Department of Business Regulation revoked Dr. Erickson's license to practice dentistry in Utah, but stayed the revocation pending the appeal of Dr. Erickson's criminal conviction. The Department did, however, revoke Dr. Erickson's license to administer controlled substances in the State of Utah effective August 18, 1986.

The Administrator concludes that in light of Dr. Erickson's felony conviction, and the actions of the Wyoming and Utah regulatory boards, Dr. Erickson should not continue to be registered with the Drug Enforcement Administration to handle controlled substances. Dr. Erickson sold substantial quantities of controlled substances, obtained with his DEA registration, in order to get money. This was clearly an abuse of his registration and a total abdication of his professional responsibility as a dentist and a DEA registrant.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificate of Registration AE4419481 previously issued to Verd J. Erickson, D.D.S. is revoked effective November 3, 1986. Any outstanding applications for renewal of this registration are hereby denied.

Dated: September 29, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–22451 Filed 10–2–86; 8:45 am]

BILLING CODE 4410–09–M

[Docket No. 86–05]

Aziz S. Gourji, M.D.; Revocation of Registration

On December 5, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Aziz M. Gourji, M.D. (Respondent), of 81A Somerset Drive South, Great Neck, New York 11020, an Order to Show Cause proposing to revoke his DEA Certificate of Registration AGO754665 and deny any pending applications for renewal of that registration. The Order to Show Cause alleged that the continued

registration of Dr. Gourji as a practitioner pursuant to 21 U.S.C. 823(f) was inconsistent with the public interest.

Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing filings, a hearing was scheduled in Washington, DC on July 15, 1986. Due to Resondent's medical condition, counsel for Respondent requested that the hearing be rescheduled in mid-August, 1986. The hearing was rescheduled for August 20, 1986, in Washington, DC. Counsel for Respondent was advised of that fact by an Order issued by the Administrative Law Judge on July 14, 1986, and a Notice of Hearing published in the **Federal Register** on July 25, 1986, 51 FR 26768. Neither the Respondent nor any person representing him appeared at the place designated for the hearing on August 20, 1986. The Administrative Law Judge found that pursuant to 21 CFR 1301.54(d), Respondent had waived his right to a hearing. the Administrative Law Judge terminated the proceedings before him on September 11, 1986.

The Administrator finds that Respondent in this matter has waived his right to a hearing and enters this final order on the record and investigative file as its appears. 21 CFR 1301.57.

The Administrator finds that from February, 1982 through April, 1982, Respondent worked at Jorum Associates, Inc., a clinic located at 201 E. 34th Street in New York City. Respondent worked two to three days a week during that period. The clinic represented that it was established to treat individuals with insomnia. At the time Respondent was employed there, an individual named Barbara Quinlan was the clinic owner. On April 8, 1982, a DEA Special Agent, acting in an undercover capacity went to the Jorum clinic at 201 E. 34th Street. The Agent was using the name Elvin Barks. He checked in with the receptionist, completed some forms, and was given a physical examination by a physician's assistant. The physician's assistant also gave the Agent a brief lecture on the effects of Quaalude. Following this, the Agent was shown into the Respondent's office where he told the Respondent that he was having trouble sleeping. The Respondent asked whether the Agent understood the physician's assistant's lecture and concluded the visit. The Agent was in the Respondent's office for approximately 45 seconds. After leaving Respondent's office, the Agent was given a prescription signed by the Respondent for 45 tablets of Quaalude and asked to pay $150.

The following day, April 9, 1982, the same DEA Special Agent, using the name Paul Hess, went to the Jorum clinic at 201 E. 34th Street in New York City in an undercover capacity. The same procedures were followed as on his April 8, 1982 visit, with the Agent being observed by the same receptionist, examined by the same physician's assistant, and seen by Respondent for approximately 45 seconds. Although the Agent's appearance had not changed, none of these individuals made any comment concerning his visit the day before. After leaving the Respondent's office, he was given a prescription for 45 tablets of Quaalude written by Respondent and was asked to pay $150.

On May 24, 1982, a search warrant was executed at Respondent's home. Patient files from the Jorum clinic were seized. On this same day, Respondent was interviewed at the United States Attorney's Office in New York City. He told those present that when he began working at the clinic in February, he was told by Barbara Quinlan to try and prescribe Quaaludes. Respondent stated that he did prescribe Quaaludes to about 95% of all the individuals who he saw at the clinic. Respondent also indicated that some individuals tried to come into the clinic on consecutive days, but that he was good at remembering people, and he would not treat them if they came too often.

An analysis of Respondent's patient files, and the prescriptions that he wrote for Quaalude showed that during the less than three months that he worked at the Jorum clinic, he wrote over 1,100 prescriptions for Quaalude for a total of over 50,000 tablets. The analysis also showed that for the 34 days that Respondent worked at the clinic from February through April, 1982, he prescribed Quaalude for 99% of the individuals who he saw at the clinic.

On December 13, 1984, Respondent was indicted along with three other physicians and four other individuals in the United States District Court for the Southern District of New York, of conspiracy to illegally distribute Quaalude, and illegal distribution of Quaalude. On August 7, 1985, following a five week jury trial, Respondent was found guilty of the charge that he illegally distributed Quaalude in violation of 21 U.S.C. 841(a)(1). Respondent has not yet been sentenced.

Several physicians testified at the trial and also provided letters to the Government which stated that upon review of selected patient files and the procedures at the clinic that it was their professional opinion that the clinic was merely acting as a front for the distribution of Quaalude outside of medical practice. They further stated that the clinic was a sham operation, not intended to seriously treat patients.

The Administrator concludes that continued registration of Respondent to prescribe, administer, dispense or otherwise handle controlled substances would be inconsistent with the public interest. Respondent's activities caused the diversion of thousands of Quaalude tablets, a much abused controlled substance which is now in Schedule I under the Controlled Substances Act. Respondent has been found guilty of illegal distribution of Quaalude by a jury, after an extensive trial. Respondent was clearly acting outside the scope of professional practice by participating in an operation for the distribution of Quaalude. Respondent failed to responsibly prescribe controlled substances, and abdicated his duty as a physician and a DEA registrant.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificate of Registration AG0754665 previously issued to Aziz S. Gourji, M.D. is revoked effective November 3, 1986. Any outstanding applications for renewal of this registration are hereby denied.

Dated: September 29, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-22452 Filed 10-2-86; 8:45 am]

BILLING CODE 4410-09-M

K-9 Security Services, Inc.; Revocation of Registration

On April 26, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to K-9 Security Services, Inc. (K-9), Route 1, Box 119, Natchitoches, Louisiana 71457, proposing to revoke their DEA Certificates of Registration PK0184818 and PK0205422. DEA Certificate of Registration PK0184818 was issued to K-9 as a researcher in Schedule I, and DEA Certificate of Registration PK0205422 was issued to K-9 as a researcher in Schedules II, III, IV, and V. The statutory predicate for the Order to Show Cause was that on March 20, 1986, Robert J. Bond, owner of K-9 was convicted in the First District Court of Louisiana, Parish of Caddo, of

possession of controlled dangerous substances with intent to distribute, and distribution of controlled dangerous substances, felonies relating to controlled substances.

The Order to Show Cause was sent to K–9 Security Services, Inc. by registered mail, return receipt requested. DEA received the receipt, which indicated that the Order to Show Cause had been received on May 2, 1986. More than thirty days have passed since the Order to Show Cause was received, and the Drug Enforcement Administration has received no response thereto. Pursuant to 21 CFR 1301.54(a) and (d), K–9 Security Services, Inc. is deemed to have waived its opportunity for a hearing. Accordingly, the Administrator now enters his final order in this matter without a hearing and based upon the investigative file. 21 CFR 1301.57.

The Administrator finds that in 1980, K–9 Security Services, Inc. was issued a DEA Certificate of Registration in Schedule I in order to train dogs in the detection of marijuana. In 1981, Mr. Robert Bond, owner of K–9, requested registration as a researcher in Schedules II, III, IV, and V in order to train dogs in the detection of other controlled substances, specifically amphetamine and cocaine. Mr. Bond told investigators that he would obtain the controlled substances via order form from state and local law enforcement laboratories. Mr. Bond advised investigators that the small quantities of controlled substances which he utilized would be stored in a 200 pound safe located on the registered premises. At this time K–9 was registered with DEA at 900 Seafood Lane, Lafayette, Louisiana.

During 1982 and 1983, DEA investigators noted that K–9 was purchasing significant quantities of cocaine from a local wholesale pharmaceutical supplier. In 1981, K–9 purchased three ounces of pharmaceutical cocaine. In 1982, K–9 purchased six ounces of pharmaceutical cocaine. In 1983, K–9 began purchasing other Schedule II controlled substances including Dilaudid, Quaalude, Demerol and Preludin. In July, 1983, DEA Investigators found that the registered location of K–9 Security had been abandoned. They subsequently met with Robert Bond at his new location in Natchitoches, Louisiana. They advised Mr. Bond that he could not obtain any controlled substances until he became properly registered at his new address. The Investigators reviewed the records kept by the firm, and advised Mr. Bond that he was not in compliance with the law and regulations. Mr. Bond and the Drug Enforcement Administration entered into a Memorandum of Understanding which required Mr. Bond to submit monthly reports to the Drug Enforcement Administration detailing all his transactions with controlled substances.

In June, 1984, the Shreveport, Louisiana DEA Office received information that Robert Bond of Natchitoches was trafficking in controlled substances. During an undercover investigation by DEA and the State of Louisiana, Robert and Kim Bond were observed transferring the controlled substances Dilaudid and Quaalude to an informant. This investigation resulted in the arrest of Robert and Kim Bond in a motel room. A search of the room resulted in the seizure of over 1,000 dosage units of controlled substances including Dilaudid, Quaalude, and Ritalin, and small quantities of marijuana and cocaine. After the arrest, it was determined that K–9 had purchased approximately 12,300 dosage units of controlled substances from January through September of 1984 from a local pharmaceutical wholesaler. On January 22, 1985 Robert Bond pled guilty, in Caddo Parish District Court to illegal distribution of Dilaudid, Preludin and Desoxyn, and possession with intent to distribute cocaine. On March 20, 1986, Robert Bond was convicted and sentenced to four years in Louisiana State Prison.

The Administrator finds that Robert Bond, owner of K–9 Security Services, Inc. was using his DEA Certificates of Registration to obtain controlled substances which were not utilized in the manner contemplated by his registration. He purchased dosage unit quantities of Schedule II controlled substances, which are inappropriate for training dogs in drug detection, and distributed the controlled substances for profit. There is no justification for K–9 Security Services, Inc. to continue to remain registered with the Drug Enforcement Administration. The Administrator concludes that the DEA Certificates of Registration previously issued to K–9 Security Services, Inc. should be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificates of Registration PK0184818 and PK0205422 previously issued to K–9 Security Services, Inc. are hereby revoked effective November 3, 1986. Any outstanding applications for renewal of those registrations are hereby denied.

Dated: September 29, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–22453 Filed 10–2–86; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Lusignan Textile, Inc.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 8, 1986—September 12, 1986 and September 15, 1986–19, 1986

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both,of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that creation (3) has not been met. A survey of customers inidicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–17,276; Lusignan Textile, Inc., Linwood, MA

TA–W–17,351; The Stackpole Corp., St. Mary's, PA

TA–W–17,769; Allied Embroidery Co., Fairview, NJ

TA–W–16,844; H & G Thread & Scallop, Fairview, NJ

TA–W–16,926; S.G. Embroidery Corp., Fairview, NJ

TA–W–16,935; Stitch-O-Matic, Inc., Guttenberg, NJ

TA-W-17,281; Hanover Mills, Yanceyville, NC

TA-W-17,277; Modern Slack Creations, Inc., Allentown, PA

TA-W-17,381; Preformed Metal Products Co., Shreveport, LA

TA-W-17,344; Roman's, Inc., Scranton, PA

TA-W-17,190; Barker's Contract Stitching, South Paris, ME

In the following cases the investigation revealed that creation (3) has not been met for the reasons specified.

TA-W-17,355; Burlington Northern Railroad Co., Superior, WI

The Workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,217; Ramco/Fitzsimons Steel Co., Buffalo, NY

Aggregate U.S. Imports of Carbon steel bars and bar-size light shapes did not increase required for certification.

TA-W-17,911; Dresser Industries, Magcobar Group, Lake Charles, LA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,691; Caskey Drilling Co., Jonesboro, LA

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,584; Amerada Hess Corp., Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,580; Oil Field Safety, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,583; Williston Basin Sales, & Service, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,487; Baker Service Tools, Casper, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,459; Maverick Tube Corp., Union, MO

Aggregate U.S. imports of carbon and alloy steel pipe and tubing did not increase as required for certification.

TA-W-17,697; New Misco Supply Co., Inc., Plainsfield, KS

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,692; Doswell Schlumberger, Inc., Mt. Carmel, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,699; Texas Geolog, Inc., Tyler, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,706; War Roustabout Service, Thermopolis, WY

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,612; Phoenix Steel Corp., Phoenixville, PA

Aggregate U.S. imports of seamless carbon steel pipe and tubing did not increase as required for certification.

TA-W-17,837; Cherokee Drilling & Development Corp., Midland, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,861; Cam Drilling Co., Abilene, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,490; Williston Steel Work, Williston, ND

Aggregate U.S. imports of seamless carbon steel pipe and tubing did not increase as required for certification.

TA-W-17,480; Dresser Industries, Swaco Division, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,587; E.W. Moran Drilling, Inc., Witchita Falls, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,591; Hydro-Static Tubing Testers, Inc., Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,596; Western Company of North America, Sidney, MT

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,602; Eagle Enterprises, Williston, ND

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-17,615; Amax Lead Company of Missouri, Boss, MO

Aggregate U.S. imports of refined and recovered lead did not increase as required for certification.

TA-W-17,283; Kaiser Aluminum & Chemical Corp., Mead Works, Mead, WA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-17,360; Molycorp, Inc., Questa Division, Questa, NM

Aggregate U.S. imports of molybdenum are negligible.

TA-W-17,337; Beckley Nick Run Co., Mount Hope, WV

Aggregate U.S. imports of coal are negligible.

TA-W-17,665; N.L. Baroid, Williston, ND

The workers' firm does not produce an article are required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,748; Glen Irvan Corp., Penfield, PA

Aggregate U.S. imports of coal are negligible.

TA-W-17,764; Four Flags Drilling Co., Corpus Christi, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,765; Masey Construction Co., Odessa, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,816; Globe Drilling Co., Tyler, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,403; TRW, Inc., Reda Pump Co. Division, Thermopolis, WY

Aggregate U.S. imports of submergible pumps used in oil drilling are negligible.

TA-W-17,447; Pittsburg & Midway Coal Mining Co., Pleasant Hill Mine and Preparation Plant, White Plains, KY

Aggregate U.S. imports of bituminous coal are negligible.

TA-W-17,454; Hughes Tool Company, Williston, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,455; Magcobar Division, Dresser Industries, Williston, ND

Aggregate U.S. imports of drilling fluid are negligible.

TA-W-17,428; Connor Sales Co., Inc., Williston, ND

Aggregate U.S. imports of metal oil storage tanks are negligible.

TA-W-17,446; Nowsco Well Service Limited, Wooster, OH

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,449; Rocket Sales and Rental Tank-Div., Inc., Williston, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,451; TMBR Drilling Co., Inc., Midland, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,453; Harpel Drilling Co., Inc., Casper, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,539; Blake Drilling & Exploration, Midland, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,540; The Dia-Log Co., Natchez, MS

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,541; The Dia-Log Co., Kilgore, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,547; Roughrider Drilling Fluids, Williston, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,784; Bovaird Supply Company, Williston, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,785; Lynco Drilling Co., Leveland, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,790; The Western Company of North America, Edinburg, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,792; J.W. Humbard & Associates, Midland, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,798; Wes-Tex Drilling Company, Abilene, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,801; R. & S Well Service, Inc., Thermopolis, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,897; Young Trucking, Corpus Christi, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,902; Franks Casing Crews, Corpus Christi, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,905; Renco Drilling Co., Carrizo Springs, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,906; Terrell Drilling, Graysville, IL

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,912; Bobs Casing Crews, Odessa, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,914; A.J. Hunt, Inc., Odessa, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,915; Black Gold Rental Tools, Corpus Christi, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,918; Safari Drilling, Abilene, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,919; Dakota Drilling, Bottineau, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,922; Arapahoe Drilling Co., Inc., Albuquerque, NM

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,618; Rine Drilling Co., Wichita, KS

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,625; Lin-Mour Drilling Co., Wichita FAlls, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,631; Burris Drilling Co., Denver, CO

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,639; Geo Quest International, Inc., Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,657; Rowan Drilling—US, Houston, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,666; Boelens' Well Service, Thermopolis, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,668; Bi Rite Mud and Chemical Company, Dallas, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,670; Nichols Mudlogging Co., Carthage, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-17,671; Pro Well Service, Thermopolis, WY

The workers' firm does not produce an article as required for certification

under Section 222 of the Trade Act of 1974.

TA–W–17,406; Delco Systems Operation, Culpeper, VA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–17, 469; Mustang Tripsaver, Inc., Corpus Christi, TX

Aggregate U.S. imports of oilfields are negligible.

TA–W–17,461; Inland Steel Mining Co., Minorca Mine, Virginia, MN

The investigation revealed that criterion (1) has not been met. Employment did not decline during the relevant period as required for certification.

TA–W–17,561; Dresser Magcobar Minerals, Greybull, WY

Aggregate U.S. imports of bentonite are negligible.

TA–W–17,600; Dresser Industries, Guiberson Division, Thermopolis, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,488; Prarie Energy, Watford City, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,357; Cyclops Corp., Cytemp Div., (Formerly Universal Cyclops Specialty Steel Div.), Headquarter Staff, Mt. Lebanon, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–17,294; Keystone Fireworks Manufacturing Co., Dunbar, PA

Separations from the subject firm were seasonal in nature.

TA–W–17,513; Wyo-Ben, Inc., Greybull, WY

Aggregate U.S. imports of bentonite are negligible.

TA–W–17,799; Halluburton Co., Wellex Division, Casper, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,752; Sivall, Inc., Odessa, TX

Aggregate U.S. Imports of oilfield machinery are negligible.

TA–W–17,728; Dresser Atlas Div., of Dresser Industries, Houston, TX

Aggregate U.S. imports of oilfield equipment are negligible.

TA–W–17,771; Henley Drilling Co., Dallas, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,781; Newpark Drilling Fluids, Dickinson, ND

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,781A; Newpark Drilling Fluid, Denver, CO

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,707; Halliburton Services, Monhans, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,708; Halliburton Service, Woodward, OK

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,714; Halliburton Service, Gillette, WY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,779; Stamper Drilling Corp., Waller, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,782; Parker Drilling Co., Odessa, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,800; Rogers Exploration, Inc., Midland, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,806; Bearden Drilling Co., Witchita Falls, TX

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–17,834; G.H. Bear, Wichita Falls, TX

Aggregate U.S. imports of oilfield machinery are negligible.

Affirmative Determinations

TA–W–17,330; Lou Taylor, Inc., Hialeah, FL

A certification was issued covering all workers of the firm separated on or after March 27, 1986.

TA–W–17,256; C.F. Hathaway Co., Waterville, ME

A certification was issued covering all workers of the firm separated on or after February 18, 1986.

TA–W–17,257; C.F. Hathaway Co., Dover Foxcroft, ME

A certification was issued covering all workers of the firm separated on or after February 18, 1986.

TA–W–17,218; Swimtex, Inc., Miami, FL

A certification was issued covering all workers of the firm separated on or after December 31, 1984 and before April 11, 1986.

TA–W–17,338; Bershap Co., New York, NY

A certification was issued covering all workers of the firm separated on or after March 26, 1985 and before March 26, 1986.

TA–W–17,338A; MIM Dress Co., New York, NY

A certification was issued covering all workers of the firm separated on or after March 26, 1985 and before March 26, 1986.

TA–W–17,338B; Arjoy Mfg, New York, NY

A certification was issued covering all workers of the firm separated on or after March 26, 1985 and before March 26, 1986.

TA–W–17, 286; Portec, Inc., Forgings Div., Canton, OH

A certification was issued covering all workers of the firm separated on or after March 1, 1985.

TA–W–17, 448; Timer Product Line, Robertshaw Controls, Tennessee Div., Lebanon, TN

A certification was issued covering all workers of the firm's timer product line separated on or after May 12, 1985.

TA–W–17, 379; National Standard Co., Strandflex Plant, Oriskany, NY

A certification was issued covering all workers of the firm separated on or after April 17, 1985 and before January 1, 1986.

TA–W–17, 282; Imperial Reading Corp., Lynchburg, VA

A certification was issued covering all workers of the firm separated on or after February 28, 1985 and before March 15, 1986.

TA–W–17, 233; Ultralight Systems, Inc., Perris, CA

A certification was issued covering all workers of the firm separated on or after February 5, 1985.

TA–W–17, 325; Somerset Technologies, Inc., Dept 12, Somerset, NJ

A certification was issued covering all workers of the firm separated on or after March 26, 1985 and before August 31, 1986.

TA–W–17, 786; Plastronics, Inc., (Kendall Co.), Milwaukee, WI

A certification was issued covering all workers of the firm separated on or after July 9, 1985 and before August 31, 1986.

TA–W–17, 304; Brier of Amsterdam, Inc., Amsterdam, NY

A certification was issued covering all workers of the firm separated on or after March 20, 1985.

TA–W–17, 207; Sweet Orr & Co., Inc., Anniston, AL

A certification was issued covering all workers of the firm separated on or after June 1, 1985.

TA–W–17, 324; Coleman Products, Inc., Iron River, MI

A certification was issued covering all workers of the firm separated on or after March 24, 1985 and before August 31, 1986.

TA–W–17, 236; Bel-Aire Products Co., Akron, OH

A certification was issued covering all workers of the firm separated on or after February 7, 1985 and before September 7, 1985.

TA–W–17, 758; Lynchburgh Foundry Co., Radford, VA

A certification was issued covering all workers of the firm separated on or after July 14, 1985.

TA–W–17, 371; Westland Manufacturing Corp., Greenburg, PA

A certification was issued covering all workers of the firm separated on or after June 1, 1985 and before July 31 1986.

TA–W–17, 120; F. Rulison & Sons, Inc., Johnston, NY

A certification was issued covering all workers of the firm separated on or after June 3, 1985.

TA–W–17, 215; Milo Woodcrafters, Milo, ME

A certification was issued covering all workers of the firm separated on or after September 1, 1985 and before February 28, 1986.

TA–W–17, 420; J.H. Wood, Inc., Lebam, WA

A certification was issued covering all workers of the firm separated on or after April 24, 1985.

TA–W–17, 307; Interstyle, Inc., Sparta, IL

A certification was issued covering all workers of the firm separated on or after March 13, 1985.

TA–W–17, 308; Interstyle, Inc., Carbondale, IL

A certification was issued covering all workers of the firm separated on or after March 13, 1985.

TA–W–17, 114; SK Wellman, Inc., Bedford, OH

A certification was issued covering all workers of the firm separated on or after December 27, 1984.

TA–W–17, 328; Emhart Industries, Inc., Hardware Div., Berlin, CT

A certification was issued covering all workers of the firm separated on or after September 1, 1986.

TA–W–17, 411; Wire Rope Corp., of America, Inc., St. Joseph, MO

A certification was issued covering all workers of the firm separated on or after January 1, 1986.

TA–W–17, 369; Transit America, Inc., Philadelphia, PA

A certification was issued covering all workers of the firm separated on or after April 10, 1985.

TA–W–17, 394; Dresser Industries, Galion Operation Construction & Mining Equipment Div., Galion, OH

A certification was issued covering all workers of the firm separated on or after April 23, 1985.

TA–W–17, 224; Carleanie, Inc., Minersville, PA

A certification was issued covering all workers of the firm separated on or after January 3, 1985 and before Auust 6, 1985.

TA–W–17, 359; Herman Iskin & Co., Inc., Telford, PA

A certification was issued covering all workers of the firm separated on or after April 8, 1985 and before August 31, 1986.

I hereby certify that the aforementioned determination were issued during the period September 8–12, 1986 and September 15–19, 1986. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 23, 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86–22429 Filed 10–2–86; 8:45 a.m.]

BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Old Mountain Gas Co. et al.

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than (October 14, 1986).

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than (October 14, 1986).

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 22nd day of September 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Old Mountain Gas Co. (workers)	Pleasantville, PA	9/9/86	8/4/86	TA-W-18, 122	Crude oil.
Giant Drilling Co., Inc. (workers)	Abilene, TX	9/8/86	8/22/86	TA-W-18, 123	Oil drilling.
Philbeck, Inc. (company)	Corpus Christi, TX	9/9/86	9/4/86	TA-W-18, 124	Pressure vessels.
Cimmarron Rigs, Inc. (workers)	Odessa, TX	9/9/86	9/4/86	TA-W-18, 125	Oil drilling.
Basin Drilling Corp; (workers)	Oklahoma City, OK	9/8/86	9/4/86	TA-W-18, 126	Oil and gas drilling.
Burt Stringer & Assoc. Well Service (workers)	Odessa, TX	9/8/86	9/4/86	TA-W-18, 127	Oil and gas well services.
Kelsch Basin Tire, Inc. (workers)	Williston, ND	9/9/86	8/26/86	TA-W-18, 128	Auto mechanical work.
Henkel Corp. (AFGM)	Kenedy, TX	9/9/86	9/5/86	TA-W-18, 129	Guar and guar derivatives.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
B&B Construction Co. (workers)	Odessa, TX	9/5/86	9/2/86	TA-W-18, 130	Oil field services.
Quarles Drilling Co. (workers)	Tulsa, OK	9/4/86	8/13/86	TA-W-18, 131	Oil drilling.
West Dale, Inc. (workers)	Ballinger, TX	9/3/86	8/19/86	TA-W-18, 132	Oil well service.
Cliffwood Energy (workers)	Pasadena, CA	8/12/86	8/8/86	TA-W-18, 133	Research and reviews oil deposites.
H.I. Biggs Trucking (workers)	Bridgeport, IL	9/3/86	8/28/86	TA-W-18, 134	Trucking service.
Petcc Fishing & Rental Tools (wkrs)	Laredo, TX	9/8/86	9/2/86	TA-W-18, 135	Rental of oilfield equipment.
C&S Specialty Comeron Equip. (Co.)	Corpus Christi, TX	9/8/86	8/28/86	TA-W-18, 136	Rental of oil drilling tools.
Jamco Sales & Service (workers)	Mirando City, TX	9/8/86	8/21/86	TA-W-18, 137	Gauging service.
Spain Construction Service, Inc. (wkrs)	St. Elmo, IL	9/8/86	9/2/86	TA-W-18, 138	Oil field construction.
Core Service, Inc. (company)	Corpus Christi, TX	9/8/86	9/4/86	TA-W-18, 139	Physical analysis on rock samples from oil wells.
Core Service, Inc. (company)	San Antonio, TX	9/8/86	9/4/86	TA-W-18, 140	Physical analysis on rock samples from oil wells.
Core Service, Inc. (company)	Carrizo Springs, TX	9/8/86	9/4/86	TA-W-18, 141	Physical analysis on rock samples from oil wells.
Core Service, Inc. (company)	Hebbronville, TX	9/8/86	9/4/86	TA-W-18, 142	Physical analysis on rock samples from oil wells.
Core Service, Inc. (company)	Victoria, TX	9/8/86	9/4/86	TA-W-18, 143	Physical analysis on rock samples from oil wells.
Homco International (workers)	Oklahoma City, OK	9/3/86	8/23/86	TA-W-18, 144	Buys and distributes oilfield supplies.
Kelli-Ray Corp. (workers)	Oklahoma City, OK	9/4/86	8/17/86	TA-W-18, 145	Oil well services.
Seibel & Sons, Inc. (workers)	Ross, ND	8/18/86	8/8/86	TA-W-18, 146	Buy steel and builds.
Arco Oil & Gas (workers)	Houston, TX	9/2/86	8/21/86	TA-W-18, 147	Oil and gas.
Arco Oil & Gas (workers)	Denver, CO	9/2/86	8/21/86	TA-W-18, 148	Oil and gas.
Enserch Corporation (workers)	Newtown, ND	9/3/86	8/20/86	TA-W-18, 149	Oil rigs maintenance.
Arco Oil & Gas (workers)	Lafayette, LA	9/2/86	8/21/86	TA-W-18, 150	Oil and gas.
Arco Oil & Gas (workers)	Pasadena, CA	9/2/86	8/21/86	TA-W-18, 151	Oil and gas.
Arco Oil & Gas (workers)	Bakersfield, CA	9/2/86	8/21/86	TA-W-18, 152	Oil and gas.
Arco Oil & Gas (workers)	Anchorage, AK	9/2/86	8/21/86	TA-W-18, 153	Oil and gas.
Arco Oil & Gas (workers)	Midland, TX	9/2/86	8/21/86	TA-W-18, 154	Oil and gas.
Reliant Management Service Co. (wkrs)	Stafford, TX	9/8/86	9/4/86	TA-W-18, 155	Oil and gas drilling.
Halliburton Services (workers)	Amarillo, TX	9/2/86	8/28/86	TA-W-18, 156	Oilfield equipment.
Geo-Search Corp. (workers)	Lubbock, TX	9/3/86	8/28/86	TA-W-18, 157	Records geological data for oil industry.
Chromalloy (workers)	Laredo, TX	8/11/86	8/6/86	TA-W-18, 158	Sells chemicals for drilling.
Schlumberger Production Service (workers)	Laredo, TX	9/8/86	9/2/86	TA-W-18, 159	Logging services for oil industries.
Schlumberger Offshore (company)	Beaumont, TX	7/30/86	7/16/86	TA-W-18, 160	Wireline services.
N.L. McCullough Corp. (workers)	McAllen, TX	9/8/86	9/3/86	TA-W-18, 161	Oil field services.
Lafayette Well Testing, Inc. (workers)	Laredo, TX	9/8/86	9/3/86	TA-W-18, 162	Oil well testing services.
John Drilling Company (workers)	Odessa, TX	9/3/86	8/20/86	TA-W-18, 163	Oil drilling.
Arrow Pants (ILGWU)	Garfield, NJ	9/15/86	8/25/86	TA-W-18, 164	Ladies skirts and pants.
Simonds Cutting Tools (USWA)	Newcomertown OH	9/12/86	9/9/86	TA-W-18, 165	Files and rasps for metal and wood cutting.
Confer Smith & Company (USA)	Hamburg, PA	9/11/86	9/10/86	TA-W-18, 166	Gray and ductile iron castings.
Federal Mogul Corp. (workers)	Mooresville, IN	9/15/86	9/3/86	TA-W-18, 167	Sleeve bearings for autos.
Ridgway Color Co. (USWA)	Ridgway, PA	9/15/86	9/11/86	TA-W-18, 168	Organic pigments, barium lithol red.
Cowden Company (workers)	Mt. Sterling, KY	9/17/86	9/10/86	TA-W-18, 169	Denim jackets and jeans.
Jay Garment Co. (workers)	Clarksville, TN	9/17/86	9/9/86	TA-W-18, 170	Worksuits, shirts, jeans.
USX Corp., USS Imperial Works (workers)	Oil City, PA	9/16/86	9/9/86	TA-W-18, 171	Continous casters, molds, mold supports for steel mills.
Edison Battery Products (Edison Employee Assoc.)	Belleville, NJ	9/17/86	9/11/86	TA-W-18, 172	Primary batteries.
United Dressed Beef Inc. (workers)	Minneapolis, MN	9/17/86	9/26/86	TA-W-18, 173	Boneless beef.
Phoenix Footwear (workers)	Secaucus, NJ	9/17/86	9/13/86	TA-W-18, 174	Womens casual shoes—sandals.
Quantum Logic Corp. (workers)	Secaucus, NJ	9/16/86	9/6/86	TA-W-18, 175	Laser pyrometer.
Schweizer Dipple, Inc. (Pipefitters Union)	Cleveland, OH	8/15/86	8/14/86	TA-W-18, 176	Mechanical contractor.
Allgretti Rowe, Inc. (workers)	El Paso, TX	9/3/86	8/25/86	TA-W-18, 177	Portable electric blowers for outside use.
C & S Dress Mfg (ACTWU)	Union City, NJ	8/25/86	8/20/86	TA-W-18, 178	Ladies dresses.
Transamerica Delaval Inc. (workers)	Oakland, CA	9/9/86	9/5/86	TA-W-18, 179	Commercial castings.
Nylon Net Company (company)	Memphis, TN	9/15/86	9/4/86	TA-W-18, 180	Netting for catching fish.
Columbian Cutlery (USWA)	Reading, PA	9/15/86	9/11/86	TA-W-18, 181	Grass and weedcutting hand tools.
Church & Dwight, Inc. (USWA)	Solvay, NY	9/16/86	9/11/86	TA-W-18, 182	Household soap and laundry detergent.
Empire Steel Castings (USWA)	Reading, PA	9/15/86	9/11/86	TA-W-18, 183	Steel castings.
PA Steel Foundry & Machine Co. (USWA)	Hamburg, PA	9/15/86	9/11/86	TA-W-18, 184	Steel castings.
Prestolite Wire Corp. (AIW)	Port Huron, Mi	9/12/86	9/5/86	TA-W-18, 185	Automotive wire and battery cable.
Allen Testproducts (AIW)	Kalamazoo, Mi	9/12/86	9/9/86	TA-W-18, 186	Auto engine and emission analyzers.
E.I. Dupont de Nemours (workers)	Corpus Christi TX	9/15/86	9/5/86	TA-W-18, 187	Sodium hyroxide, carbon tetrachloride, chlorine, perchloroethylene.
Hapco, Inc. (ILGWU)	Harrellsville, NC	9/11/86	9/5/86	TA-W-18, 188	Children's clothing.
HKH Industries, Inc. (ILGWU)	Jacksonville, FL	9/11/86	9/4/86	TA-W-18, 189	Children's coats.
Hubbard Sales Co. (workers)	Tallapoosa, GA	9/11/86	9/22/86	TA-W-18, 190	Men's slacks, sportcoats, and suits.
Birdsboro Corporation (USWA)	Birdsboro, PA	9/11/86	9/10/86	TA-W-18, 191	Production/fabrication of heavy machinery.
Birdsboro Corporation (USWA)	Reading, PA	9/11/86	9/10/86	TA-W-18, 192	Production/fabrication of heavy machinery.
Portec, Inc., Railway Maintenance Products Div. (USWA)	Troy, NY	9/11/86	9/5/86	TA-W-18, 193	Joints for railroad tracks.
Manitowoc Engineering Co. (IAWAW)	Manitowoc, WI	9/9/86	9/5/86	TA-W-18, 194	Self propelled truck mounted cranes.
Marathon Oil Co. (workers)	Bridgeport, IL	9/8/86	9/1/86	TA-W-18, 195	Crude oil.
LTV Steel Co, Mahoning Cold Finished Bar Plant (USWA)	Youngstown, OH	9/11/86	9/10/86	TA-W-18, 196	Cold finished bars.
Emerald Mines Corp. (UMWA)	Waynesburg, PA	9/9/86	9/13/86	TA-W-18, 197	Coal mining.
Clyde, Div. of AMCA Int'l (company)	Duluth, MN	9/15/86	9/10/86	TA-W-18, 198	Heavy material handling equipment.
Carrier Corp. (Sheet Metal Wkrs)	Syracuse, NY	9/18/86	9/16/86	TA-W-18, 199	Air conditioners and similar products.
Printronix/Data Printer Div. (IBEW)	Malden, MA	9/17/86	9/12/86	TA-W-18, 200	Computer printers used in main frame computers.
International Shoe Co. (URW)	Bryan, TX	9/9/86	9/5/86	TA-W-18, 201	Shoes soles, heels and slabs.
J.R. Handbags, Inc. (workers)	Opa Locka, FL	9/8/86	9/25/86	TA-W-18, 202	Ladies handbags.
Armco Steel Corp., National Supply Div. (workers)	Houston, TX	9/8/86	9/15/86	TA-W-18, 203	Provides administrative services.
Johnson Steel Wire Co., Inc. (USWA)	Worcester,	9/8/86	9/2/86	TA-W-18, 204	High carbon specialty steel wire.
Eastman Kodak (workers)	Dallas, TX	9/26/86	9/19/86	TA-W-18, 205	Photo-finishing.
Westmoreland Coal Co. (workers)	Clothier, WV	9/3/86	9/25/86	TA-W-18, 206	Coal mining.
Blumenthal Mfg Co., Inc. (workers)	Los Angeles, CA	9/2/86	9/27/86	TA-W-18, 207	Childrens sportswear.
International Play-tex (workers)	LaGrange, GA	9/2/86	9/27/86	TA-W-18, 208	Panties, bras, girdles.
Dana Corporation (workers)	Ashland, OH	9/17/86	9/12/86	TA-W-18, 209	Hydraulic cylinders and parts.

[FR Doc. 86-22430 Filed 10-2-86; 8:45 am]
BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a), and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in acordance with the provisions of the foregoing statues, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled, "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanation forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

Modifications to General Wage Determinaion Decisions

The numbers of the decisions listed in the Government Printing Office document entitled, "General Wage Determinations Issued Under the Davis-Bacon and Related Acts," being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut:
- CT86-1 (Jan. 3, 1986) ..... p. 64, pp. 66-69.

Maryland:
- MD86-1 (Jan. 3, 1986) ..... p. 384.
- MD86-2 (Jan. 3, 1986) ..... pp. 390-391.
- MD86-15 (Jan. 3, 1986) ..... p. 420.

New York:
- NY86-2 (Jan. 3, 1986) ..... pp. 645-647, pp. 649-652.
- NY86-11 (Jan. 3, 1986) ..... pp. 736-738.

Pennsylvania
- PA86-4 (Jan. 3, 1986) ..... p. 821.
- PA86-5 (Jan. 3, 1986) ..... pp .829-831.
- P86-6 (Jan. 3, 1986) ..... pp. 834-844.
- PA86-8 (Jan. 3, 1986) ..... pp. 859-861.
- PA86-12 (Jan. 3, 1986) ..... p. 887.
- PA86-14 (Jan. 3, 1986) ..... p. 894.
- PA86-16 (Jan. 3, 1986) ..... p. 904.
- PA86-19 (Jan. 3, 1986) ..... pp. 920-922.
- PA86-21 (Jan. 3, 1986) ..... pp. 933-934.

Volume II

Illinois:
- IL86-1 (Jan. 3, 1986) ..... pp. 62-67, pp. 80, 82
- IL86-2 (Jan. 3, 1986) ..... pp. 88-89, p. 19, pp. 98-99.
- IL86-3 (Jan. 3, 1986) ..... p. 105, pp. 107-109.
- IL86-5 (Jan. 3, 1986) ..... pp. 116, 118.
- IL86-7 (Jan. 3, 1986) ..... pp. 125, 127.
- Il86-8 (Jan. 3, 1986) ..... pp. 131-132.
- Il86-9 (Jan. 3, 1986) ..... p. 137.
- IL86-11 (Jan. 3, 1986) ..... pp. 146, 148.

Kansas:
- KS86-7 (Jan. 3, 1986) ..... p. 333.

Missouri:
- MO86-1 (Jan. 3, 1986) ..... pp. 540-541.
- MO86-3 (Jan. 3, 1986) ..... pp. 569-570.
- MO86-4 (Jan. 3, 1986) ..... pp. 576-577.
- MO86-8 (Jan. 3, 1986) ..... p. 595.
- MO86-10 (Jan. 3, 1986) ..... pp. 606-607.

Ohio:
- OH86-1 (Jan. 3, 1986) ..... pp. 662, 671.
- OH86-2 (Jan. 3, 1986) ..... pp. 676-678,pp. 680-684.
- OH86-3 (Jan. 3, 1986) ..... p. 697-698, p. 700.
- OH86-28 (Jan. 3, 1986) ..... pp. 752, 754.
- OH86-29 (Jan. 3, 1986) ..... pp. 757-762, pp. 764-769, pp. 784-789, p. 795.

Oklahoma:
- OK86-14 (Jan. 3, 1986) ..... p. 831.

Volume III

Colorado
- CO86-1 (Jan. 3, 1986) ..... p. 98, pp. 101-105.

Hawaii:
- HI86-1 (Jan. 3, 1986) ..... pp. 120-121.

Montana:
- MT86-1 (Jan. 3, ... p. 155-156, p. 160.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include annual edition (issued on or

about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 26th day of September 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-22237 Filed 10-2-86; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86-72]

NASA Advisory Council (NAC), Space Application Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Applications Advisory Committee (SAAC).

DATE AND TIME: October 21, 1986—8 a.m. to 5 p.m.; October 22, 1986, 8:15 a.m. to 4:30 p.m., October 23, 1986, 8 a.m. to 1 p.m.

ADDRESS: National Aeronautics and Space Administration, Room 226 A, 600 Independence Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Dudley G. McConnell, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202) 453-1420.

SUPPLEMENTARY INFORMATION: The NAC Space Applications Advisory Committee consults with and advises the Council and NASA on plans for, work in progress on, and accomplishments of NASA's Space Applications programs. The Committee is chaired by Leonard Jaffe and is composed of 34 members. The Committee operates both through a number of informal subcommittees and as a whole. The agenda which follows includes all Committee and subcommittee sessions. Each of the sessions will be open to the public up to the seating capacity of the room which is approximately 40 persons including Committee members and other participants.

Type of meeting: Open.

Agenda

Communications Subcommittee

October 21, 1986—Capital Gallery East, Room 770

8 a.m. Review and Finalize Communications Long Range Plan
4:30 p.m. Adjourn

October 22, 1986—Capital Gallery East, Room 770

8:15 a.m. Full Committee Convenes
10 a.m. Adjourn for Subcommittee Meeting
10:15 a.m. Review and Finalize Communications Long Range Plan
4:30 p.m. Adjourn

October 23, 1986—Capital Gallery East, Room 770

8 a.m. Review and Finalize Communications Long Range Plan
9 a.m. Summary of Subcommittee Activities; Agree on Draft Subcommittee Report to Full Committee
11 a.m. Full Committee Reconvenes
1 p.m. Adjourn

Information Systems Subcommittee

October 21, 1986—Room 226B

1 p.m. Attend Discussion of Remote Sensing Subcommittee
4:30 p.m. Adjourn

October 22, 1986—Room 226B

8:15 a.m. Full Committee Convenes
10 a.m. Adjourn for Subcommittee Meeting
10:15 a.m. Introduce New Committee Members
10:30 a.m. Review Status of Information Systems Operations (ISO) Plan
1:30 p.m. Update on Earth Observatory Systems/Science and Applications Information Systems (EOS/SAIS)
2:30 p.m. Briefing on National Space Science Date Center (NSSDC) and Scientific Computing at Goddard Space Flight Center
4:30 p.m. Adjourn

October 23, 1986—Room 226B

8 a.m. Discuss Subcommittee Work Plan for 1986-87
9 a.m. Summary of Subcommittee Activities; Agree on Draft Subcommittee Report to Full Committee
11 a.m. Full Committee Reconvenes
1 p.m. Adjourn

Microgravity Subcommittee

October 21, 1986—Capitol Gallery West, Room 100

8 a.m. Review of Extramural Research (Centers of Excellence, Commercialization Centers)
5 p.m. Adjourn

October 22, 1986—Capitol Gallery West, Room 100

8:15 a.m. Full Committee Convenes
10:15 a.m. Discuss Response to Vanderslice Report
2 p.m. Future Directions for Microgravity Research
4:30 p.m. Adjourn

October 23, 1986—Capitol Gallery West, Room 100

8 a.m. Work Plan to Review Discipline Working Group Reports
9 a.m. Summary of Subcommittee Activities; Agree on Draft Subcommittee report to Full Committee
11 a.m. Full Committe Reconvenes
1 p.m. Adjourn.

Remote Sensing Subcommittee

October 21, 1986—Room 226A

1 p.m. General Overview and Information
1:30 p.m. Review of the Long Range Applications Plan
4:30 p.m. Adjourn

October 22, 1986—Room 226A

8:15 a.m. Full Committee Convenes
10 a.m. Adjourn for Subcommittee Meeting
10:15 a.m. Budget Review and Shuttle Manifest Reviews
12 Noon Review and Respond to Earth System Sciences Committee (ESSC) Report

October 23, 1986—Room 226A

8:30 a.m. Final Review of Long Range Plan; Earth System Science Committee (ESSC) Comments
9 a.m. Plan January Subcommittee Meeting Agenda
11 a.m. Full Committee Reconvenes
1 p.m. Full Committee Adjourns

Richard L. Daniels,

Advisory Committee Management Officer National Aeronautics and Space Administration.

September 26, 1986.

[FR Doc. 86-22397 Filed 10-2-86; 8:45 am]

BILLING CODE 7510-01-M

[Notice 86-73]

NASA Advisory Council, Space Systems and Technology Advisory Committee (SSTAC) Meeting

AGENCY: National Aeronautics and Space Administration.

Federal Register Citation of Previous Announcement: 51 FR 33823, September 23, 1986.

Previously Announced Time and Date of Meeting: October 22, 1986, 9 a.m. to 12:30 p.m.

Changes in the Meeting: Date changed to October 23, 1986, 9 a.m. to 12:30 p.m.

CONTACT PERSON FOR MORE INFORMATION: Mr. James Romero, Code RS, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-2738).

Richard L. Daniels,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

September 26, 1986.

[FR Doc. 86-22396 Filed 10-2-86 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences
Date and Time: October 20–21, 1986; 9 a.m. to 5 p.m.
Place: National Science Foundation
October 20—Room 1242/1243
October 21—Room 540
Type of Meeting: Open
Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC 20550 (202/357–9488)
Summary Minutes: May be obtained from the contact person at the above address
Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short-range and long-range plans in astronomy, including a recommendation of relative priorities.
Agenda:

Monday, October 20; 9 a.m. to 5 p.m.

Introductory Remarks; Status of FY87 Budget; Report of Subcommittee Evaluating Procedures Used to Review the Quality of the Science Activities at the National Astronomy Centers; FY 87 Budget Impacts on AST Research Grant Programs and on National Astronomy Centers; AST Program Balance.

Tuesday, October 21; 9 a.m. to 5 p.m.

Status of Programs in NASA Astrophysics Divisions; Continued Discussion of Topics from Previous Day.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–22386 Filed 10–2–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Physics; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Physics
Date and Time:
October 23, 1986; 9:00 a.m. to 6:00 p.m.
October 24, 1986; 9:00 a.m. to 4:00 p.m.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC 20550
Type of Meeting: Open
Contact Person: Dr. Harvey B. Willard, Director, Division of Physics, Room 341, National Science Foundation, Washington, DC 20050.
Summary of Minutes: May be obtained from Mrs. Denise S. Henry, Division of Physics, National Science Foundation, Washington, DC 20550.
Purpose of Committee: To provide advice and recommendations concerning support for research in physics.
Agenda:

October 23, 1986: 9:00 a.m. to 6:00 p.m.

Oversight review of NSF support of elementary particle physics, including presentations by NSF staff and the report of the Subcommittee for Review of the NSF Elementary Particle Physics Program.
Discussion of funding issues in Physics.

October 24, 1986: 9:00 a.m. to 4:00 p.m.

Continuation of discussions on the Report of the Subcommittee for Review of the NSF Elementary Particle Physics Program. Status of FY87 and FY88 funding. Discussion of major projects, infrastructure, and balance among programs. Election of new chairman and other business.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–22388 Filed 10–2–86; 8:45 am]

BILLING CODE 7555–01–01M

Advisory Panel for Biochemistry; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, The National Science Foundation announces the following meeting:

Name: Advisory Panel for Biochemistry
Date: Monday and Tuesday, October 20 and 21, 1986, from 9:00 am to 5:00 pm
Place: Historic Inns of Annapolis, Annapolis, Maryland
Type of Meeting: Closed
Contact Person: Sigmund R. Suskind and H.T. Huang, Program Directors, Biochemistry Program, Room 329–D, Telephone (202) 357–7945
Purpose of Advisory Panel: To provide advice and recommendations concerning support for Biochemistry research proposals.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–22387 Filed 10–2–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Developmental Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Developmental Biology
Date and Time: October 16, 17, 18, 1986, starting at 9:00 A.M. to 5:30 P.M.
Place: Conference Room 628, National Science Foundation, 1800 G Street, NW Washington, DC 20550
Type of Meeting: Closed
Contact Person: Dr. Joseph P. Mascarenhas, Program Director or Dr. Judith Plesset, Assistant Program Director, Developmental Biology Program, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7989.
Purpose of Advisory Panel: To provide advice and recommendations concerning support for research in developmental biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.
Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, National Science Foundation, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–22385 Filed 10–2–86; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Psychobiology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L., 92–

463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Psychobiology.
Date and Time: October 20–22, 1986, 8:30 a.m.—5:00 p.m. each day.
Place: National Science Foundation, 1800 G Street, NW., Room 543, Washington, DC
Type of Meeting: Closed.
Contact Person: Dr. Fred Stollnitz, Program Director, Psychobiology Program, Room 320, National Science Foundation, Washington, DC., 20550, Telephone (202) 357–7949.
Purpose of Panel: To provide advise and recommendations concerning support for research in psychobiology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a propietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86–22789 Filed 10–2–86; 8:45 am]

BILLING CODE 7555-01-M

PENSION BENEFIT GUARANTY CORPORATION

Request for Extension of Approval Under the Paperwork Reduction Act of the Information Collection Requirement Contained in 29 CFR Part 2643

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval of extension.

SUMMARY: The Pension Benefit Guaranty Corporation has requested approval by the Office of Management and Budget for an extension of the expiration date of a currently approved information collection requirement (1212–0021) without any change in the substance or in the method of collection. The information collection, which is scheduled to expire on October 31, 1986, is contained in the PBGC's regulation on Variances for Sale of Assets, 29 FR Part 2643. The purpose of this notice is to advise the public of the PBGC's request for OMB approval of this extension.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

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

Issued at Washington, DC, this 29th day of September 1986.

Kathleen P. Utgoff,

Executive Director.

[FR Doc. 86–22483 Filed 10–2–86; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

September 29, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stock:

Lockheed Corporation (Delaware)
Common Stock, $1.00 Par Value (File No. 7–9248)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 21, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86–22478 Filed 10–2–86; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1–9017]

Issuer Delisting; Application To Withdraw From Listing and Registration; First Capital Holdings Corp.

September 29, 1986.

First Capital Holdings Corp. ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the Common Stock, Par Value $.01, from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's stocks was recently listed and registered on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its common stock on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its common stock.

Any interested person may, on or before October 21, 1986, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 22479 Filed 10-2-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 15331; File No. 812-6446]

Polycast Technology Corp. Application Requesting Temporary Exemption From All Provisions of the Act

September 26, 1986.

Notice is hereby given that Polycast Technology Corporation (the "Applicant"), 69 Southfield Avenue, Stamford, Connecticut 06902, filed an application on August 6, 1986, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting it from all provisions of the Act for a period ending October 31, 1986, or in the alternative, an order pursuant to section 3(b)(2) of the Act declaring that Applicant is primarily engaged in a business other than investment company activities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the applicable provisions thereof.

According to the application, Applicant, a Delaware corporation, is a reporting company under the Securities Exchange Act of 1934. Applicant states that the principal market for Applicant's common stock is the over-the-counter market and that it is also listed on the Boston Stock Exchange. Applicant further states that it is engaged in the manufacture and distribution of cell cast acrylic sheet, thermoplastic sheet, and acrylic rods and tubes.

Applicant represents that on August 7, 1986, it completed a public offering (the "Offering") of 40,000 Units (the "Units"), each Unit consisting of one 9-7/8% Subordinated Note due 1995 in the principal amount of $1,000 and 100 warrants (the "Warrants"), each Warrant entitling the holder thereof to purchase one share of the Applicant's common stock. The net proceeds from the Offering of the Units were approximately $37.8 million in cash. Applicant further represents that most of the cash has been invested in short-term and marketable securities so it may be readily available for the financing of potential acquisitions by Polycast. As of June 30, 1986, Applicant states that its assets consisted of approximately $670,000 of cash and cash equivalents, marketable securities of approximately 26,000,000, an investment in a repurchase agreement of approximately $10,000,000, trade receivables of approximately 5,300,000, inventories of approximately 3,800,000 prepaid expenses and other assets of approximately 3,000,000, fixed assets of approximately 12,300,000 and investments in wholly-owned subsidiaries of approximately 7,000,000.

Applicant states that prior to completion of the Offering and consistent with the requirements of Rule 3a-2 under the Act, the Board of Directors of the Applicant adopted a resolution declaring Applicant's intention to become engaged primarily in non-investment company businesses as soon as reasonably possible and in any event within one year from completion of the Offering. Applicant also states that the officers of Applicant had, even prior thereto, begun to direct their efforts toward acquiring such non-investment company businesses.

According to the application, representatives of Applicant began discussions with representatives of Uniroyal, Inc. ("Uniroyal") concerning acquiring Uniroyal's plastics business in March 1985. Applicant states that in October 1985, Uniroyal completed a restructuring of its businesses, following a leveraged buy-out, and has subsequently been engaged in selling various of its subsidiaries. Applicant further states that along with several other potential acquirers, it received an invitation in March 1985, to submit a bid to acquire Uniroyal Plastics Company, Inc. ("Plastics"), a subsidiary of Uniroyal. Applicant represents that it submitted its initial bid in April 1986 and subsequent bids were tendered by other potential acquirers from then until July 23, 1986, when Uniroyal accepted Applicant's bid. Applicant also represents that on July 23, 1986, it entered into a definitive agreement to purchase all of the outstanding shares of Plastics and the closing of the purchase of Plastics is subject to the satisfaction of various conditions, including receipt of government approvals and Applicant obtaining sufficient additional financing. Presently, Applicant states that the closing is scheduled to occur not later than September 30, 1986, but will not occur before August 7, 1986. Therefore, Applicant will not succeed in completing the acquisition of Plastics within the one-year exception provided by the Rule 3a-2 safe harbor.

Applicant asserts that it has been and is presently committed to its operating businesses as expeditiously as possible. Since the Offering, Applicant also asserts that it has been studying other potential acquisitions, some of which have been considered for acquisition in addition to Plastics and some of which have been considered as alternatives. On the closing of the purchase of Plastics, Applicant submits that it would clearly be primarily engaged in non-investment company businesses.

According to the application, Applicant and Uniroyal are presently engaged in meeting the closing conditions specified in the purchase agreement. In particular, Applicant represents that it is preparing to obtain approximately $135 million in bank and debt financing. On completion of the purchase of Plastics, Applicant believes that it would clearly be primarily engaged in non-investment company businesses. Applicant also believes that it is in the best interest of its stockholders to complete the acquisition of Plastics, and that it will complete such acquisition prior to September 30, 1986. In the meantime, Applicant contends that substantially all of Applicant's resources will remain committed to the acquisition of Plastics.

Applicant asserts that the request for exemption is necessary and appropriate in the public interest and consistent with the protection of investors. Applicant further asserts that it failed to become primarily engaged in operating businesses within the one-year period allowed by Rule 3a-2 due to factors beyond its control [such as its lack of control over the bidding process of Uniroyal). Applicant believes that its officers and employees have been trying since, and even prior to, the sale of the Units, and will continue to try, in good faith, to effectuate the investment of its assets in a non-investment company business. Finally, Applicant submits that it has invested substantially all the cash received upon the sale of the Units in securities solely to preserve its value pending application of such assets to an acquisition of non-investment company assets.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 20, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the

request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-22481 Filed 10-2-86; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15330; File No. 812-6457]

Sparekassen SDS and North America Inc.; Foreign Bank Application

September 26, 1986.

Notice is hereby given that Sparekassen SDS (the "Bank"), a Danish savings bank, and its wholly-owned subsidiary SDS North America Inc., a Delaware corporation, (the "Company," collectively, "Applicants"), c/o C. Thomas Kunz, Esq., Seward & Kissel, Wall Street Plaza (88 Pine Street) New York, New York 10005, filed an application on August 13, 1986 and an amendment thereto on September 22 and 25, 1986, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for a statement of the relevant provisions thereof.

Applicants state that the Bank is currently the fourth largest financial institution in Denmark in terms of size of assets, the third largest financial institution in Denmark in terms of amount of deposits and the largest savings bank in Scandinavia. The Bank is authorized to engage in bank activities under the provisions of the Commercial Banks and Savings Banks Act, Consolidation Act No. 374, August 15, 1985 (the "Banking Act"). Applicants represent that the Bank's business includes the receipt of deposits and the utilization of such deposits and the making of various types of loans, fiduciary services, payment transmission, brokerage, leasing, foreign exchange and loan syndication. As permitted under Danish law, the Bank also engages in underwriting activities and conducts various international operations.

Applicants state that the Bank is subject to a regulatory structure comparable to, and in certain important respects more restrictive than, that to which United States banks are subject. The Bank is regulated under the Banking Act, and is supervised by the Inspectorate of Commercial Banks and Savings Banks, under the auspices of the Danish Ministry of Industry. Applicants represent that, under the Banking Act, the Bank is required to comply with extensive requirements, including, among other things, requirements with respect to net capital, diversification of loans, liquidity, reporting and examination requirements.

Applicants state that the Company's sole business will consist of issuing and selling its short-term debt securities as described below and advancing the net proceeds of the sale thereof to the Bank and to subsidiaries of the Bank (the "Advances"). Applicants state that substantially all of the Company's assets will consist of the Company's rights to receive repayments from the Bank and its subsidiaries of indebtedness arising by reason of the Advances made by the Company from the net proceeds of sales of the Company's debt securities. The Bank represents that there has been, and undertakes that there will be, no future offering of the Company's capital stock or of any other equity of the Company. All of the Company's outstanding capital stock is owned by the Bank.

Applicants propose to offer for sale in the United States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes). According to the application, the Notes will be sold in minimum denominations of $100,000, will have maturities not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of the either the holders or whichever of the Applicants issued the Notes. Applicants state that it is anticipated that the Notes will be: (i) Issued by the Company and guaranteed by the Bank, (ii) issued directly by the Bank, or (iii) some combination of (i) and (ii). Applicants represents that the Notes will not be advertised or otherwise offered for sale to the general public, but, instead, will be issued and sold through one or more commercial paper dealers ("Dealer") in the United States to investors in the United States who normally purchase commercial paper. According to the application, if the Notes are issued by the Company and guaranteed by the Bank, the Notes will rank *pari passu* among themselves and equally with all other unsecured, unsubordinated indebtedness of the Company, and the Bank's guarantee of the Notes will rank equally with all deposit liabilities and all other unsecured, unsubordinated indebtedness of the Bank. If the Notes are issued by the Bank, Applicants represent that they will be the direct liabilities of the Bank, will rank *pari passu* among themselves and equally with all deposit liabilities and all other unsecured, unsubordinated indebtedness of the Bank.

Applicants undertake not to market any Notes until they have received an opinion from their United States counsel to the effect that the proposed offering of Notes is entitled to an exemption under section 3(a)(3) of the Securities Act of 1933 ("1933 Act"). Applicants do not request Commission review or approval of such opinion.

Applicants state that the Company will agree to advance to the Bank or its controlled subsidiaries all of the net proceeds of the sale of any Notes issued by the Company (after deduction for certain minor related incidental costs). Applicants further state that the Bank and its subsidiaries will be obligated to repay to the Company on the maturity date of each Advance the principal amount thereof, together with interest thereon payable from time to time in an amount sufficient to enable the Company to satisfy its liabilities in connection with the transaction. Each Advance will have the same maturity date as the maturity date of the Notes issued by the Company to obtain funds to make such Advance. The Bank and its controlled subsidiaries will use the proceeds of the Advances in the ordinary course of their respective businesses for "currrent transactions" within the meaning of section 3(a)(3) of the 1933 Act.

Applicants may from time to time offer their debt securities other than the Notes for sale in the United States. The proceeds of any such debt securities would, in the case of debt securities of the Company, be loaned or advanced to the Bank or its controlled subsidiaries in a similar manner to the Advances and, in the case of such debt securities issued by the Bank, be utilized directly by the Bank or its subsidiaries for general banking or other purposes. The obligations of the Company in respect of any such debt securities issued by the Company will be supported by the Bank's unconditional guarantee and the Bank will expressly consent to the enforcement of such guarantee directly by the holders of the debt securities. The future issuances of debt securities will have the same *pari passu* status as described above for the Notes.

Applicants undertake that no future debt securities shall be offered or sold

by either of them unless they have received an opinion of United States counsel or a "no-action" letter issued by the Staff of the Commission to the effect that the proposed offering is in compliance with, or entitled to an exemption from, the registration requirements of the 1933 Act, or unless the offering is made pursuant to a registration statement under the 1933 Act.

Applicants state that they will require each Dealer in the Notes to provide each offeree of the Notes and any future offerings of debt securities in the United States (together hereinafter referred to as "Securities") with a memorandum ("Offering Memorandum") describing the business of the Bank and the Company and providing the most recent annual audited financial statements for the Bank, together with a brief description of the material differences between the Danish accounting principals utilized in the preparation of the Bank's financial statements and generally accepted accounting principles as applied in the United States. Applicants contend that the Offering Memorandum prepared by each Dealer will be at least as comprehensive as Offering Memorandum customarily used in offering commercial paper in the United States and will be updated promptly to reflect material changes in the financial condition of the Applicants.

Applicants further represent that the Securities shall have received prior to issuance one of the two highest investment grade ratings from at least two nationally recognized statistical rating organizations and that Applicants' United States counsel will certify that such a rating has been received, provided, however, that no such rating need be obtained with respect to any such issue if, in the opinion of Applicants' United States counsel (such counsel having taken into account for the purposes thereof the doctrine of "integration" referred to in Rule 502 of Regulation D under the 1933 Act and various "no-action" letters made public by the Commission), an exemption from registration is available for the issuance of the Securities pursuant to section 4(2) of the 1933 Act or Regulation D promulgated thereunder.

Applicants state that they will select a major commercial bank or trust company to act as issuing and paying agent for the Securities. Applicants further state that the Bank will submit to the jurisdiction of any State or Federal court in the City of New York, and will authorize an agent to accept service or process, in any actions based upon the Securities or guarantees relating thereto. Such consent to jurisdiction and such appointment of an authorized agent to accept service of process will be irrevocable until all amounts due and to become due with respect to the Securities have been paid. Applicants consent to any order granting their application being expressly conditioned on the Applicants' compliance with the undertakings set forth above.

Applicants represent that issuance of the Securities is in the public interest and consistent with the protection of investors and the purposes of the Act. Applicants state that approval of the application would serve the national interest in permitting ready and economical access to the attractive rates available in the commercial paper market by entitles which do not require the regulation provided by the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 20, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for this request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 86-22480 Filed 10-2-86; 8:45 am]

BILLING CODE 8010-01-M

SELECTIVE SERVICE SYSTEM

Nondiscrimination on the Basis of Handicap In Selective Service System; Change in Telephone Number (TDD)

AGENCY: Selective Service System.

ACTION: Notice.

SUMMARY: The telephone number (TDD) of the Selective Service System for use by hearing impaired persons is changed to 312-688-2567.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, DC 20435, Phone 202-724-1167. TDD Phone 312-688-2567.

Wilfred L. Ebel,

Acting Director of Selective Service.

September 29, 1986.

[FR Doc. 86-22399 Filed 10-2-86; 8:45 am]

BILLING CODE 8015-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-0180]

Notice of Application for a Small Business Investment Company License; Washington Ventures, Inc.

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661, *et seq.*) has been filed by Washington Ventures, Inc. (Applicant), 619 14th Street NW., Washington, DC 20005 with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1986).

The officers, directors, and sole shareholder of the Applicant are as follows:

Name	Title or relationship	Percent of ownership
Luther H. Hodges, Jr., 3301 N. Street NW., Washington, DC 20007.	Chairman of the Board of Directors.	
Kenneth A. Swain, 4625 N. 26th Street, Arlington, VA 22207.	President, Director	
C. James Nelson, 3700 Blackhorn Ct., Chevy Chase, Maryland 20815.	Director	
Donald E. Ervin, 11500 Fairway Drive, Reston, Virginia 22090.	Director	
Kathleen W. Collins, 108 4th Street NE., Washington, DC 20002.	Senior Vice President, Secretary, Director.	
Patrick G. Hartley, 303 Summers Drive, Alexandria, VA 22301.	Senior Vice President, Treasurer, Director.	
James G. Tardiff, 1682 Oak Street NW., Washington, DC 20010.	Director	
Washington Bancorporation, 619 14th Street NW., Washington, DC 20005.	Sole Shareholder	100

Washington Bancorporation is a bank holding company whose major asset is the National Bank of Washington. Washington National Holdings, N.V. a Netherlands Antilles corporation, is the only beneficial owner of more than ten percent of the voting securities of the Applicant by virtue of its partial ownership of Colson, Inc., a Delaware

corporation, who owns in excess of 80 percent of Washington Bancorporation.

The Applicant, a District of Columbia corporation will begin operations with $1,000,000 in private capital. The Applicant will conduct its activities primarily in the States of Virginia and Maryland and the District of Columbia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" St. NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, DC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 26, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-22456 Filed 10-2-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Shipping Coordinating Committee; Meeting of the Subcommittee on Safety of Life at Sea, Working Group on Ship Design and Equipment

The Working Group on Ship Design and Equipment of the Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting on October 8, 1986 at 9:30 AM in Room 2415 at Coast Guard Headquarters, 2100 Second Street SW., Washington, DC.

The purpose of the meeting will be to discuss the activities of the 29th Session of the International Maritime Organization (IMO) Subcommittee on Ship Design and Equipment (DE), held May 19 to 23, 1986, and to prepare for the 30th Session of IMO DE, tentatively scheduled for June 1 to 5, 1987.

Major items of discussion include the following:

1. Maneuverability of Ships—Discussions will focus on the review of Resolution A.209(VII) and the recommendation on the Provision and Display of Maneuvering Information on Board Ships, which will supersede the recommendation on maneuvering information adopted by Resolution A.209(VII).

2. Watertight Doors in Passenger Ships—At the 29th Session of IMO DE, progress was made to further develop draft amendments to Regulation II-1/15 of the 1974 SOLAS Convention, as amended. Discussions will focus on the substance of these draft amendments and the need for a U.S. position paper to the 30th Session of IMO DE commenting on the particular amendments.

3. Review of the MODU Code—An ad hoc working group, established at the 29th Session of IMO DE, considered most chapters of the MODU Code with the following results: agreement on retaining the existing Preamble to the MODU Code, advising the Subcommittee on Stability, Loan Lines and Fishing Vessel Safety on Chapter 3, and proposing amendments to Chapters 1, 10, and 14. A U.S. draft MSC Circular on existing MODUs was adopted at the 29th Session and forwarded to the Maritime Safety Committee (MSC) without change. Chapter 4 and 5 of the MODU Code have not as yet been considered by the ad hoc working group on machinery and electrical installations. These chapters are scheduled for consideration by the ad hoc group at either the 30th Session of IMO DE or at an intersessional meeting—to be determined by the MSC at its 53rd Session, schedulde for September 8 to 17, 1986.

Other items of discussion include the following:

4. Harmonization of alarms.

5. Helicopter facilities.

6. Safety provisions for ships converted to floating receptions facilities.

7. MSC Circular on operating and emergency instructions in various languages.

8. Study of problems arising in emptying fuel oil from damaged double bottom tanks.

9. Possible inclusion of height above the keel in ships plans.

10. Proposed amendments to the Code of Safety for Special Purpose Ships regarding survival craft on sail training ships.

Members of the public may attend up to the seating capacity of the room.

For further information contact Captain G. G. Piche, U.S. Coast Guard Headquarters (G-MTH/12), 2100 Second Street SW., Washington, DC 20593, Telephone: (202)267-2967.

Dated: September 3, 1986.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 86-22517 Filed 10-2-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on September 26, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366-4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395-7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an information collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. Comments on the requests should be

forwarded, as quickly as possible, directly to the OMB officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB official of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on September 26, 1986.

DOT No: 2792
OMB No: 2132–0015
By: Urban Mass Transportation Administration
Title: Supporting Services/Cost Allocation Plan
Form(s): N/A
Frequency: On occasion
Respondents: State and local Governments
Need/Use: The plan is needed for audit purposes and must be submitted only if a grantee desires reimbursement for administrative costs in connection with a capital grant.

DOT No: 2793
OMB No: 2133–0506
By: Maritime Administration
Title: Merchant Marine Medals and Awards
Form(s): None
Frequency: On occasion
Respondents: Merchant seamen
Need/Use: For processing and verifying requests for merchant seamen's service awards.

DOT No: 2794
OMB No: 2120–0067
By: Federal Aviation Administration
Title: Air Taxi and Commercial Operator Airport Activity Survey
Form(s): FAA Form 1800–31
Frequency: Annually
Respondents: Air Carriers
Need/Use: Emplanement data collected from air taxi and commercial operators are required for the calculation of air carrier airport sponsor apportionments as specified by the Airport and Airway Improvement Act of 1982.

DOT No: 2795
OMB No: 2115–0092
By: United States Coast Guard
Title: Fleeting Facility Records
Form(s): N/A
Frequency: On occasion
Respondents: Barge facility owners in New Orleans, LA vincinity
Need/Use: This information collection requires the person-in-charge of barge fleeting facilities to keep records of barge mooring activities and hazardous cargo movements. The records are used to assure regulatory compliance and to provide documentary evidence should enforcement action be necessary.

DOT No: 2796
OMB No: 2133–0505
By: Maritime Administration
Title: Revised Standby Voluntary Tanker Agreement
Form(s): N/A
Frequency: On occasion
Respondents: Agreement participants (certain tanker companies)
Need/Use: Controlled tonnage reports are occasionally required of participants for defense mobilization/emergency planning.

DOT No: 2797
OMB No: 2133.0504
By: Maritime Administration
Title: Regulations for Making Excess and Surplus Federal Property Available to the U.S. Merchant Marine Academies and Approved Nonprofit Maritime Training Institutions
Form(s): N/A
Frequency: On occasion
Respondents: USMMA, State Maritime Academies, and certain maritime schools
Need/Use: Upon notification certain vessels, shipboard equipment, and other marine equipment owned by the Government and determined to be excess or surplus can be made avaialble to qualified maritime training institutions for instructional purposes.

DOT No: 2799
OMB No: 2105–0507
By: Office of the Secretary of Transportation
Title: Department of Transportation, FAR Supplement
Form(s): DD Forms 375, 882, and 1567 DOT Forms 4220.3, 4220.4, 4220.5, 4220.6, 4220.7, 4220.10, and 4220.21
Frequency: Varies
Respondents: Government Contractors
Need/Use: These requirements are necessary for DOT to carry out its mission. The information is used to evaluate bids and proposals, establish and monitor contracts, and ensure compliance with mandatory public provisions. Respondents include manufacturers, suppliers, engineering firms, etc., both large and small.

DOT No: 2800
OMB No: New
By: Office of the Secretary of Transporation
Title: Procurement Operations DOT
Form(s): Various GSA Standard Forms Used in Procurement
Frequency: Varies
Respondents: Government Contractors
Need/Use: DOT must have approval in order to carry out its mission. The information is necessary in order for DOT to evaluate bids and proposals, establish and monitor contracts, and ensure compliance with mandatory public policy provisions. Respondents include manufacturing, supply, engineering firms, etc., both large and small.

DOT No: 2802
OMB No: 2115–0073
By: United States Coast Guard
Title: Alternative Compliance—COLREGS
Form(s): N/A
Frequency: On occasion
Respondents: Vessel owners, operators, builders and agents
Need/Use: Vessel owners, operators, builders, and agents whose vessel cannot fully comply with equipment requirements of 72 COLREGS without interference with special functions of the vessel may apply for an alternative compliance. This information collection is needed to determine that the alternaive compliance is justified, and to determined the conditions thereof.

Issued in Washington, DC, on September 26, 1986.

John E. Turner,

Director of Information Resource Management.

[FR Doc. 86–22394 Filed 10–2–86; 8:45 am]

BILLING CODE 4910–62–M

Order Adjusting International Cargo Rate Flexibility Level

Policy statement PS–109, implemented by Regulation ER–1322 of the Civil Aeronautics Board and adopted by the Department, established geographic zones of cargo pricing flexibility, within which cargo rate tariffs filed by carriers would be subject to suspension only in extraordinary circumstances.

The SFRL for a particular market is the rate in effect on April 1, 1982, adjusted for the cost experience of the carriers in the relevant ratemaking entity. The first adjustment was effective April 1, 1983. By Order 86–4–8, the Department established the currently effective SFRL adjustments.

In establishing the SFRL for the six-month period starting October 1, 1986, we have projected nonfuel costs based on the year ended June 30, 1986, data and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as reported to the Department by the carriers.

By Order 86–9–91 cargo may be adjusted by the following adjustment factors over the April 1, 1982, level:

Atlantic	0.8446

Western Hemisphere.....8834
Pacific.....1.0145

For Further Information Contact: Julien Schrenk, (202) 366-2441.

By the Department of Transportation.

Dated: September 29, 1986.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86-22460 Filed 10-2-86; 8:45 a.m.]

BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ending September 26, 1986

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44374

Parties

Members of International Air Transport Association

Date Filed: September 25, 1986

Subject: SCR Description Writer's Guidelines

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-22397 Filed 10-2-86; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended

September 26, 1986.

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44366

Date Filed: September 22, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 20, 1986

Description:

Application of Continental Airlines, Inc. and Air Micronesia, Inc., pursuant to Section 401 of the Act and Subpart Q of the Regulations requests amendment of certificates of public convenience and necessity for Route 171 and Route 170, respectively, so as to authorize Continental/Air Micronesia to operate nonstop service between the United States coterminals Guam and Saipan, Northern Mariana Islands, and Fukuoka, Japan.

Docket No. 44367

Date Filed: September 22, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 20, 1986

Description:

Application of American Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity authorizing it to provide service between the co-terminal points New York and Miami and the terminal point Caracas, Venezuela.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-22392 Filed 10-2-86; 8:45 am]

BILLING CODE 4910-62-M

Galaxy Airlines, Inc., Continuing Fitness Investigation; Change in Location of Prehearing Conference

[Docket No. 43940]

Notice is hereby given that the location of the prehearing conference in the above-entitled proceeding scheduled to commence on September 30, 1986, at 10:00 a.m. (local time), in Hearing Room 2, Lower Level, 2120 L Street NW., is moved to Room 5332, Nassif Building, 400 7th Street SW., before the undersigned administrative law judge.

Dated at Washington, DC, September 25, 1986.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 86-22393 Filed 10-2-86; 8:45 am]

BILLING CODE 4910-62-M

Federal Railroad Administration

[RS&I-Ap-No. 1031]

National Railroad Passenger Corp.; Public Hearing

The National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for relief from certain requirements of § 236.23 and 236.514 of the Rules, Standards and Instructions (49 CFR 236.23 and 236.514).

In particular Amtrak requests permission: (1) To use a wayside signal aspect consisting of a flashing series of lights at an angle of approximately 45 degrees to the vertical over a flashing series of vertical lights with an indicator illuminated to display the numerals 70 in order to indicate "Proceed approaching next signal at diverging speed" and (2) to use a wayside signal aspect of flashing vertical lights with an indicator illuminated to display the numerals 70 to indicate "Proceed; Diverging speed within the interlocking limits." The illuminated numerals would indicate the diverging speed. The cab signal aspect would simultaneously display a series of vertical lights or a green light, either of which would indicate "Proceed."

This relief is sought in connection with the installation of a high speed crossover between tracks No. 1 and No. 2 at Grove Interlocking, near Odenton, Maryland, on the Baltimore Division of the Northeast Corridor.

This proceeding is identified as FRA Rules, Standards and Instructions application No. 1031.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on the proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on November 13, 1986, in Room 8236 of the Nassif Building at 400 7th Street, SW., Washington, DC.

The hearing will be an informal one, and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.21), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, cross-examination of persons presenting statements will be somewhat limited. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on September 30, 1986.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 86-22613 Filed 10-2-86; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: September 30, 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: 1512–0195.
Form Number: ATF F 5110.25.
Type of Review: Extension.
Title: Application for Operating Permit Under 26 U.S.C. 5171(d).

OMB Number: 1512–0204.
Form Number: ATF F 5110.38.
Type of Review: Extension.
Title: Formula for Distilled Spirits Under the Federal Alcohol Administration Act—Supplemental.

OMB Number: 1512–0309.
Form Number: ATF REC 5120/4.
Type of Review: Extension.
Title: Notices and Records Relating to the Use of Carbon Dioxide in Still Wine.

OMB Number: 1512–0399.
Form Number: ATF F 5400.21.
Type of Review: Extension.
Title: Application Permit for User Limited Special Fireworks Under 18 U.S.C. Chapter 40, Explosives.

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.

Douglas J. Colley,
Departmental Reports Management Office.

[FR Doc. 86–22484 Filed 10–2–86; 8:45 am]
BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 192
Friday, October 3, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" ANNOUNCEMENT OF PREVIOUS CITATION: 51 FR 34311, Friday, September 26, 1986.

TIME AND DATE OF MEETING: Wednesday, October 1, 1986.

CHANGES: Meeting canceled.

Listed below are the agenda items which were canceled.

Commission Meeting, Wednesday, October 1, 1986, 10:00 a.m., Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

Open to the Public

1. General Policy Statement

The Commission will consider a proposed Statement of General Policy concerning the structure and workings of the Commission staff and the flow of information within the Agency.

2. Commission Structure

The Commission will consider certain Agency structural realignments initiated by the Chairman.

3. Industrial Safety Handbook.

The Commission will consider the proposal forwarded by the American National Standards Institute/CPSC Coordinating Committee for the Commission to lead in the development of a publication to be used by manufacturers of Consumer Products. The publication would assist in the manufacture of safer products.

4. Management Review: Field Operations Reorganization

The staff will brief the Commission on issues related to reorganization options for field operations.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

September 30, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–22498 Filed 10–1–86; 9:27 am]

BILLING CODE 6355-01-M

2

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" ANNOUNCEMENT OF PREVIOUS CITATION: 51 FR 34311, Friday, September 26, 1986.

TIME AND DATE OF MEETING: Thursday, October 2, 1986.

CHANGES: Meeting Canceled.

Listed below is the agenda item which was canceled.

Commission Meeting, Thursday, October 2, 1986, 10:00 a.m., Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

Open to the Public

FOIA Fees: Options

The Commission will consider proposed amendments to sections of the Freedom of Information Act regulatons pertaining to fees.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–22459 Filed 10–1–86; 9:28 am]

BILLING CODE 6355-01-M

3

FARM CREDIT ADMINISTRATION

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming 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 October 7, 1986, from 10:00 a.m. until such time as the Board concludes it business.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Auberger, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090, (703–883–4010).

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters at the meeting are:

1. Approval of Minutes of September Meeting.
2. Regulations:

Final

Parts 614 and 618—Shareholder/Borrower's Rights
Parts 600 thru 619—Technical Amendments

3. Other Financial Institutions Requests for Retire Equity Investment in Federal Intermediate Credit Banks.
*4. Examination and Enforcement Matters.

*Closed Session—exempt pursuant to 5 U.S.C. 552b(c) (4), (8) and (9).

Dated: October 1, 1986.

Frank W. Naylor, Jr.,

Chairman, Farm Credit Administration.

[FR Doc. 86–22569 Filed 10–1–86; 3:20 pm]

BILLING CODE 6705-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, October 7, 1986, to consider the following matters:

Summary Adenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an intem be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for consent to merge and establish one branch:

First Security Bank, Searcy, Arkansas, an insured State nonmember bank, for consent to merge, under its charter and title, with The First Bank, Griffithville, Arkansas, and for consent to establish the sole office of The First Bank as a branch of the resultant bank.

Application for consent to merge and establish four branches:

The Islamorada Bank, Monroe County (P.O. Islamorada), Florida, an insured State nonmember bank, for consent to merge, under its charter and with the title "T.I.B. State Bank of the Florida Keys," with Florida Keys First State Bank, Key West, Florida, and for consent to establish the four offices of Florida Keys First State Bank as branches of the resultant bank.

Applications for consent to merge and establish 63 branches and to exercise full trust powers:

Key Bank of Oregon, Woodburn, Oregon, an insured State nonmember bank, for consent to merge, under its charter and title, with Citizens Valley Bank, Albany, Oregon; Pacific Western Bank, Portland, Oregon; Hood River County Bank, Hood River, Oregon; and The First National Bank of McMinnville McMinnville, Oregon, for consent to establish the 61 operating branches and the two approved but unopened branches of these banks as branches of the resultant bank, and for consent to exercise full trust powers.

Application for consent to purchase assets and assume liabilities:

Pike County Bank, Murfreesboro, Arkansas, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Murfreesboro, Arkansas, Office of FirstSouth, F.A., Pine Bluff, Arkansas, a non-FDIC-insured institution.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,404–NR (Amendment)
Golden Pacific National Bank, New York (Manhattan), New York
Case No. 46,664–L (Amendment)
Toney Brothers Bank, Doerun, Georgia
Case No. 46,685–SR (Amendment)
The Farmers and Merchants State Bank of Rush County, La Crosse, Kansas
Case No. 46,689–L
Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico
Case No. 46,690–L
South Coast Bank, Costa Mesa, California
Case No. 46,691–SR (Amendment)
The Des Plaines Bank, Des Plaines, Illinois
Memorandum and Resolution re:
American City Bank, Los Angeles, California

Memorandum and Resolution re: Revision of Part 304 of the Corporation's rules and regulations, entitled "Forms, Instructions and Reports," which (1) removes obsolete information from the regulation, updates information which still pertains, and adds information not previously included; and (2) reogranizes the regulation in order to improve its clarity and overall utility to the reader.

Reports of Committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:

Summary Audit Report re:
California Heritage Bank, San Diego, California (2510) (Memo dated August 22, 1986)
Summary Audit Report re:
The Farmers and Merchants State Bank of Rush County, La Crosse, Kansas (6630) (Memo dated August 21, 1986)
Summary Audit Report re:
Decatur County National Bank of Oberlin, Oberlin, Kansas (2514) (Memo dated August 21, 1986)
Summary Audit Report re:
Bank of Dixie, Lake Providence, Louisiana (2529) (Memo dated September 11, 1986)
Summary Audit Report re:
State Bank of Frost, Frost, Minnesota (2525) (Memo dated September 3, 1986)
Summary Audit Report re:
The Farmers State Bank of Barry County, Exeter, Missouri, Exeter, Missouri (2520) (Memo dated September 12, 1986)
Summary Audit Report re:
Lake National Bank, Lake Ozark, Missouri (2521) (Memo dated September 12, 1986)
Summary Audit Report re:
Farmers & Merchants Bank, Comstock, Nebraska (6642) (Memo dated September 10, 1986)
Summary Audit Report re:
Farmers State Bank, Sargent, Nebraska (2524) (Memo dated September 5, 1986)
Summary Audit Report re:
The Dill State Bank, Dill City, Oklahoma (2515) (Memo dated August 21, 1986)
Summary Audit Report re:
The Farmers and Merchants National Bank of Hennessey, Hennessey, Oklahoma (5638) (Memo dated September 5, 1986)
Summary Audit Report re:
American Bank of Casper, Casper, Wyoming (6652) (Memo dated September 6, 1986)
Summary Audit Report re:
Cash Study (Memo dated August 21, 1986)
Summary Audit Report re:
Payroll System Development Project (Memo dated August 26, 1986)
Summary Audit Report re:
Review of 1985 Reconciliation of Accounts Payable, Cash Disbursements, and General Ledger Accounts (Memo dated August 20, 1986)

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 898–3813.

Dated: September 30, 1986.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 86–22519 Filed 10–1–86; 11:01 am]
BILLING CODE 6714–01–M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, October 7, 1986, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6),(c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further pulic notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

A report regarding the Corporation's assistance agreement with an insured bank.

Recommendation regarding the Corporation's liquidation activities.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: September 30, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson.

Executive Secretary.

[FR Doc. 86–22520 Filed 10–1–86; 11:01 am]

BILLING CODE 6714-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—October 8, 1986.

PLACE: Hearing Room One—1100 L Street NW., Washington, DC 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTER TO BE CONSIDERED: Portion open to the public:

1. Docket 85–18: Member Lines of the Transpacific Westbound Rate Agreement—Possible Violations of the Shipping Act of 1984; Review of Initial Decision.

Portions closed to the public:

1. Agreement No. 204–010986 and 204–010986–001: United States Peru Equal Access Agreement, Peruvian Decree No. 009–86–TC; Section 19 Status Report.

2. Docket No. 82–49: Reefer Express Lines Pty., Ltd. v. Uiterwyk Cold Storage Corp., Eller & Company, Inc. and Tampa Port Authority—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 86–22534 Filed 10–1–86; 8:45 am]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE 10:00 a.m., Wednesday, October 8, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street enterance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed change to the Board's policy on the frequency of consumer compliance examinations.

Discussion Agenda

2. Proposal regarding fees for examinations of Edge corporations and for processing applications for banks and bank holding companies.

3. Proposed market research study on new currency design.

4. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: October 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–22626 Filed 10–1–86; 11:22]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:30 a.m., Wednesday, October 8, 1986, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Request from an outside organization for funding.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: October 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–22527 Filed 10–1–86; 11:23 am]

BILLING CODE 6210-01-M

9

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold an open meeting as soon as possible following the signing of the Tax Reform Act of 1986:

To consider whether to authorize the issuance of an interpretive release concerning the disclosure of the effects of the Tax Reform Act of 1986. The Commission may discuss the disclosure by registrants of the effects of the Tax Reform Act, and whether it should object to the presentation of disclosures which quantify the effects of the Tax Reform Act by the pro forma application of the provision of the Financial Accounting Standards Board's Exposure Draft, "Proposed Statement of Financial Accounting Standards—Accounting for Income Taxes." For further information, please contact John A. Heyman at (202) 272–2130.

Commission Fleischman, as duty officer, determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Kathryn Natale at (202) 272–3195.

Shirley E. Hollis,

Assistant Secretary.

September 30, 1986.

[FR Doc. 86–22528 Filed 10–1–86; 12:59 pm]

BILLING CODE 8010-01-M

federal register

Friday
October 3, 1986

Part II

Environmental Protection Agency

Final NPDES General Permit for Oil and Gas Operations on the Outer Continental Shelf and in State Waters of Alaska: Cook Inlet/Gulf of Alaska; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OW-10-FRL-3089-4]

Final NPDES General Permit for Oil and Gas Operations on the Outer Continental Shelf and in State Waters of Alaska: Cook Inlet/Gulf of Alaska

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final NPDES General Permit.

SUMMARY: The Regional Administrator of Region 10 is today issuing a final National Pollutant Discharge Elimination System (NPDES) general permit for oil and gas exploration wells on the Alaskan Outer Continental Shelf (OCS) and in offshore and coastal waters of the State of Alaska. Notice of the draft general permit was published on July 17, 1985, at 50 FR 28974. The permit authorizes exploratory discharges in all areas offered for lease by the U.S. Department of the Interior's Minerals Management Service (MMS) in Federal Lease Sales 55 (Gulf of Alaska) and 60 (Cook Inlet). Additionally, the authorized exploratory discharge sites include all Cook Inlet blocks previously offered for lease by the State of Alaska or offered under state lease sales held during the effective period of this permit.

The Cook Inlet/Gulf of Alaska general permit also covers discharges from oil and gas development and production operations in waters of the State of Alaska located in Upper Cook Inlet (i.e., north of the Forelands). The permit does not authorize discharges into any wetlands adjacent to the territorial seas or inland coastal waters of the State of Alaska, or from facilities defined as "onshore" (40 CFR Part 435, Subpart C).

Issuance of the final general permit constitutes Agency action under the Administrative Procedure Act (5 U.S.C. 558(c)) and renders null and void as of the permit effective date all individual permits in the area covered by this general permit which have been continued under 40 CFR 122.6 and the Administrative Procedure Act. There are eighteen facilities with active individual NPDES permits in this category. Each of these individual permittees has complied with reissuance application procedures and has indicated a preference to be covered under this general permit. Region 10 announced its intention when the draft general permit was proposed to cover these facilities under the general permit. Since no objections were received during the public comment period, these facilities, which are listed in the permit, are automatically covered by the general permit as of its effective date.

The final permit establishes effluent limitations, standards, prohibitions, and other conditions on discharges from facilities in these areas. A copy of the permit is printed below. The conditions are based on material contained in the administrative record. A brief description of the basis for the conditions and requirements of the final general permit is given in the final fact sheet and statement of basis published below. Changes made in response to comments received during the public comment period are briefly discussed in the fact sheet. They are addressed in full in a document entitled "Response to Comments Received on Cook Inlet/Gulf of Alaska Permit (NPDES General Permit No. AKG285000)." This document is being sent to all commenters and is available to other parties from the address below upon request.

DATES: This permit shall become effective on October 10, 1986. The short timeframe between the issuance and effective dates is necessary in order not to delay a new production operation in Cook Inlet. In accordance with 40 CFR 23.2, Region 10 hereby specifies that this permit shall be considered final agency action for purposes of judicial review at 9 a.m. Alaska Daylight Savings Time on October 10, 1986.

Comments on any typographical errors, incorrect cross-references, or similar errors may be submitted on or before the date 60 days after publication of this notice. The permit effective date will not be delayed by consideration of the comments.

Request For Coverage

Facilities receiving automatic coverage under the general permit need not submit a formal request for coverage prior to commencement of discharges. However, the information required by Part I.C. of the permit must be submitted within 30 days of the effective date of the permit. Specific permit numbers under the general permit have been assigned to each permittee of this type. The numbers are listed at the beginning of the permit.

For all other facilities, written request for coverage under the general permit shall be provided to EPA, Region 10, at least 60 days prior to initiation of discharges, as described in Parts I.A.1. and I.B.1. of the final permit. Written requests for authorization to discharge shall be provided at least 30 days prior to initiation of discharges, as described in Parts I.A.2. and I.B.2. of the permit. Facilities wishing to start discharging within 60 days after the permit becomes effective need not comply with the 60-day requirement, but shall provide the request for coverage as soon as possible prior to initiation of discharges.

Authorization to discharge requires written notification from EPA that a specific permit number has been assigned to operations at the discharge site. The permit also requires permittees to notify EPA within the 7-day period prior to the initiation of discharges at the site, and prior to the initiation of discharges from each new well at a given site.

The administrative record for the final permit is available for public review at EPA, Region 10, 13th Floor, at the address lised below.

ADDRESS: Requests for coverage and authorization to discharge should be sent to: Environmental Protection Agency, Region 10, Attn: Ocean Programs Section M/S 430, 1200 Sixth Avenue, Seattle, Washington 98101. For state waters, copies of the requests should also be sent to: Southcentral Regional Office, Alaska Department of Environmental Conservation, 437 E Street, Suite 200, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Kerrie Schurr, Region 10, at the address listed above or telephone (206) 442-1774. Copies of the final general permit, response to comments, and today's notice will be provided upon request.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Regional Administrator of Region 10 is today issuing a final NPDES general permit for discharges from oil and gas exploration wells in state waters of Cook Inlet and in federal waters offered for lease in OCS Lease Sales 55 and 60. The permit also covers discharges from oil and gas development and production operations in Upper Cook Inlet (i.e., north of the Forelands). The final permit replaces any expired individual permits for oil and gas facilities in these areas. The draft permit proposed to grant automatic coverage under the general permit to 20 such facilities with active operations. The final permit automatically covers only 18 facilities, since one permittee indicated that it no longer needed coverage for two exploratory operations.

On July 17, 1985 (50 FR 28974), the Region published a notice of the draft general permit which is being issued in final form today. Comments and supporting documents on the draft permit were received from 12 parties. No public hearing was held since no requests to hold it were received. All of

the material submitted during the public comment period is included in the administrative record and was considered in determining the conditions for today's final permit.

Region 10 published a detailed fact sheet for the draft permit (50 FR 28974). Section I of that fact sheet (General Permits and Requests for Individual NPDES Permits) is being incorporated by reference without change as part of the final fact sheet and statement of basis for today's final permit. Section II (Covered Facilities and Nature of Discharges) and Section III (Statutory Basis for Permit Conditions) are incorporated by reference with minor changes, which are discussed in Sections II and III of this final fact sheet. The material in these sections should be consulted in reviewing the applicability and scope of the final permit conditions.

The remaining sections of the fact sheet for the draft permit discussed specific conditions of the proposed permit (Section IV) and the required findings made with respect to other legal requirements (Section V). Because the draft permit was revised in response to public comments, Section IV of the original fact sheet required changes. The new Section IV discusses the basis for each of the conditions in today's final permit, and explains major changes made in response to public comments. Section V presents the necessary legal findings for the final permit.

A detailed listing of and response to public comments received on the draft permit is included in the document entitled "Response to Comments Received on Cook Inlet/Gulf of Alaska Permit (NPDES General Permit No. AKG285000)." The comments and responses have not been printed in today's notice due to their number and length. The document and the original comment letters have been included in the administrative record for the permit. The document is being sent to all commenters and is also available upon request from EPA Region 10.

II. Covered Facilities and Nature of Discharges

This section incorporates by reference Section II (including Figure 1) of the fact sheet for the draft permit, with minor changes as noted below. The following discussion also explains changes in the final permit related to the facilities covered and the nature of the discharges.

A. Nature of Discharges

Under the final permit, the number of wells per exploratory site is not limited to five. Instead, the number of wells from which discharges may occur has been limited to five. The change was made in response to a comment that EPA does not have authority under NPDES permits to limit the number of wells per site.

The final permit authorizes all of the discharges proposed in the draft permit. The category of well treatment fluids, which was proposed in the draft permit to include workover, completion, and test fluids as well, has been divided into four separate categories: well treatment fluids, completion fluids, workover fluids, and test fluids. The revision more closely matches industry's terminology and emphasizes the distinctions between the four fluids, each of which has a different function.

A new discharge has been added to the final permit in response to requests by commenters: produced solids. The basis for the decision is discussed in Section IV of this fact sheet and the Response to Comments. No other new discharge categories were requested.

Because of the change to the well treatment fluids category above, the statement that "The major production operation pollutant sources are produced water and well treatment fluids" is revised to read ". . . and well treatment, workover, and completion fluids."

Since the draft permit was proposed, the Endicott Development Project in the Beaufort Sea has commenced drilling. As a result, the sentence "Thus, the Cook Inlet region differs from other offshore regions of Alaska, where development and production are either nonexistent or in the early stages of planning" is modified to read ". . . or in the early stages of development."

B. Facilities and Areas of Coverage in Federal Waters

Sale 88, which had been postponed indefinitely at the time that the permit was proposed, was cancelled by MMS in May 1986.

Continued permits for two Chevron exploratory operations in federal waters will be rendered null and void by issuance of this general permit. There is no longer a need to give the operations automatic coverage under the general permit since Chevron stated that the leases had already been surrendered to MMS or would be surrendered soon.

C. Facilities and Areas of Coverage in State Waters

The production platform "planned to be built near existing platforms in the Trading Bay area in 1986" is under construction. The operator expects to apply for coverage for this facility, the Steelhead gas platform, under the general permit and begin discharging a few waste streams as early as mid-October, 1986. Drilling discharges would likely commence in early 1987.

III. Statutory Basis For Permit Conditions

This section incorporates by reference Section III of the fact sheet for the draft permit. The following brief discussion provides additional information relating to material presented in paragraphs A. and B. of Section III. of that fact sheet.

A. Technology-Based Effluent Limitations

1. BPT Effluent Limitations: The BPT effluent limitations guideline for produced sands (i.e., produced solids) required "no discharge of free oil."

2. BAT and BCT Effluent Limitations: BAT and BCT effluent limitations guidelines and New Source Performance Standards were proposed on August 26, 1985 (50 FR 34592). Promulgation is currently expected to occur in 1988.

B. Ocean Discharge Criteria

A Final Ocean Discharge Criteria Evaluation has been completed for discharges in the areas where the Ocean Discharge Criteria apply (i.e., all federal waters and those state waters located shoreward of the inner boundary of the territorial seas).

C. State of Alaska Standards and Limitations

All discharges to state waters must comply with state and local coastal management plans as well as with state water quality standards. Discharges to state waters must also comply with limitations imposed by the State as part of its coastal management program consistency determinations, and of its certification of NPDES permits under section 401 of the Act.

D. Section 308 of the Clean Water Act

No changes are necessary.

IV. Specific Permit Conditions

A. Approach

The determination of appropriate conditions for each discharge was accomplished through:

(1) Consideration of technology-based effluent limitations to control convention, pollutants under BCT;

(2) Consideration of technology-based effluent limitations to control toxic pollutants under BAT;

(3) Evaluation of the Ocean Discharge Criteria for discharges in the Offshore Subcategory, assuming conditions in parts (1) and (2) were in place; and

(4) For state waters, inclusion of permit terms necessary to ensure

compliance with state water quality standards and stipulations of state lease sales, and with state and local coastal management plans. Some permit terms for state waters were imposed by the State of Alaska as part of its certification under section 401.

Discussions of the specific effluent limitations and monitoring requirements derived from (1) through (4) appear below in Sections B. through E., respectively. Additional monitoring requirements based on the determinations in (1) and (2) are discussed in Section F. For convenience, these conditions and the regulatory basis for each are cross-referenced by discharge in the following table. Differences between this table and the table in the fact sheet for the draft permit are due to necessary clarification or to changes in the final permit.

Discharge and permit condition	Statutory basis
Drilling muds and cuttings:	
Authorized muds and additives only	BAT.
No free oil	BCT.
An oil-based muds	BCT.
No diesel	BAT.
10% max. oil limitation on cuttings—Federal waters.	BCT.
5% max. oil limitation on cuttings—State waters.	Section 401.
No visible sheen/monitoring of elutriate oil and grease—State waters.	Section 401.
3 mg/kg cadmium and 1 mg/kg mercury in barite.	BAT.
Monitoring of metals, oil content, and toxicity.	Section 308.
Chemical inventory	Section 308.
Monitor volume discharged	Section 308.
Flow rate limitations	Section 403(c), WQS.
Environmental monitoring requirements	Section 403(c), 401, WQS.
Deck drainage:	
No free oil	BCT.
Monitor flow rate	Section 308.
Sanitary wastes:	
No floating solids	BCT.
Chlorine 1.0 mg/l (facilities with more than 10 people).	BCT.
Chlorine contact time of 30 min.—State waters.	Section 401.
Monitor flow rate	Section 308.
BOD and suspended solids—State waters.	WQS.
Discharge below surface—State waters	Section 401.
Domestic wastes:	
No floating solids	BCT.
Monitor flow rate	Section 308.
No free oil—State waters	WQS.
Discharge below surface—State waters	Section 401.
Miscellaneous discharges (006-015 as defined in permit).	
No free oil	BCT.
Monitor flow rate in cooling water, desalinator wastes, waterflooding discharges.	Section 308.
Produced water:	
pH 6-9	BCT, WQS, Section 403(c).
Oil and grease limits	BCT.
Monitor flow rate	Section 308.
Mixing zones and mixing zone verification study.	WQS, Section 401.
Well treatment fluids, completion fluids, and workover fluids:	
No free oil	BCT.
No oil-based fluids	BCT.
pH 6-9	BCT, WQS, and Section 403(c).
Monitor volume and frequency of discharge.	Section 308.
Monitor oil and grease	Section 308.
Test fluids:	
No free oil	BCT.
No oil-based fluids	BCT.
pH 6.5-8.5	BCT, WQS, and Section 403(c).
Oil & grease limits (48/72)	BCT.
Monitor frequency and volume of discharge.	Section 308.
Produced solids:	
No free oil	BCT.
No visible sheen/monitoring of elutriate oil and grease—State waters.	Section 401.
Monitor frequency and volume of discharge.	Section 308.
All Discharges:	
No halogenated phenol compounds, diesel oil, trisodium nitrilotriacetic acid, sodium chromate, or sodium dichromate.	BAT.
No biocides not FIFRA registered and authorized under permit.	BAT, Section 403(c), WQS.
No floating solids or visible foam	BCT.
No oily wastes or toxic or deleterious substances.	WQS.
Minimize discharge of surfactants, dispersants, and detergents.	BAT.
Area and depth related requirements	WQS, Section 403(c).
Discharge monitoring study	Section 308.

B. BCT Requirements

1. Oil and Grease in Produced Water and Test Fluids

Oil and grease concentrations in discharges of produced water from all facilities except Phillips Platform A will be limited to a 48 mg/l monthly average and a 72 mg/l maximum daily based on oil/water separation technologies. These limits are the same as the BPT effluent limitation guidelines. Oil and grease limitations for Phillips Platform A, a gas platform, will be set at 15 mg/l monthly average and 20 mg/l maximum daily. The limitations for Phillips Platform A are equal to those in the most recent BPT permit for the facility, limitations with which Phillips is currently in compliance. This issue is discussed in detail in the Response to Comments (available from Region 10 upon request). More stringent limits than 48/72 and 15/20 were considered for all the oil and gas facilities covered by the permit, but the Region does not have sufficient technology performance data available at this time on which to base more stringent limitations. As these BCT limitations are equal to the BPT level of control, there is no incremental cost involved.

Oil and grease concentrations in discharges of test fluids (an exploratory discharge) will be subject to the same limitations as produced water. The limit on test fluids was included in the draft permit. Test fluids, like produced water, contain water from the oil-bearing formation. EPA has determined that the BPT effluent limitations guideline for oil and grease in produced water should also apply to test fluids. Thus, the limitation is Region 10's best professional judgment determination of a BPT control for this discharge. Operators under the recent Region 10 general permits for exploratory operations in the Bering and Beaufort Seas and Norton Sound have had no difficulty in complying with identical limits. No technology performance data available to Region 10 indicate that a more stringent standard is appropriate at this time. Thus, the Region has set the BCT limitation equal to the BPT level of control. As such, the limitation imposes no incremental cost to the operators.

2. Free Oil and Oil-Based Muds

No discharge of free oil is permitted from the discharges of drilling mud, drill cuttings and washwater, deck drainage, well treatment fluids, completion fluids, workover fluids, test fluids, and produced solids, based on BPT guidelines. The four fluids were included in a single category, "well treatment fluids," under the draft permit. The Region has listed each separately in the final permit, with the applicable free oil limit applied to each.

Under the final permit, the discharge of oil-based drilling fluids, well treatment fluids, completion fluids, workover fluids, and test fluids is prohibited since oil-based fluids would violate the BCT effluent limitation of no discharge of free oil.

Region 10 has determined that the BPT effluent limitations guidelines of no discharge of free oil should also apply to all miscellaneous discharges, including uncontaminated bilge water, uncontaminated ballast water, desalination unit wastes, boiler blowdown, non-contact cooling water, excess cement slurry, blowout preventer fluid, fire control system test water; mud, cuttings and cement at the seafloor; and waterflooding discharges. Thus, the no free oil limitation is Region 10's best professional judgment determination of BPT controls for these discharges. All of these miscellaneous discharges except waterflooding discharges have been subject to a no free oil limitation in previous permits issued by Region 10, and past practices have not resulted in violations of this limitation. Region 10's best professional judgment of BPT controls on free oil also extends to waterflooding discharges, which generally have no free oil.

No technology performance data available to Region 10 indicate that more stringent standards are appropriate at this time. Region 10 has, therefore, set BCT limitations equal to the BPT level of control. As such, these limitations impose no incremental costs.

Compliance with the free oil limitation for deck drainage and miscellaneous discharges will be by visual observation for sheen on the receiving water, except for deck drainage and bilge water during unstable or broken ice or stable ice conditions.

Compliance with the free oil limitation will be monitored by year-round use of the Static Sheen Test for mud, cuttings, well treatment fluids, completion fluids, workover fluids, test fluids, and produced solids. The Static Sheen Test is being required for the four fluids because these represent a significant discharge from production operations and are likely to be contaminated with oil. The Static Sheen Test will also be required year-round for produced solids, a new category added to the final permit. Produced solids have been in contact with produced fluids, and are expected to be contaminated with oil. Use of the Static Sheen Test will prevent a violation of the free oil limitation due to those discharges most likely to be contaminated with oil.

3. Oil Content of Cuttings

The final permit restricts the discharge of oil-contaminated cuttings by prohibiting the discharge of free oil (see Part IV.B.2. above) and by limiting the maximum mineral oil content of cuttings. The limitation of 10% by weight on oil content is based on the efficiency of currently available cuttings washers in removing mineral oil from drill cuttings. Region 10 expects that cuttings washers will routinely be required only for drilling operations which use mineral oil-based drilling muds or water-based muds with high concentrations of mineral oil additives. Due to the rare usage of such muds by exploratory drilling operations, very few, if any, exploratory facilities will require the installation of cuttings washers. Such muds may be used more frequently by development or production facilities. However, since cuttings washers, at a minimum, would be required for these cuttings to pass the sheen test (for determining compliance with the no free oil limitation), there is no incremental cost to the 10 percent limitation beyond the cost of monitoring compliance, and the 10 percent oil limitation passes the BCT cost test.

Region 10 has taken an approach to controlling the oil content of cuttings which differs from that taken by Regions 4 and 6 in their Gulf of Mexico permit (51 FR 24897). Regions 4 and 6 have imposed a visible sheen test to determine compliance of cuttings with the no free oil limit, in combination with a prohibition on the discharge of cuttings from oil-based mud systems. The prohibition on the discharge of cuttings from oil-based mud systems is necessary since some of these cuttings are expected to have free oil and the visible sheen test results would not be evident until after a discharge to the receiving water had occurred. Region 10 has chosen to require the Static Sheen Test rather than the visible sheen test. An advantage of the Static Sheen Test is that it is done prior to discharge and cuttings which do not pass the test cannot be discharged. This test is also appropriate for the harsh weather and extended periods of darkness common in Alaska. Although the 10 percent oil limitation in Region 10 is less stringent thatn the prohibition by Regions 4 and 6 on discharges of cuttings from oil-based mud systems, any cuttings which pass the 10 percent limitation must also pass the Static Sheen Test prior to discharge.

The permit requires an analysis of cuttings for oil content daily when oil-based drilling fluids or oil additives are used. Analysis is also required daily when drilling fluids could be contaminated with hydrocarbons from the formation. In addition, analysis is required immediately on any sample that has failed the daily Static Sheen Test if a discharge has occurred. Two alternative analytical methods for determining the oil content of drill cuttings are specified in the permit: (1) the soxhlet extraction procedure for oil and grease (as specified in 40 CFR Part 136), and (2) the American Petroleum Institute retort distillation procedure for oil.

4. pH

Under the draft permit, the pH of discharged well treatment fluids and produced water was proposed to be limited to a range of 6.5–8.5 at the point of discharge. In response to comments received on this issue, the Agency has changed the limits in the final permit to pH 6–9 for produced water and for workover, completion, and well treatment fluids. The latter three fluids (all included in the well treatment fluid category under the draft permit) usually have been commingled with the produced water stream at the existing facilities. Thus, they were limited to pH 6–9 in previous permits as was produced water. The produced water BPT effluent limitations guideline is pH 6–9. In the Agency's best professional judgment, the same limits are appropriately equal to a BPT level of control for workover, completion, and well treatment fluids. While this limit has only rarely been violated in the last 7 years, there have been frequent discharges outside the 6.5–8.5 pH range for some facilities. As a result, it appears that limits of pH 6.5–8.5 are not feasible for all operators to achieve using existing technology. A BCT limit of pH 6–9 would make BCT equal to BPT. There would be no backsliding, nor any incremental cost to operators. No more stringent standards have been identified by the Agency at this time. Therefore, the Agency is setting the BCT effluent limitations for the pH of produced water, and workover, completion and well treatment fluids equal to that of BPT.

The requirement of pH 6.5–8.5 for test fluids, which was a subset of well treatment fluids under the draft permit, has been and is routinely complied with by exploratory operations under previous Region 10 BPT and BPJ/BCT permits. Thus, the requirement is being retained in the final permit. It will incur no cost incremental to BPT.

5. Floating Solids and Visible Foam

The BCT prohibition of floating solids is equal to the BPT level of control for sanitary and domestic wastes. Region 10 has determined that the BPT effluent limitations guideline of no discharge of floating solids from the discharge of sanitary wastes should apply to all other discharges as well. They have been subject to this limitation, as well as to a no visible foam limit, in previous permits issued by Region 10, and past practices have not resulted in violations of these limitations. No technology performance data available to Region 10 indicate that more stringent standards are appropriate at this time. Therefore, Region 10 has determined that the BCT effluent limitations on floating solids and visible foam from these discharges are equal to the BPT level of control. As such, there will be no incremental cost.

6. Chlorine

Pollutants of concern in sanitary wastes include fecal coliform, a conventional pollutant, to be regulated at the BCT level of control. Fecal coliform is controlled by a residual chlorine limitation. The requirement of maintaining residual chlorine levels as close as possible to, but no less than, 1 mg/l in sanitary discharges for facilities manned by 10 or more people is a BCT determination equal to BPT. There is therefore no incremental cost to the industry.

C. BAT Requirements

1. Diesel Oil

The discharge of muds which have been contaminated by diesel oil (i.e., those drilling muds which have contained diesel oil) or drill cuttings associated with these muds is prohibited. Diesel oil, which is

sometimes added to a water-based mud system, is a complex mixture of petroleum hydrocarbons, known to be highly toxic to marine organisms and to contain numerous toxic and nonconventional pollutants. While this limitation thereby controls the toxic as well as nonconventional pollutants present in diesel oil, the Agency's primary concern is to control the toxic pollutants. The pollutant "diesel oil" is being used as an "indicator" of the listed toxic pollutants present in diesel oil which are controlled through compliance with the effluent limitation (i.e., no discharge). The technology basis for this limitation is product substitution of less toxic mineral oil for diesel oil.

The Agency selected "diesel oil" as an "indicator" as an alternative to establishing limitations on each of the specific toxic and nonconventional pollutants present in the diesel oil-contaminated waste streams. The listed toxic pollutants found in various diesel oils include naphthalene, benzene, ethylbenzene, phenanthrene, toluene, fluorene, and phenol. Diesel oil may contain from 20 to 60 percent by volume aromatic hydrocarbons. The light molecular weight aromatic hydrocarbons, such as benzenes, naphthalenes, and phenanthrenes, constitute the most toxic major components of petroleum products. Mineral oils, with their lower aromatic hydrocarbon content and lower toxicity, contain lower concentrations of toxic pollutants than do diesel oils. Diesel oil also contains a number of nonconventional pollutants, including polynuclear aromatic hydrocarbons such as methylnaphthalene, dimethylnaphthalene, methylphenanthrene, and other alkylated forms of each of the listed toxic pollutants.

The Region has determined that eliminating the discharge of drilling fluids contaminated with diesel oil will reduce the levels of toxic pollutants present in discharged fluids. Studies show that when the amount of diesel oil is reduced in drilling muds, the concentrations of toxic pollutants and the overall toxicity of the fluid generally are reduced. While concentrations of toxic pollutants vary among different diesel oils, available data clearly establish that diesel oils as a class contain significantly higher levels of toxic pollutants than do mineral oils as a class. It is reasonable and appropriate to conclude that BAT-level control of toxic pollutants (i.e., reduction in concentrations through substitution of mineral oil for diesel oil) will be achieved by regulating diesel oil as an indicator pollutant.

Region 10 has concluded that establishing effluent limitations for each of the seven toxic pollutants present in diesel oil is not economically or technically feasible at this time. The level achievable by BAT controls on the specific toxics can be calculated using available data on the three mineral oils which have been extensively characterized. However, the limited data on the many diesel and mineral oils, mud formulations, and the various additives used, and on the unquantified changes in toxic pollutant concentrations during drilling, all frustrate an attempt to develop specific toxic pollutant effluent limitations at this time.

Not only is it scientifically infeasible to establish limitations on the specific toxic pollutants, but to comply with specific limitations on each of the toxic pollutants would be costly and technically complex. The analytical costs for specific pollutant analyses would be much greater than the cost of analyzing for diesel by gas chromatography alone. The high cost of compliance monitoring, which may include awaiting results of analyses, conducted onshore, possibly outside the State of Alaska, also would be unwarranted. Either operators would have to delay discharge until monitoring results confirmed compliance or they would discharge and risk permit noncompliance. A permit limitation that prohibits the discharge of diesel oil is economically and technologically feasible and allows a determination of permit compliance prior to discharge.

The prohibition on the discharge of diesel is a technology-based BAT limitation based on product substitution. As documented extensively in the administrative record, low toxicity mineral oils are available as product substitutes for diesel oil.

Substitution with low-toxicity mineral oils does not impose unreasonable additional costs on industry. The Agency has relied primarily on the increased cost of mineral oil over diesel oil as a basis for this determination. For example, mineral oil costs Alaskan operators approximately $2.60 per gallon more than does diesel oil. The increased costs associated with using mineral oil rather than diesel oil for 50 barrels (2,100 gallons) of oil (the maximum amount generally expected in a concentrated spotting or "pill" formulation used to free stuck drill pipe) would therefore be equal to approximately $5,500. Since the frequency of differential sticking of drill pipe requiring the use of oil-based spotting formulations is low for most drilling operations (less than once per well on an average), this cost would not be incurred for each operation. The Agency has evaluated other costs associated with either diesel oil or mineral oil use in response to comments on the draft Norton Sound permit (50 FR 28589, Response to Comment 10). Both analyses show that the cost associated with the prohibition on the discharge of diesel oil clearly is economically achievable.

Region 10 has considered limiting "free oil," "oil-based drilling fluids," and "oil content of cuttings" as indicators of toxic pollutants. While the Agency has determined that such effluent limitations will control the discharge of toxic pollutants in these oils it is unnecessary to designate these pollutants as indicators since the same levels of control have been established under BCT, which are equal to levels of control required by the BPT effluent limitations guidelines. Therefore, redundant limitations under BAT have not been imposed for those pollutant parameters.

Region 10 received a number of comments on the diesel oil limitation. Among these comments was a request that, in lieu of a diesel oil limitation, that Alaska operators be allowed to participate in the EPA/API Diesel Pill Monitoring Program now underway as part of the recently issued NPDES general permit for the Gulf of Mexico (51 FR 24897, July 9, 1986). The Gulf of Mexico was selected for this study because of the large number and diversity of drilling operations. The experimental program will last from one to two years from the date of issuance of the permit. EPA will then evaluate the data and, under 40 CFR 124.5, develop any appropriate modifications of the general permit for the Gulf of Mexico based on the study results. The Gulf of Mexico general permit excludes from the study operators who discharge in the vicinity of areas of biological concern, where discharge rate limitations of less than 1,000 bbl/hr apply, or in areas where shunting is required by MMS lease stipulations due to environmental concerns. The discharge of drilling muds to which diesel was added is prohibited in these areas.

EPA has decided not to allow the discharge of diesel-oil contaminated muds and cuttings in the arctic and subarctic regions of Alaska prior to evaluating the results from the Gulf of Mexico. In the absence of data on the effectiveness of pill recovery, product substitution is a reasonable and appropriate basis for limiting the toxic

pollutants arising from the use of diesel oil in muds discharged from wells in regions of Alaska. After evaluation of the Diesel Pill Monitoring Program results, EPA will then reconsider the alternative approach to limiting toxic pollutants which allows the discharge of muds from which a diesel pill has been removed. (See 40 CFR 124.5 and 122.62 regarding requirements for permit modifications.)

2. Mercury and Cadmium in Barite

The final permit, like the draft permit, contains limits of 1 mg/kg mercury and 3 mg/kg cadmium on barite, a major constituent of drilling muds. These restrictions are designed to limit the discharge of mercury, cadmium, and other potentially toxic metals which can occur as contaminants in some sources of barite. An identical limitation is included in the Bering and Beaufort Seas and Norton Sound general permits. Although the Agency solicited comments and supporting data from individuals who did not believe they could meet the above limitations, as well as from permittees who might have incurred increased costs in meeting the barite limitations contained in the Bering and Beaufort Seas general permits, no such data was received. The Agency considered all other comments relevant to this issue in determining that no change should be made to the limit proposed for the draft permit.

As discussed in the fact sheet for the draft permit, the justification for the limitation under BAT is product substitution; i.e., Alaskan operators can substitute "clean" barite which meets the above limitations for contaminated barite which does not meet the limitations. Numerous offshore exploratory wells have been drilled in Alaska over the past two years, and chemical analyses have shown that the barite used has not exceeded the limitations. Given that "clean" barite is available and that operators in the Bering and Beaufort Seas and Norton Sound have been complying with an identical limitation, Region 10 believes that this limitation is both technologically feasible and economically achievable.

Region 10 has determined that it is impractical at this time to place the limitations on drilling mud until additional data are collected. Furthermore, if the limitation were placed on the drilling mud rather than on the barite, it would not be feasible for an Alaskan operator to determine in advance if the discharge complied with the permit requirements since metals analyses must be conducted at commercial laboratories onshore.

EPA does recognize the possibility of changes in the available supply of "clean" barite. The permit contains a provision which would allow the Director the discretion to grant a waiver from the limitations on a case-by-case basis if the permittee (1) satisfactorily demonstrates that barite which meets the limitations is not available, and (2) provides results of analyses of the substitute barite. In determining the availability of "clean" barite under this provision, Region 10 will reasonably consider all relevant factors, including the cost of obtaining barite which meets the limitations. The final permit does differ slightly from the draft on the barite issue in that operators drilling more than one well at a site need not submit new analyses for mercury and cadmium for each well if no new supplies of barite have been received.

3. Generic Muds and Authorized Additives

The permit limits the discharge of toxic substances in drilling fluids by allowing only the discharge of generic drilling muds (listed in Table 1 of the permit) and additives for which acceptable bioassay or chemical data are available. Permittees are required to certify that only generic drilling muds and authorized additives will be discharged. The Region has determined that the toxicity limitations (i.e., generic muds and authorized additives) constitute a reasonable approach which is expected to control not only listed toxic pollutants, but other toxic substances (i.e., toxic nonconventional pollutants) as well. The technology basis for this permit condition is product substitution; i.e., mud additives and components which would cause the toxicity of a mud system to exceed that of Generic Mud No. 1 can be replaced by less toxic mud additives and components.

In response to comments received on the draft permit, Region 10 has determined that operators who will be drilling within 90 days after the permit becomes effective will be allowed a 90-day period in which to plan for and obtain authorization to discharge their mud systems. This schedule allows time for the permittees to request authorization to discharge muds and additives not listed in the permit, and for Region 10 to respond to the requests. During the transition period, operators must continue to comply with the applicable requirements of their most recent permits.

Permittees may discharge additives listed in Table 2 of the permit up to the specified concentrations without special permission. This table has been expanded from the Table 2 which appeared in the draft permit, based on additive authorizations made by Region 10 in the past year. The draft permit contained a provision (Table 2) which allowed updates to the table by allowing the discharge of additives which would be published in the **Federal Reqister** in Table 2 of subsequent Region 10 general permits. The final permit has been made more flexible, in response to comments received during the coment period. Both Tables 1 and 2 now contain clauses which allow them to be updated in the future. The mechanism has also been made more flexible, since it allows administrative updates rather than updates published in the **Federal Register** as part of future permits. At this time, the federal lease sale schedule for Alaska has been substantially cut back for the near future. As a result, very few general permits are likely to be written, and opportunities to update the tables would be few. Administrative updates could be made on a more frequent basis. Updated Tables 1 and 2 will be mailed to each permittee, and will be available to other parties upon request. Any additive receiving authorization through updates will be evaluated according to the regional criteria used for this permit.

The generic muds list in Table 1 has also been modified in response to comments. The final Table 1 now allows up to 50 lb/bbl of bentonite in Muds 4; up to 575 lb/bbl of barite in Muds 1, 2, and 3; and up to 2 lb/bbl of lime in Muds 2, 4, and 5. The three lignosulfonate muds (previously Mud Nos. 2, 7, and 8) have been combined into a single mud (Mud No. 2) as a result of several suggested changes, resulting in a total of six rather than eight generic muds. The Region will use the toxicity of the most toxic of the three (old Mud 8) in performing additive toxicity calculations. This is not expected to greatly affect most authorizations since the majority of operators in the past have requested authorizations to discharge additives in any of Muds 2 through 8. For the authorizations, the Region has used the toxicity of the most toxic of these muds (Mud 3). However, if a permittee requests authorization to discharge an additive in the new Mud 2 and can demonstrate that the generic mud components will not exceed the concentrations of old Mud 2 or Mud 7, Region 10 will use the toxicity values for those muds instead.

Any discharge of a generic mud from Table 1 which has been modified other than be addition of an additive listed in Table 2 requires prior authorization by Region 10. Permittees may request authorization to discharge additives

(including mineral oils and biocides) not listed in Table 2 by submitting appropriate information and bioassay data in advance of discharge. Region 10 will determine whether the use of the requested additives is likely to cause the mud system to be more toxic than Generic Mud No. 1, which is the base mud formulation the Agency uses to determine acceptable toxicity levels for discharge of fluids. Other criteria (e.g., persistence and degradation), as appropriate, are also considered in the evaluation process. The permit furthermore contains a provision (Part II.C.1.g.) which allows an exception for the discharge of mineral oil-containing or biocide-containing muds which exceed the toxicity of Mud No. 1 if the least toxic available alternative is discharged.

In some cases, interim discharge authorizations may be granted if preliminary bioassay data are submitted and EPA determines that additional bioassay testing is required. Such testing may be required, for example, to examine possible cumulative or synergistic effects if the additive is to be used in combination with a number of other additives. Because the additional testing may take a considerable amount of time to conduct, interim authorization to discharge may be granted so that operations are not impaired for an unreasonable amount of time. Interim authorizations may also require testing a used drilling mud from a rig.

Under section 308 of the Act, compliance with this permit condition will be monitored in two ways: first, by requiring that permittees certify that only generic muds and authorized additives will be discharged; and second, by requiring that permittees submit an end-of-well inventory listing all chemicals and the amounts of each added to each mud system. In addition, permittees must analyze one or more mud samples per well for metals content and toxicity. The metals data will be used to verify that mercury and cadmium limits on barite are adequately controlling metal concentrations in discharged muds. The Drilling Fluids Toxicity Test will provide a comparison between the toxicity of used muds containing mixtures of additives and the bioassay data submitted on individual additives prior to discharge. Under the final permit, permittees must also analyze the same samples for oil content. The data will be used in combination with the metals and toxicity data to look for correlations between toxicity of mud systems and their oil and/or metals content. The oil data will also provide information on the oil concentrations present in drilling muds discharged offshore of Alaska.

4. Other Toxic and Nonconventional Compounds

Under the final permit, prohibitions on discharges of the following pollutants are retained: halogenated phenol compounds, trisodium nitrilotriacetic acid, sodium chromate, and sodium dichromate. The class of halogenated phenol compounds includes toxic pollutants, and sodium chromate and dichromate contain chromium, also a toxic pollutant. Trisodium nitrilotriacetic acid is a nonconventional pollutant. The discharge of these compounds was previously prohibited in the BPT general permits for the Beaufort Sea and Norton Sound (48 FR 54881, December 7, 1983) as well as in the BAT/BCT general permits for the Bering and Beaufort Seas and Norton Sound. These compounds are therefore subject to BAT limitations. Because operators complied with this provision in the BPT permits, there is no additional cost to the industry.

As in the draft permit, the final permit contains a provision that the discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the Minerals Management Service. These products contain primarily nonconventional pollutants. This provision previously appeared in the BPT permits for the Beaufort Sea and Norton Sound, as well as in the Region's other BAT/BCT permits. Because operators complied with the provision in the BPT permits, there is no additional cost to the industry.

The final permit contains an additional restriction on all discharges under BAT. As proposed in the draft permit, discharges of biocides are limited to those biocides registered with EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for the use(s) in which they are intended (e.g., noncontact cooling water, or waterflooding operations), and discharges shall be in accordance with product registration labeling. This provision of the permit has been modified at the request of industry to provide specific guidelines for discharge, in conjunction with FIFRA wording on product labels. Products which contain a label stating that the product may not be discharged "unless specifically identified and addressed in an NPDES permit"are subject to an authorization process similar to that for drilling mud additives. Permittees must submit the information listed in Part II.J.5. of the permit at least 30 days in advance of the proposed discharge. EPA will then evaluate whether the proposed product is the technologically and economically feasible alternative which would be least harmful to the environment. In addition, as discussed in Parts IV.D.5. and IV.E.8. of this fact sheet, the Region will consider whether the proposed discharge will comply with all applicable water quality standards and criteria. EPA will also evaluate proposed discharges to the waters seaward of the inner boundary of the territorial seas with respect to the Ocean Discharge Criteria regulations.

D. Requirements Based on the Ocean Discharge Criteria Evaluation

1. Prohibited Areas for All Discharges From Offshore Subcategory Operations

The final general permit prohibits discharges from Offshore Subcategory exploratory operations in the following areas, as was proposed in the draft permit:

(1) Water depths less than 5 m (as measured from mean lower low water)

(2) Within 1,000 m of a coastal marsh, river delta, river mouth, designated Area Meriting Special Attention (AMSA), game refuge, game sanctuary, or critical habitat area

(3) In Kamishak Bay west of a line from Cape Douglas to Chinitna Point

(4) In Chinitna Bay inside a line (see Figure 1 of the final permit) from latitude 59°52'45" N., longitude 152°48'18" W., to latitude 59°46'12" N., longitude 153°00'24" W., in Tuxedni Bay inside of the following lines on either side of Chisik Island (Figure 2): From latitude 609°04'06" N., longitude 152°34'12" W., to the southern tip of Chisik Island (latitude 60°04'06" N., longitude 152°33'30" W) and from latitude 60°13'45" N., longitude 152°32'42" W to the point on the north side of Snug Harbor on Chisik Island (latitude 60°06'36" N., longitude 152°32'54" W).

These restrictions are necessary to ensure that unreasonable degradation of these areas will not occur. No Offshore Subcategory development or production operations are covered by the permit. Development and production facilities covered by the permit are restricted to Upper Cook Inlet north of the Forelands. They are in the Coastal Subcategory and are not subject to a 403(c) evaluation.

Discharges are prohibited in waters shallower than 5 m because shallow nearshore waters in Lower Cook Inlet are an important habitat for many species. In addition, dilution and dispersion of drilling mud discharges in waters less than 5 m deep is uncertain given that field data are limited and that

available models of mud dilution and dispersion are not field-verified for shallow depths. A similar condition on drilling muds and cuttings was included in an individual BAT/BCT permit (NPDES Permit No. AK–004155–6) for Champlin Petroleum's operations near Kalgin Island.

The condition restricting discharges within 1,000 m of coastal marshes, river deltas, and other areas is necessary to comply with local and state Coastal Management Plan prohibitions on discharges of toxic wastes and silt materials in these areas, and on activities that may affect the protected biological resources of these areas.

Chinitna, Tuxedni, and Kamishak Bays are, or are contiguous with, areas of high resource value. In addition, Kamishak Bay is a known net depositional environment where accumulation of drilling mud solids and other pollutants would be likely to occur if allowed to be discharged in this area.

2. Muds and Cuttings

Several additional restrictions on these discharges are necessary to ensure no unreasonable degradation of the marine environment. The discharge rate limitation of 1,000 bbl/hr on total muds and cuttings into waters greater than 40 m in depth was established through the Ocean Discharge Criteria Evaluation process in order to allow adequate dispersion of the discharges. In addition, the muds and cuttings discharge rate is restricted to 750 bbl/hr in water depths greater than 20 m but not more than 40 m, and to 500 bbl/hr in 5 to 20 m of water. These limits are necessary because for any given discharge rate, the dilution of drilling muds and cuttings is not as great in shallow waters as in deeper waters. However, at any particular water depth, greater dilution close to the discharge point will be achieved with a lower discharge rate. These maximum rates will ensure that acceptable toxicity limits will not be exceeded at the edge of the 100 m mixing zone (Bigham et al., 1984).

3. Deck Drainage, Sanitary and Domestic Wastes, Miscellaneous Discharges Other Than Waterflooding Discharges, and Test Fluids

These discharges are adequately controlled by the technology-based limitations above to ensure no unreasonable degradation of the marine environment.

4. Other Discharges

All other discharges not addressed in sections 2. and 3. above are development and production discharges, and are not subject to a 403(c) evaluation for this permit because of their location.

5. Biocides

The limitation on biocides described in Part IV.C.4. above includes a provision that authorization to discharge biocides to areas subject to the Ocean Discharge Criteria regulations will not be granted unless the discharge can comply with those regulations, and thus applicable water quality criteria and standards as well. This provision is necessary because the technology-based portion of the authorization may not be sufficient to ensure that these regulations are met in all cases.

E. Requirements To Ensure Compliance With State Water Quality Standards

1. No Visible Sheen and Monitoring of Elutriate Oil and Grease

As part of its final certification under section 401 of the Act, the State of Alaska is requiring that muds and cuttings and produced solids not be discharged onto sea ice or into waters of the State of Alaska if the discharges would result in violation of the State of Alaska's visible sheen standard.

In addition, the state is requiring monitoring of elutriate oil and grease concentrations in muds and cuttings samples collected prior to changeover discharges and end-of-well bulk discharges, and at least weekly during routine discharges. The test is also required for all mineral oil-spotted muds. Produced solids shall be sampled prior to each discharge. Permittees are required to submit an analysis of total recoverable oil and grease if the elutriate oil and grease concentration exceeds 50 mg/l. The Alaska Department of Environmental Conservation (ADEC) will evaluate the results after two years from the permit effective date, to determine whether an elutriate oil and grease limitation should be placed on future discharges to Cook Inlet for the remaining life of the permit.

As a condition of its 401 certification, ADEC may also choose, at its discretion, to require a one-time marine sediment sampling program at a single shallow water development drilling site to determine the fate of discharged muds and cuttings containing oils, or at a single production site to determine the fate of discharged produced solids. The scope of the sampling program would be determined in conjunction with the operators and EPA.

2. pH

Well treatment fluids, completion fluids, workover fluids, and produced water will be limited to a pH of 6–9 at the point of discharge, and test fluids will be limited to a pH of 6.5–8.5, based on the discussion in Part IV.B.4. above. Since the pH of these fluids will be in the range of 6.5–8.5 and be within 0.1 pH unit of the ambient condition at or within a few meters of the discharge point, no violation of Alaska Water Quality Standards will occur.

3. Prohibited Areas For All Discharges in State Waters

State waters covered by the general permit are located in Cook Inlet, and include both Offshore and Coastal Subcategory operations. Prohibited discharge areas for Offshore Subcategory operations (described in Part IV.D.1. above), as determined through the Ocean Discharge Criteria Evaluation process, are sufficient to ensure that Alaska Water Quality Standards will be met.

Prohibited discharge areas for Coastal Subcategory operations were determined as discussed below:

First, all discharges are prohibited within 1000 m of a coastal marsh, river delta, river mouth, designated Area Meriting Special Attention (AMSA), game refuge, game sanctuary, or critical habitat area. This is consistent with the discharge restriction on these areas for Offshore Subcategory operations, and is imposed for the same reasons.

Second, as proposed under the draft permit, all discharges must occur to water depths beyond the intertidal zone since in intertidal areas there is no water available for dilution and dispersion of effluents during portions of the tidal cycle. Dilution and dispersion are necessary for effluents to meet Alaska Water Quality Standards. The major impact of this provision will be on three shore-based facilities in Upper Cook Inlet which currently discharge produced water either to the intertidal zone, or above the high-tide mark. Effluent concentrations of total aromatic hydrocarbons at these facilities exceed the state aromatic hydrocarbon standard of 10 μg/l by factors of 660 to 2100. This standard is intended to protect for "growth and propagation of fish, shellfish, aquatic life, and wildlife including seabirds, waterfowl and furbearers" (18 AAC 70.020). Staff members of EPA and ADEC who visited the facilities in August 1985 observed shorebirds in direct contact with the effluent at two of the three sites.

Discharges are therefore authorized only to deeper waters, as discussed below, in order to provide sufficient water depth for dilution and dispersion of wastes.

Discharges other than produced water are prohibited in shallow subtidal areas shoreward of the 5 m isobath (as measured from mean lower low water (MLLW)). Where terms of state lease sales prohibit discharges shoreward of isobaths deeper than 5 m, the deeper isobath shall be the boundary instead. Specifically, there shall be no discharges shoreward of the 5.5 m isobath adjacent to (a) Clam Gulch Critical Habitat Area and (b) from the Crescent River northward to a point one-half mile north of Redoubt Point. This provision is the same as proposed in the draft permit.

Discharges of produced water from the three existing shore-based facilities are prohibited shoreward of the specified isobaths (as measured from MLLW): Marathon Granite Point facility, 3.5 m; Marathon Trading Bay facility, 6.5 m; and Shell East Foreland facility, 6.5 m.

The minimum isobath for these facilities was proposed to be 5 m in the draft permit, based on preliminary results of computer modeling using the EPA PLUME model. The modeling also assumed a mixing zone of 100 m consistent with that prescribed in the Ocean Discharge Criteria (40 CFR 125.121(c)), in the absence of mixing zone determinations by the State of Alaska. The fact sheet for the draft permit stated that mixing zone determinations would not be made until further information and computer modeling data were submitted by Marathon and Shell. Both companies provided EPA and ADEC with this information during the public comment period.

After carefully evaluating this information and comments received during the public comment period, EPA determined that the modeling results based on the PLUME model should be revised. The new model results are based on a related EPA model, UMERGE, which takes into account current speeds and momentum whereas PLUME does not. UMERGE is therefore a more appropriate model for the high energy environment of Cook Inlet. The new model runs also incorporated new information on effluent and ambient conditions provided during the public comment period. The modeling results support the prohibition of produced water discharges for waters shoreward of the modified isobaths specified above, with associated mixing zones of 450 m, 750 m, and 750 m, respectively, for the three facilities. A complete description of the modeling is given in the document "Computer Modeling of Dilution of Produced Water Discharges in Cook Inlet," which is included in the administrative record. EPA developed the new isobaths and mixing zones in accordance with Alaska's mixing zone policy and water quality standards. ADEC then certified that these isobaths/mixing zones would enable the discharges to meet the applicable requirements of state law, including water quality standards.

ADEC is requiring as part of its 401 Certification that a mixing zone verification study be carried out at one of the three facilities. Operators may jointly contract for such a study. The specifics of the study will be determined by ADEC, in consultation with EPA and the permittee(s).

The discharge of produced water from new facilities is prohibited shoreward of the 10 m isobath, unless an alternative isobath and mixing zone are determined by EPA and ADEC. The determination will be based on computer modeling of compliance of the discharge with the Alaska Water Quality Standard for total aromatic hydrocarbons. Alternative isobaths shall not be any shallower, however, than any isobath specified for produced water in state oil and gas lease terms for the area of the proposed location.

The prohibition on discharges to shallow subtidal waters and to intertidal areas is consistent in its intent with a lease term in State of Alaska leases for oil and gas operations in Cook Inlet. Any new operator wishing to locate in areas leased in State Sales 32, 33, 35, 40, 46A, and 49 would not be allowed to discharge produced water or muds and cuttings to an intertidal area. In addition, under the same lease term, the discharge of muds and cuttings to waters 5.5 m (3 fathoms) or less would be allowed only during the period from 2 hours before to 2 hours after each high tide. This lease term is intended to "protect shallow areas," "help maintain the sale area as a pollution-free environment," "mitigate disturbance to marine mammals," "help maintain the integrity of avian habitats and prevent disturbances to avian wildlife," and "protect anadromous fish and their habitat."

By extending the restriction on discharges to shallow subtidal waters and intertidal areas to existing operations, marine mammal, avian, and anadromous fish resources will be fully protected from potential adverse effects. Each of the existing facilities is, in fact, located in an area covered by a past lease sale, or to be covered in the near future by a lease sale.

4. Interim Mixing Zones for Production Platforms Which Discharge Produced Water to Cook Inlet

The computer modeling effort discussed above also addressed mixing zones necessary for two of the five production platforms in Cook Inlet. Based on the results, the State of Alaska has certified that the interim mixing zone for the Amoco Dillon platform shall be 625 m, while that for Phillips Platform A shall be 150 m. Mixing zones of 625 m were also certified for the other three Amoco facilities. Although not enough site-specific information was available to do modeling runs for these facilities, they have much smaller flowrates than the Amoco Dillon, and probably have effluent concentrations roughly similar to that at Dillon. Thus, they are not expected to need mixing zones any larger than that specified for the Dillon.

In order to obtain further information for final mixing zones, ADEC has required that these facilities submit the information specified in Part II.B.2. of the permit within one year of the effective date of the permit. Upon evaluation of this information, as well as results of the mixing zone verification study required of existing shore-based facilities which discharge produced water, ADEC may modify the interim mixing zones according to the criteria of 18 AAC 70.032.

ADEC also certified that new production facilities in Upper Cook Inlet wishing to discharge produced water to state waters must submit the information in part II.B.2. as well as information on water depth and depth of discharge, to ADEC and EPA at least 6 months prior to the initiation of discharge in order that an appropriate mixing zone may be established.

5. Environmental Monitoring of Muds and Cuttings Discharges From New Development and Production Facilities.

As was proposed in the draft permit, new development and production facilities which discharge drilling muds or drill cuttings within 1500 m of an area of biological significance, such as a coastal marsh, river delta, river mouth, designated Area Meriting Special Attention, game refuge, game sanctuary, or critical habitat area, will be required to undertake environmental monitoring of the fate and effects of the discharges. The monitoring is needed because the active natural transport processes in Cook Inlet will likely carry discharged materials from the development and production operations into these sensitive areas. Region 10 has identified a need for further information on the

fate and effects of muds and cuttings discharges from long-term development and production operations.

The specifics of each monitoring program, including survey design, analytical techniques, participants, and reporting requirements, will be determined by EPA, Region 10, in consultation with ADEC and the permittee. Monitoring shall include, but not be limited to, relevant hydrographic, sediment hydrocarbon, and heavy metal data from surveys conducted before and during drilling mud disposal operations and for at least one year after drilling operations ceases.

In response to a comment received on the draft permit, Region 10, in consultation with ADEC, will grant an exemption (rather than "consider granting an exemption") from this monitoring requirement if the permittee can satisfactorily demonstrate that information on the fate and effects of the discharge is available and/or the discharge will have insignificant impacts on the area of biological significance. Also, an exemption to post-drilling monitoring will be granted if no impact was indicated during drilling.

6. Environmental Monitoring of Muds and Cuttings Discharges in Water Depths of 5–20 m (State Waters Only)

As part of its 401 certification, ADEC has required that the permit include a provision stating that monitoring of muds and cutting discharges in water depths of 5–20 m may be required, at ADEC's discretion. The goal of the monitoring would be to verify predicted water column dilutions and bottom deposition at representative sites. Specifics of the study would be determined by ADEC in consultation with EPA and the permittee.

7. Sanitary and Domestic Wastes

As part of its certification under section 401 of the Act, the State of Alaska is requiring that sanitary waste discharges to state waters comply with the following limits on BOD and suspended solids:

For 30 consecutive days, 30 mg/l mean.
For 7 consecutive days, 45 mg/l mean.
For a 24 hour period, 60 mg/l mean.

The state is also requiring that the chlorine contact time for sanitary wastes discharged to state waters be at least 30 minutes, to ensure that fecal coliform levels will meet state standards at the edge of the mixing zone.

The state has imposed a requirement that sanitary wastes and domestic wastes be discharged below the water surface. This condition was imposed as a result of health concerns raised by a recent incident in which crew members on a boat tending one of the platforms were sprayed by sanitary waste discharged from the underside of the platform.

Finally, the 401 Certification includes a provision that domestic wastes (which include kitchen oils and greases) not cause a sheen on the receiving water.

8. Biocides

The limitation on biocides described in Part IV.C.4. above includes a provision that authorization to discharge biocides cannot be granted unless the discharge will comply with applicable water quality criteria and standards. In state waters, the applicable standards are the Alaska Water Quality Standards. This provision is necessary because the technology-based portion of the authorization may not be sufficient to ensure that these standards are met.

F. Discharge Monitoring Study

Region 10 has limited data on discharges from development and production facilities. In order to extend the data base for these discharges, a discharge monitoring study has been included in Part VI of the general permit. Development and production operators will have the choice of (1) participating in the proposed joint study, which would not examine discharges at every facility in detail, or (2) being subject to similar monitoring requirements on each of the operators' individual facilities. The advantage of the larger study is that operators would have a single contractor undertake sampling, analyses, and compilation of data at the various facilities. This would ensure uniformity of work procedures, and better data as an end result. It would also be less expensive for the operators than having to arrange that the work be done for each of their facilities.

The monitoring study shall commence within six months after the effective date of the permit, except that monitoring of produced water shall commence within two years of the effective date of the permit. This will allow time for final development of a produced water bioassay procedure by EPA's Gulf Breeze laboratory.

Under the final permit, operators are required to report any changes in chemical products in their waste streams after the study is complete. If a particular waste stream was not included in the joint study, the first report shall also include a complete chemical inventory of products in use prior to the first reported change. This will keep Region 10 abreast of current chemical usage at each facility.

1. Deck Drainage

Based on information received during the public comment period, EPA has determined that collection of analytical data on deck drainage is not necessary at this time, and that data would probably be of limited usefulness. Operators will still be required to report information on chemical product usage as part of the study, however, to keep EPA informed of any chemicals present in the discharge which might warrant analytical monitoring in the future.

2. Non-contact Cooling Water and Desalination Wastes

In response to comments which stated that these discharges are anticipated to have very few, if any additives, EPA will not require monitoring of BOD, COD, and biocides at this time. The requirement to reprt flow rates and chemical inventories is being retained, however, to monitor additive usage in these waste streams. The use of biocides is also subject to the conditions of Part II.J.5. of the permit.

3. Blowout Preventer Fluid, Boiler Blowdown, Fire Control System Test Water, Uncontaminated Ballast Water, Uncontaminated Bilge Water, and Waterflooding Discharges

As proposed in the draft permit, flow rates shall be measured and chemical inventories reported for a period of 6 months for all platforms.

4. Excess Cement Slurry, and Mud, Cuttings, Cement at Seafloor

The total volumes shall be estimated and chemical inventories reported for the first five development or production wells drilled and completed after the effective date of the study. This requirement is essentially the same as that proposed for the draft permit.

5. Produced Water

In order to get a broader spectrum of data on produced water in Alaska, sampling will be undertaken as proposed in the draft permit: once each summer and in winter from the three shore-based facilities and three of the five platforms which discharge directly into Cook Inlet. The three platforms shall include two oil platforms located on different fields, and the existing gas platform in Cook Inlet. Additionally, one of the oil platforms to be sampled in summer and winter shall be sampled in fall and spring of the same year.

Flow rates and chemical inventories shall be estimated for each sample. In addition, chemical analyses shall be performed on each sample as follows: pH; oil and grease; dissolved oxygen;

biochemical oxygen demand (BOD); chemical oxygen demand (COD); total organic carbon (TOC); ammonia; salinity; total aromatic hydrocarbons; total naphthalenes; dimethylnaphthalenes; trimethylnaphthalenes; tetramethylnaphthalenes; xylene; benzene; ethylbenzene; naphthalene; toluene; phenol; 2,4-dimethylphenol; bis (2-ethylhexyl) phthalate; anthracene; phenanthrene; and zinc.

All of the pollutants including benzene and listed after benzene are priority pollutants which were found in at least 50% of produced water samples analyzed by EPA as part of a 30-platform survey in the Gulf of Mexico. These pollutants, along with xylene, have also been reported in Cook Inlet produced water discharges.

There are very few toxicity data available on produced water in general, and for Cook Inlet operations in particular. Therefore, toxicity testing is also required. A suitable procedure for produced water bioassays is currently under development at EPA's Gulf Breeze laboratory. Thus, the method to be used will be determined by EPA, in consultation with ADEC, prior to the start of the produced water study. Under the permit, the produced water study is scheduled to begin two years after the effective date of the permit.

6. Well Treatment Fluids

These fluids are among the most poorly characterized of production discharges. To increase the available information on them, the following requirements are included in the study.

First, the total volumes of fluid collected and discharged, the job type, and composition of the fluid shall be reported for the first ten jobs discharged to Cook Inlet after the effective date of the study, or for each job for a period of 1 year, whichever is more. The first ten jobs to be discharged must be sampled and analyzed for pH, oil and grease, dissolved oxygen, BOD, COD, TOC, and salinity.

Second, there is a special concern that highly acidic well treatment fluids may leach greater amounts of metals from the formation. To investigate this concern, well treatment fluids for the first three acidizing jobs (with an initial pH of 4 or less) discharged to Cook Inlet after the effective date of the study shall be sampled and analyzed for cadmium, chromium, copper, mercury, zinc, and lead.

V. Other Legal Requirements

A. Oil Spill Requirements

Section 311 of the Act prohibits the discharge of oil and hazardous materials in harmful quantities. Routine discharges specifically controlled by the permit are excluded from the provisions of section 311. However, this permit does not preclude the institution of legal action or relieve permittees from any responsibilities, liabilities, or penalties for other, unauthorized discharges of oil and hazardous materials which are covered by Section 311 of the Act.

B. Endangered Species Act

Based on information in the Final Ocean Discharge Criteria Evaluation for discharges covered by this permit, and on information in the Environmental Impact Statements prepared for the federal lease sale areas, EPA has concluded that the discharges authorized by this general permit are not likely to adversely affect any endangered or threatened species nor adversely affect their critical habitat. EPA requested comments from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on the draft permit. Both agencies concurred with EPA's determination.

C. Coastal Zone Management Act

The proposed permit and consistency determination were submitted to the State of Alaska for state interagency review at the time of public notice. The State of Alaska has concurred that the activities allowed by this permit are consistent with local and State Coastal Management Plans.

D. Marine Protection, Research, and Sanctuaries Act

No marine sanctuaries as designated by this Act exist in the vicinity of the permit area.

E. State Water Quality Standards and State Certification

The State of Alaska has certified pursuant to section 401 that the discharges authorized in state waters by this permit comply with state water quality standards and regulations. The portion of Cook Inlet receiving waters located within the territorial seas of the State of Alaska and shoreward of the inner boundary of the territorial seas are classified by the State Water Quality Standards as Class II A(i)(ii)(iii), B(i)(ii), C and D for use in aquaculture; seafood processing and industrial water supply; water contact and secondary recreation; growth and propagation of fish, shellfish, aquatic life and wildlife; and harvesting for consumption of raw mollusks or other raw aquatic life.

F. Executive Order 12291

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12291 pursuant to section 8(b) of that order.

G. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq. Most of the information collection requirements of the permit have already been approved by the Office of Management and Budget (OMB) in submissions made for the NPDES permit program under the provisions of the Act. In addition, the environmental monitoring requirements pursuant to section 403(c) of the Act in Part II.B. of this permit are similar to the monitoring requirements that were approved by OMB for the 1983 Beaufort Sea and Norton Sound NPDES general permits. EPA's response to public comments received on this issue is included in the response-to-comments document available from Region 10 upon request.

H. The Regulatory Flexibility Act

After review of the facts presented in the notice of intent printed above, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this general permit will not have a significant impact on a substantial number of small entities. This certification is based on the fact that the regulated parties have greater than 500 employees and are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5024 et seq. (February 9, 1984). These facilities are classified as Major Group 13—Oil and Gas Extractions SIC 1311 Crude Petroleum and Natural Gas.

Dated: September 4, 1986.

Robert S. Burd,

Acting Regional Administrator, Region 10.

References

Bigham, G. L. Hornsby, and G. Wiens. 1984. Technical support document for regulating dilution and deposition of drilling muds on the Outer Continental Shelf. Prepared for U.S. Environmental Protection Agency, Region 10, Seattle, WA, and Jones and Stokes Associates, Bellevue, WA, by Tetra Tech, Inc., Bellevue, WA. November 1984. 68 pp. plus appendices.

Final, General NPDES Permit, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

Authorization To Discharge to Coastal and Offshore Waters Under the National Pollutant Discharge Elimination System for Oil and Gas Exploration, Development, and Production Facilities

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq.: the "Act"), the following discharges are authorized:

Discharge name	Discharge No.
Drilling Mud	001
Drill Cuttings and Washwater	002
Deck Drainage	003
Sanitary Wastes	004
Domestic Wastes	005
Desalination Unit Wastes	006
Blowout Preventer Fluid	007
Boiler Blowdown	008
Fire Control System Test Water	009
Non-Contact Cooling Water	010
Uncontaminated Ballast Water	011
Uncontaminated Bilge Water	012
Excess Cement Slurry	013
Mud, Cuttings, Cement at Seafloor	014
Waterflooding Discharges	015
Produced Water	016
Completion Fluids	017
Workover Fluids	018
Well Treatment Fluids	019
Test Fluids	020
Produced Solids	021

from oil and gas development and production facilities (in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category, as defined in 40 CFR Part 435, Subpart D) to state waters north of the Forelands in Upper Cook Inlet. Discharges are also authorized from exploratory facilities (in the Offshore and Coastal Subcategories, as defined in 40 CFR Part 435, Subparts A and D) to state and federal offshore and state inland coastal waters. The receiving waters are Cook Inlet, Shelikof Strait, and the Gulf of Alaska. Discharges shall be in accordance with effluent limitations, monitoring and reporting requirements, and other conditions set forth in Parts I through VI hereof.

Permittees who are not granted coverage under this general permit as described in Part I are not authorized to discharge to the specific waters unless an individual permit has been issued to the permittee by EPA, Region 10, on or after July 1, 1984. Discharges from facilities in the Onshore Subcategory (40 CFR Part 435, Subpart C), or to wetlands adjacent to the territorial seas and inland coastal waters of the State of Alaska, are not authorized under this permit.

The authorized discharge sites include all blocks offered for lease by the U.S. Department of the Interior's Minerals Management Servcie (MMS) in Federal Lease Sales 55 (Gulf of Alaska) and 60 (Cook Inlet). Additionally, the authorized discharge sites include all Cook Inlet blocks previously offered for lease by the State of Alaska (including blocks offered in Sales 32, 33, 35, 40, 46A and 49) or offered under state lease sales held during the effective period of this permit. For the purposes of this permit, the southern boundary of Cook Inlet is defined to be the line between Cape Douglas on the west and Port Chatham on the east.

The facilities listed below are authorized to discharge under this permit. Their previous individual permits, which were continued under 40 CFR 122.6 and the Administrative Procedures Act [5 U.S.C. 558(c)], become null and void upon the effective date of this permit.

Facility	Individual NPDES permit No.	General NPDES permit No.
Marathon Granite Point Treatment Facility	AK-000018-3	AKG285001
Marathon Trading Bay Treatment Facility	AK-000141-4	AKG285002
Shell East Foreland Treatment Facility	AK-000046-9	AKG285003
Amoco Platform Anna	AK-000078-7	AKG285004
Amoco Platform Baker	AK-000077-9	AKG285005
Amoco Platform Bruce	AK-000076-1	AKG285006
Amoco Platform Dillon	AK-000075-2	AKG285007
ARCO Platform King Salmon	AK-000020-5	AKG285008
Marathon Platform Dolly Varden	AK-000041-8	AKG285009
Marathon Platform Spark	AK-000019-1	AKG285010
Phillips Platform A	AK-000116-3	AKG285011
Shell Platform A	AK-000044-2	AKG285012
Shell Platform C	AK-000045-1	AKG285013
Texaco-Superior Platform A	AK-000143-1	AKG285014
Union Platform Granite Point	AK-000081-7	AKG285015
Union Platform Grayling	AK-000048-5	AKG285016
Union Platform Monopod	AK-000047-7	AKG285017
ARCO—Fire Island	AK-004054-1	AKG285018

This permit shall be modified or revoked at any time if, on the basis of any new data, the Regional Administrator determines that this information would have justified the application of different permit conditions at the time of issuance. Permit modification or revocation will be conducted in accordance with 40 CFR 122.62, 122.63, 122.64, and 124.5, and, for state waters, State of Alaska procedures found at 18 AAC 15.130 and AS 46.03. In addition to any other grounds specified herein, this permit shall be modified or revoked at any time if, on the basis of any new data, the Regional Administrator determines that continued discharges may cause unreasonable degradation of the marine environmcnt. In accordance with the procedures under 18 AAC 15.130 and AS 46.03, for permit modifications which affect state waters or for reissuance of the general NPDES permit, a copy of the proposed modification, together with a cover letter requesting certification, must be served on the central office of the Department of Environmental Conservation at least 60 days before any EPA deadline for certification action on the modification.

Under 40 CFR 122.44(c)(3), if an applicable standard or limitation is promulgated under sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2), and that effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or revoked and reissued to conform to that effluent standard or limitation.

This permit does not authorize discharges from "new sources" as defined in 40 CFR 122.2.

This permit shall become effective on October 10, 1986.

This permit and the authorization to discharge shall expire at midnight on October 10, 1991 (five years from effective date).

Signed this 4th day of September 1986.

Robert S. Burd,

Acting Regional Administrator, Region 10.

Table of Contents

Part I. Notification Requirements

A. New Exploration Facilities

1. *Requests to be Covered by General Permit.* Written request to be covered by this permit shall be provided to EPA at least 60 days prior to initiation of discharges. Facilities wishing to start discharging within 60 days after the permit becomes effective need not comply with the 60-day requirement, but shall provide the request for coverage as soon as possible prior to initiation of discharges. The request shall include the following information:

a. Name and address of the permittee.

b. General location (including lease and block numbers) of operations and discharges.

c. Any discharge or operating conditions which will require special monitoring or will require special consideration by EPA.

d. Certification that only authorized muds and additives will be discharged (Part II.C.1.d.).

e. Certification of lessee's responsibility. The permittee shall be the owner and/or operator of the facility. However, the lessee may become the permittee after certifying that the lessee assumes responsibility for compliance with the permit. If the lessee has multiple leases, the lessee may submit a single certification for all of its leases. Submission of this certification does not remove the responsibility of the owner or operator for compliance with the conditions of the permit.

If possible, the request for coverage shall also contain any required request for EPA authorization to discharge muds and additives not listed in Tables 1 and 2 (see section 2.e. below).

2. *Authorization to Discharge.* The permittee's discharges are not authorized until written notification is received from EPA that operations at the discharge site have been assigned a permit number under this general permit. A permit number cannot be assigned until the following information is received. This information shall be provided to EPA in the request for coverage, if possible, but in no case less than 30 days prior to commencement of discharges.

a. Name(s) of proposed site(s).

b. Location of discharge site(s), including lease block number(s) and approximate coordinates within lease block(s).

c. Range of water depths (below mean lower low water) in lease block(s), and depth of discharges.

d. Initial date(s) and expected duration(s) of operations.

e. If necessary, request for EPA authorization to discharge muds or additives not listed in Tables 1 and 2 (Parts II.C.1.f. and g.).

3. *Commencement of Discharges.* The permittee shall notify EPA, Region 10, within the 7-day period prior to initiation of discharges from the facility and from each well. The notification may be oral or in writing. If notification is given orally, written confirmation must follow within 7 days.

The notification shall include the exact coordinates (latitude and longitude) and water depth of the discharge site.

B. New Development and Production Facilities

1. *Requests to be Covered by General Permit.* Written request to be covered by this permit shall be provided to EPA at least 60 days prior to initiation of discharges. Facilities wishing to start discharging within 60 days after the permit becomes effective need not comply with the 60-day requirement, but shall provide the request for coverage as soon as possible prior to initiation of discharges. The request shall include the following information:

a. Name and address of the permittee.

b. Name of platform or facility.

c. Specific location (including latitude and longitude, and section, range, and township) of operations and discharges.

d. Water depth at site and depth of discharge(s).

e. Initial date and expected duration of operations.

f. Any discharge or operating conditions which will require special monitoring or will require special consideration by EPA and ADEC.

g. Certification that only authorized muds and additives will be discharged (Part II.C.1.d.).

h. Certification of lessee's responsibility. The permittee shall be the owner and/or operator of the facility. However, the lessee may become the permittee after certifying that the lessee assumes responsibility for compliance with the permit. If the lessee has multiple leases, the lessee may submit a single certification for all of its leases. Submission of this certification does not remove the responsibility of the owner or operator for compliance with the conditions of the permit.

If possible, the request for coverage shall also contain any required request for EPA authorization to discharge muds or additives not listed in Tables 1 and 2 (see section 2, below).

2. *Authorization to Discharge.* The permittee's discharges are not authorized until written notification is received from EPA that operations at the discharge site have been assigned a permit number under this general permit.

In addition, permittees wishing to discharge muds and additives other than those listed in Tables 1 and 2 will not be authorized to discharge the non-listed muds and additives until they have (1) submitted a request to discharge these items (Parts II.C.1.f. and g.) and (2) received authorization from EPA to discharge the items. The request to EPA shall be provided in the request for coverage, if possible, but in no case less than 30 days prior to commencement of drilling discharges.

3. *Commencement of Discharges.* The permittees shall notify EPA, Region 10, within the 7-day period prior to initiation of discharges from the new facility. Drilling operators shall also notify Region 10 within the 7-day period prior to initiation of discharges from each new well thereafter. The notification may be oral or in writing. If notification is given orally, written confirmation must follow within 7 days.

C. Existing Facilities

1. *Coverage by General Permit.* Facilities operating under individual permits which have been continued under 40 CFR 122.6 and the Administrative Procedures Act [5 U.S.C. 558(c)] are automatically covered by this general permit as of its effective date. These facilities are listed above. Continued individual permits for these facilities are null and void as of the effective date of this permit. These permittees need not submit a formal request for coverage prior to commencement of discharges under this permit. However, the permittee shall provide the information below within 30 days after the effective date of the permit.

a. Name and address of the permittee.

b. Name of platform or facility.

c. Specific location (including latitude and longitude, and section, range, and township) of operations and discharges.

d. Water depth at site and depth of discharge(s).

e. Any discharge or operating conditions which will require special monitoring or will require special consideration by EPA.

f. Certification of lessee's responsibility. The permittee shall be the owner and/or operator of the facility. However, the lessee may become the permittee after certifying that the lessee assumes responsibility for compliance with the permit. If the lessee has multiple leases, the lessee may submit a single certification for all of its leases. Submission of this certification does not remove the responsibility of the owner or operator for compliance with the conditions of the permit.

g. Certification that only authorized muds and additives will be discharged (Part II.C.1.d.). as of the following dates:

i. For facilities which will not be drilling within 90 days after the effective date of the permit: as of the date of the requests for coverage.

ii. For facilities, which are or will be drilling within the 90-day period after the effective date of the permit: as of 90 days after the effective date of the permit.

2. *Authorization to Discharge.* The permittee's discharges are automatically authorized as of the effective date of the permit. EPA has assigned each permittee a permit number under the general permit as listed on page 2 of this permit.

Permittees wishing to discharge muds and additives other than those listed in Tables 1 and 2 may be so in accordance with the applicable requirements of their most recent NPDES individual permits until 90 days after the effective date of this permit. After the 90-day period, permittees must have written authorization from EPA to discharge non-listed muds and additives. Requests for authorization to discharge these items shall be submitted as soon as possible, but in no case less than 30 days prior to commencement of drilling discharges following the 90-day period.

3. *Commencement of discharges from New Wells.* The permittee shall notify EPA, Region 10, within the 7-day period prior to initiation of discharges from each new well. The notification may be oral or in writing. If notification is given orally, written confirmation must follow within 7 days.

D. All Facilities Covered by Permit

1. *Submission of Plans of Operation, Environmental Reports, and Biological Surveys.* The permittee is responsible for providing EPA with final copies of any plans of operation, environmental reports, and biological surveys required by the Alaska Department of Natural Resources (ADNR), or by the Regional Supervisor, Field Operations, of the Minerals Management Service (MMS), for the identification and/or protection of biological populations or habitats. The permittee may provide these directly to EPA, or ensure that ADNR or MMS have provided them to EPA. Existing production facilities need not submit plans of operation written prior to the effective date of this permit, however. If final plans and environmental reports submitted to MMS are identical to review copies received by EPA, Region 10, the permittee need not submit them under this permit provision.

2. *Termination of Discharges.* The permittee shall notify EPA within 30 days following cessation of discharges from each well and from the discharge site. The notification may be provided in a DMR or under separate cover.

3. *Submission of Requests to be Covered and Other Reports.* Reports and notifications required herein shall be submitted to the following addresses. Copies of requests, reports, and notifications shall be sent to the Alaska Department of Environmental Conservation (ADEC) only for those discharges which occur in state waters.

All requests for coverage and additive authorizations
- *Director, Water Division
- *U.S. Environmental Protection Agency, Region 10
- *Attn: Ocean Programs Section, M/S 430
- *1200 Sixth Avenue
- *Seattle, Washington 98101
- *(206) 442-8155

All other reports and notifications
- *Director, Water Division
- *U.S. Environmental Protection Agency, Region 10
- *Attn: Water Compliance Section, M/S 513
- *1200 Sixth Avenue
- *Seattle, Washington 98101
- *(206) 442-1213

For state waters only: copies of all requests, reports, and notifications
- *Regional Environmental Supervisor
- *South Central Regional Office
- *Alaska Department of Environmental Conservation
- *437 E Street, Suite 200
- *Anchorage, Alaska 99501

E. Facilities Covered Under Current Individual Permits

A source excluded from coverage under this general permit solely because it already has an individual permit issued on or after July 1, 1984, may request that its individual permit be revoked, and that it be covered by this general permit. Upon revocation of the individual permit and granting of coverage under this general permit, the general permit shall apply to the source.

F. Changes from Coverage under General Permit to Coverage under Individual Permits

The Director of the Water Division (Director), EPA, Region 10, may require any permittee discharging under the authority of this permit to apply for and obtain an individual NPDES permit when any one of the following conditions exist:

a. Storm water discharge(s) is(are) a significant contributor of pollution.

b. The permittee is not in compliance with the conditions of this general permit.

c. A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.

d. Effluent limitation guidelines are promulgated for point sources covered by this permit.

e. A Water Quality Management Plan containing requirements applicable to such point source is approved.

f. The point sources covered by this permit no longer:

(1) Involve the same or substantially similar types of operations,

(2) discharge the same types of wastes,

(3) require the same effluent limitations or operating conditions or

(4) require the same or similar monitoring.

g. In the opinion of the Director, the discharges are more appropriately controlled under an individual permit than under a general NPDES permit.

2. The Director may require any permittee authorized by this permit to apply for an individual NPDES permit only if the permittee has been notified in writing that an individual permit application is required.

3. Any permittee authorized by this permit may request to be excluded from the coverage of this general permit by applying for an individual permit. The owner or operator shall submit an application together with the reasons supporting the request to the Director no later than 90 days after the effective date of the permit.

4. When an individual NPDES permit is issued to a permittee otherwise subject to this general permit, the applicability of this permit to that owner or operator is automatically terminated on the effective date of the individual permit.

Part II. Effluent Limitations and Monitoring Requirements

A. Definitions

1. "AAS" means atomic absorption spectrophotometry.

2. "Authorized additive" means any drilling mud additive listed in Table 2 or authorized for discharge under Part II.C.1.e., f., or g.

3. "Ballast water" means seawater added or removed to maintain the proper ballast floater level and ship draft.

4. "bbl/hr" means barrels per hour. One barrel equals 42 gallons.

5. "Bilge water" means water which collects in the lower internal parts of the drilling vessel hull.

6. "Biocide" means any chemical agent used for controlling the growth of or destroying nuisance organisms (e.g., bacteria, algae, and fungi).

7. "Blowout preventer fluid" means fluid used to actuate hydraulic equipment on the blowout preventer.

8. "BOD" means biochemical oxygen demand.

9. "Boiler blowdown" means the discharge of water and minerals drained from boiler drums.

10. "Bulk discharge" means the discharge of more than 100 barrels in a one-hour period.

11. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

12. "Cd" means cadmium.

13. "COD" means chemical oxygen demand.

14. "Completion fluid" means any borehole fluid placed across the producing zone prior to producing hydrocarbons from the well.

15. A "composite sample" for oil and grease analysis means a set of four individual grab samples taken a minimum of two hours apart within a 24-hour period. The samples shall be of equal size and of not less than 100 ml each. They shall be collected and stored in accordance with procedures in 40 CFR Part 136. They shall be analyzed separately and the results of the four analyses averaged to provide a single value for the composite sample.

16. "Cooling water" means once-through non-contact cooling water.

17. "Cuttings"—see "Drill cuttings".

18. "Daily discharge" means the discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in ujits other than mass, the "daily discharge" is calculated at the average measurement over the sampling day. When grab samples are used, the "daily discharge" determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that sampling day.

19. "Deck drainage" means all waste resulting from platform washings, deck washings, spillings, rainwater, and runoff

from curbs, gutters, and drains including drip pans and wash areas.

20. "Desalination unit wastes" means wastewater associated with the process of creating freshwater from seawater.

21. "Development" operations are those operations that are engaged in the drilling and completion of production wells. These operations may occur prior to or simultaneously with production operations.

22. "Diesel oil" means the class of distillate fuel oil typically used in conventional oil-based drilling fluids which contains a number of toxic pollutants. For the purpose of this permit, "diesel oil" includes the fuel oil present at the facility.

23. "Domestic wastes" includes wastes from showers, sinks, galleys, and laundries.

24. "Drill cuttings" means particles generated by drilling into subsurface geological formations and carried to the surface with the drilling fluid.

25. "Drilling Fluids Toxicity Test" means a bioassay conducted and reported in accordance with the following bioassay methodology: "Drilling Fluids Toxicity Test," EPA Industrial Technology Division, May 1985, or other methods approved in advance by Region 10.

26. "Drilling mud" means any fluid sent down the hole, including any specialty products, from the time a well is begun until final cessation of drilling in that hole. It also includes fluids used in workover operations involving drilling. A water-base drilling fluid is the conventional drilling mud in which water is the continuous phase and the suspending medium for solids, whether or not oil is present. An oil-based drilling fluid has diesel, crude, or some other oil as its continuous phase with water as the dispersed phase.

27. "Elutriate oil and grease" means the oil and grease concentration in elutriates of drilling muds or cuttings samples, as determined by the ADEC procedure.

28. "Excess cement slurry" means the excess cement and wastes from equipment washdown after a cementing operation.

29. "Exploratory" operations are limited to those operations involving drilling to determine the nature of potential hydrocarbon reserves and does not include drilling of wells once a hydrocarbon reserve has been defined. Discharges from exploratory operations are limited to five wells per site.

30. "Fire control system test water" means the water released during the training of personnel in fire protection and the testing and maintenance of fire protection equipment.

31. "GC" means gas chromatography. "GC/MS" means gas chromatography/mass spectrometry.

32. "Generic drilling muds" or "generic muds" means the primary mud types which have been evaluated and authorized by EPA. These mud types have been authorized for discharge with limitations on composition given in Table 1. A list of authorized specialty additives is given in Table 2.

33. A "grab" sample is a single sample or measurement taken at a specific time or over as short a period of time as is feasible.

34. "Hg" means mercury.

35. "lb/bbl" means pounds per barrel.

36. "Maximum daily" means the highest measured "daily discharge" during the monitoring month.

37. "Maximum hourly rate" as applied to drilling mud, cuttings, and washwater means the greatest number of barrels of drilling fluids discharged within one hour, expressed as barrels per hour.

38. "MGD" means million gallons per day.

40. "mg/kg" means milligrams per kilogram.

41. "mg/l" means milligrams per liter.

42. "Mineral oil" means a class of low volatility petroleum product, generally of lower aromatic hydrocarbon content and lower toxicity than diesel oil.

43. "Minimum daily" means the lowest measured "daily discharge" during the monitoring month.

44. "Monitoring month" means the period consisting of the calendar weeks which end in a given calendar month.

45. "Monthly average" means the average of "daily discharges" over a monitoring month, calculated as the sum of all "daily discharges" measured during a monitoring month divided by the number of "daily discharges" measured during that month.

46. "Muds, cuttings, cement at sea floor" means the materials discharged at the surface of the ocean floor in the early phases of drilling operations, before the well casing is set, and during well abandonment and plugging.

47. "NAA" means neutron activation analysis.

48. "No discharge of free oil" means that waste streams that would cause a film or sheen upon or a discoloration of the surface of the receiving water or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines may not be discharged.

49. "No discharge of diesel oil" in drilling mud means a determination that diesel oil is not present based on a comparison of the gas chromatogram from an extract of the drilling mud and from diesel oil obtained from the drilling rig or platform. GC/MS may also be used.

50. "Non-contact cooling water"—see "Cooling water."

51. "Oil-based" means that the mud or fluid contains oil as the continous phase with water as the dispersed phase.

52. "Open water" means less than 25% ice coverage within a one (1) mile radius of the discharge site.

53. "Produced fluid" means fluid extracted from a hydrocarbon reserve during development or production. The fluid is generally a mixture of oil, water, and natural gas.

54. "Produced solids" means sands and other solids deposited from produced water which collect in vessels and lines and which must be removed to maintain adequate vessel and line capacities.

55. "Produced water" means water associated with a hydrocarbon reserve and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.

56. "Production" operations are those operations involving active recovery of hydrocarbons from producing formations. These operations may occur simultaneously with or following development operations.

57. "Sanitary wastes" means human body waste discharged from toilets and urinals.

58. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

59. "Site" means the single, specific geographical location where a mobile drilling facility (jackup rig, semi-submersible, or arctic mobile rig) conducts its activity, including the area beneath the facility, or to a location of a single gravel island.

60. "Slush ice" occurs during the initial stage of ice formation when unconsolidated individual ice crystals (frazil) form a slush layer at the surface of the water column.

61. "Stable ice" means ice that is stable enough to support discharged muds and cuttings.

62. "Static Sheen Test" means those procedures which are described (1) in the draft "Proposed Methodology: Laboratory Sheen Test for the Offshore Subcategory, Oil and Gas Extraction Industry," prepared by Technical Resources, Inc., April 10, 1983; and (2) in EPA, Region 10's Interim Guidance for the Static (Laboratory) Sheen Test," January 10, 1984.

63. "Test fluid" means the discharge which would occur should hydrocarbons be located during exploratory drilling and tested for formation pressure and content. This would consist of fluids sent downhole during testing along with water from the formation.

64. "TOC" means total organic carbon.

65. "Unstable or broken ice conditions" means greater than 25% ice coverage within a one (1) mile radius of the discharge site after spring breakup or after of slush ice formation in the fall, but not stable ice.

66. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

67. "Water depth" means the depth of the water between the surface and the seafloor as measured from mean lower low water (0.0).

68. "Waterflooding discharges" means discharges associated with the treatment of seawater prior to its injection into a hydrocarbon bearing formation to improve the flow of hydrocarbons from production wells. These discharges include strainer and filter backwash water, and treated water in excess of that required for injection.

69. "Well treatment fluid" means any fluid used to enhance production by altering the oil-bearing strata after a well has been drilled.

70. "Workover fluid" means any fluid used for remedial or maintenance work on a well which has been producting for a period of time, or fluids left in a well and later displaced out of a well during workover operations. Workover fluids used for drilling operations are included in the drilling mud category.

71. "XFA" means x-ray fluorescence analysis.

72. "96-hr LC_{50}" means the concentration of a test material that is lethal to 50 percent of the test organisms in a bioassay after 96 hours of constant exposure.

73. "µg/l" means micrograms per liter.

B. General Area and Depth-Related Requirements

Discharges from operations in Cook Inlet are prohibited in the following cases. Potential permittees should contact EPA if they ar uncertain whether or not their discharges will be located in a prohibited area. The Agency will also provide a map showing the approximate location of prohbited areas upon request.

1. Discharges from the following facilities are prohibited shoreward of the specified isobaths, including intertidal areas.

Facility	Isobath (in m below mean lower low water)
Marathon Granite Point Production Facility	3.5
Marathon Trading Bay Production Facility	6.5
Shell East Foreland Production Facility	6.5

2. The discharge of produced water from new facilities is prohibited in intertidal areas. New facilities are also prohibited from discharging produced water shoreward of the 10 m isobath, unless an alternative isobath and mixing zone are determined by EPA and ADEC. The determination shall be based on compliance of the discharge with the Alaska Water Quality Standard for total aromatic hydrocarbons. No alternative isobath will be allowed which is shallower than any isobath specified for produced water in the terms of a state oil and gas lease sale covering the area of the proposed location. Specifically, there shall be no discharges shoreward of the 5.5 m isobath adjacent to (a) Clam Gulch Critical Habitat area (Sales 32, 40, 46A, and 49) and (b) from the Crescent River northward to a point one-half mile north of Redoubt Point (Sales 35 and 49). Alternative isobaths and mixing zones will be determined on a case-by-case basis. Permittees requesting a determination shall do so at the time they request coverage under the general permit, and shall provide EPA and ADFE with the following information: (1) Expected maximum flowrate, in m^3/sec; (2) Expected salinity (in ppt) and temperature (in °C) which correspond to the maximum density expected of the discharge; (3) Expected maximum concentration of total aromatic hydrocarbons (in mg/l); (4) Inner diameter of the proposed outfall pipe (in m); (5) Orientation of the pipe relative to the prevailing current direction and to the water surface or seafloor; and (6) Proposed diffuser design (if applicable). The agencies will use this information together with information on ambient conditions to model predicted dilution of the effluent, using the model UMERGE or another appropriate model selected by EPA and ADEC. The alternative isobath and mixing zone will be based on the worst-case modeling analsis.

3. The discharge of all effluents other than those addressed in sections 1. and 2. above is prohibited shoreward of the 5 m isobath (as measured from mean lower low water) including intertidal areas. Where terms of state lease sales prohibit discharges shoreward of isobaths deeper than 5 m, the deeper isobath shall be the boundary instead Specifically, there shall be no discharges shoreward of the 5.5 m isobath adjacent to (a) Clam Gulch Critical Habitat Area (Sales 32, 40, 46A, and 49) and (b) from the Crescent River northward to a point one-half mile north of Redoubt Point (Sales 35 and 49).

3. All discharges are prohibited in the following areas:

a. Within the boundaries or within 1,000 m of a coastal marsh, river delta, river mouth, designated Area Meriting Special Attention (AMSA), game refuge, game sanctuary, or critical habitat area.

The seaward edge of a coastal marsh is defined as the seaward edge of emergent wetland vegetation.

The following state game refuges (SGR), game sanctuaries (SGS), and critical habitat areas (CHA) are located in the area covered by this permit:

Palmer Hay Flats SGR
Goose Bay SGR
Potter Point SGR
Susitna Flats SGR
McNeil River SGS
Trading Bay SGR
Kalgin Island CHA
Clam Gulch CHA
Kachemak Bay CHA

The legal descriptions of these state special areas are found in AS 16.20. The present boundaries of these state special areas are described in "State of Alaska Game Refuges, Critical Habitat Areas, and Game Sanctuaries," Alaska Department of Fish and Game, Habitat Division, July 1983. Further information shall also be obtained from the Alaska Department of Fish and Game, Habitat Division, 333 Raspberry Road, Anchorage, AK 99502, (907) 267–2284.

b. In Kamishak Bay west of a line from Cape Douglas to Chinitna Point.

c. In Chinitna Bay inside of the line between the points on the shoreline at latitude 59°52'45" N, longitude 152°48'18" W on the north and latitude 59°46'12" N, longitude 153°00'24" W on the south (Figure 1).

d. In Tuxedni Bay inside of the lines on either side of Chisik Island (Figure 1):

(1) From latitude 60°04'06" N, longitude 152°34'12" W on the mainland to the southern tip of Chisik Island (latitude 60°05'45" N, longitude 152°33'30" W).

(2) From the point on the mainland at latitude 60°13'45" N, longitude 152°32'42" W to the point on the north side of Snug Harbor on Chisik Island (latitude 60°06'36" N, longitude 152°32'54" W).

C. Drilling Mud, and Drill Cuttings and Washwater (Discharges 001 and 002)

1. *General Requirements.* These discharges shall be limited and monitored by the permittee in accordance with Parts II.B., II.C.2., II.C.3., II.J., III., and the following requirements. The requirements apply to each of the discharges except where otherwise noted.

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Reported value(s)
Flow rate [1] Water depth:				
>40 m	1,000 bbl/hr	Continuous during discharge	Estimate	Maximum hourly rate.
>20–40 m	750 bbl/hr			
5–20 m	500 bbl/hr			
<5 m	No discharge			
Total volume (bbl)	[2]	Daily	Estimate	Monthly total.
Drilling mud constituents	Generic muds and authorized additives only.	See Parts II.C.1.d.-g. and i.		
Free oil	No free oil	Daily, and before bulk discharges	Grab/Static Sheen Test	Number of days sheen observed.
Oil-based fluids	No discharge	See Part II.C.1.a.		
Oil content of cuttings	10% by wt, 5% by wt.[3]	See Part II.C.1.a.		
Elutriate oil and grease/Visible sheen.	No visible sheen	See Part II.C.1.c	Elutriate test/Observation	Maximum daily (mg/l)/Number of days sheen observed.
Diesel oil content	No discharge of diesel oil	See Part II.C.1.a	Grab/GC	Presence or absence.
Mercury and cadmium content of barite.	1 mg/kg Hg, 3 mg/kg Cd, dry wt.[4]	Once per well	AAS	Concentrations (mg/kg dry wt).
Chemical inventory		Once per mud system	See Part II.C.1.i.	
Metals in drilling mud		See Part II.C.1.j.		Concentrations (mg/kg dry wt).
Oil content of drilling mud		See Part II.C.1.j.		
Toxicity of drilling mud		See Part II.C.1.k		96-hr LC_{50}.

[1] Maximum flow rate of total muds and cuttings (Part II.C.2. and II.B.), includes predilutant water.
[2] Exploratory drilling discharges are limited to discharges from no more than five wells at a single drilling site. If a step-out (kick-off) well is drilled from a previously drilled well hole, the step-out (kick-off) well is counted as a new well. Requests to discharge from more than five wells per site will be considered by the Water Division Director on a case-by-case basis.
[3] Applies to discharges to state waters only.
[4] Waivers may be granted in some cases. See Part II.C.1.h.

a. *Prohibition on the discharge of all oil-based muds, diesel oil, and cuttings with an oil content greater than 10%.* The discharge of oil-based drilling muds (containing oil as the continuous phase with water as the dispersed phase) is prohibited.

In addition, the discharge of cuttings containing more than 10% oil by weight (or 5% oil by weight for state waters) is prohibited. Analysis for both state and federal waters is required (a) daily at the time that oil-based drilling fluids or oil additives (except those containing diesel oil) are used; (b) daily at the time that drilling fluids could be contaminated with hydrocarbons from the formation; and (c) immediately on any sample that has violated the Static Sheen Test if a discharge has occurred. The method of analysis shall be that listed for oil and grease in 40 CFR Part 136, or the retort distillation method for oil (American Petroleum Institute, Recommended Practice 13B, 1980). The results of each analysis shall be provided to the Director by written report within 45 days following sample collection.

The discharge of water-based drilling muds which have contained diesel oil or of cuttings associated with any muds which have contained diesel oil is prohibited. Compliance with the limitation on diesel oil shall be demonstrated by a gas chromatography (GC) analysis of drilling mud collected from the mud system used at the greatest well depth, ("end-of-well" sample) and of any muds and cuttings which fail the daily Static Sheen Test if a discharge has occurred in the past 24 hours (Part II.C.l.b. below). In all cases, the determination of the presence or absence of diesel oil shall be based on a comparison of the GC spectra of the sample and of diesel oil in storage at the facility. The method for GC analysis shall be that described in "Analysis of Diesel Oil in Drilling Fluids and Drill Cuttings," (CENTEC, 1985), available from EPA, Region 10. Gas chromatography/mass spectrometry (GC/MS) may be used if an instance should arise where the operator and EPA determine that greater resolution of the drilling mud "fingerprint" is needed for a particular drilling mud sample.

The end-of-well analysis for diesel oil shall be done in conjunction with any end-of-well analyses required in Part II.C.1.j. The results and raw data, including the spectra, from the GC analysis shall be provided to the Director by written report (a) within 30 days of a positive result with the Static Sheen Test, or (b) for the end-of-well analysis, within 45 days of well completion.

b. *No discharge of free oil.* There shall be no discharge of free oil as a result of the discharge of drill cuttings and/or drilling muds. The permittee shall perform the Static Sheen Test on separate samples of drilling muds and cuttings on each day of discharge and prior to bulk discharges. The test shall be conducted in accordance with "Proposed Methodology: Laboratory Sheen Tests for the Offshore Subcategory, Oil and Gas Extraction Industry" (Petrazzuolo, 1983) and EPA, Region 10's "Interim Guidance for the Static (Laboratory) Sheen Test." The discharge of drilling muds or cuttings which fail the Static Sheen Test is prohibited.

Whenever muds or cuttings fail the daily Static Sheen Test and a discharge has occurred in the past 24 hours, the permittee is required to analyze an undiluted sample of the material which failed the test to determine the presence or absence of diesel oil. The determination and reporting of results shall be performed according to Part II.C.1.a above.

c. *Elutriate test for oil and grease (applies to state waters only).* Drilling muds and/or cuttings containing oil shall not be disposed of on sea ice or into waters of the State of Alaska if such discharge will result in violation of EPA's free oil standard or the State of Alaska's visible sheen standard. Monitoring of elutriate oil and grease concentrations in representative samples of drilling effluents shall be required prior to changeover discharges and end-of-well bulk discharges, and at least weekly during routine discharges. In addition, the elutriate test is required for all mineral oil-spotted muds.

The procedure for the elutriate test shall be that required by ADEC. Copies of the procedure may be obtained from ADEC. Results shall be reported to the ADEC, Southcentral Regional Office, and to EPA within 45 days of sample collection, and shall include correlations between the results of the static laboratory sheen test and the elutriate oil and grease test.

In cases where monitoring indicates an elutriate oil and grease concentration of 50 mg/l is exceeded and a discharge has occurred in compliance with Part II.C.1.b., the permittee shall also conduct an analysis of total recoverable oil and grease and shall report the results in writing to ADEC and to EPA within 45 days.

Discharges which pass the elutriate test requirements are not exempt from the free oil requirements of section b. above.

After two years from the effective date of this permit, ADEC shall evaluate the results of elutriate oil and grease and visible sheen correlation tests to determine whether a 50 mg/l or other elutriate oil and grease discharge limitation shall be placed on future discharges to Cook Inlet for the remaining life of the permit. Operators are encouraged to evaluate a range of alternatives to marine disposal of muds and cuttings containing oil, including developing and maintaining individual and/or centralized onshore special waste disposal site(s), barging, technological capabilities of cuttings washers to remove oils, and reinjection of waste fluids.

ADEC may, in its discretion, require a one-time marine sediment sampling program at a single shallow water development drilling site to determine the fate of discharged muds and cuttings containing oils. The scope of the sampling program shall be determined by ADEC in conjunction with the operators and EPA.

d. *Certification of discharge of authorized muds and additives.* The permittee is required to certify in accordance with Part I.A.1., I.B.1., or I.C.1. that only generic muds and authorized additives (Part II.C.1.e.) or muds and additives authorized in accordance with Parts II.C.1.f. and g. will be discharged.

e. *Generic drilling muds and authorized additives.*

Only generic drilling muds and authorized additives shall be discharged. The generic mud types which have been authorized for discharge are given in Table 1, with specified limitations on composition. A list of additional authorized mud components (specialty additives) is given in Table 2. Tables 1 and 2 may be updated by EPA, Region 10, during the effective period of this permit. If so, the latest updated versions will supersede all earlier versions. Updated versions will be mailed to permittees at the time that the updates become effective. They will be available to other parties upon request.

f. *Authorization to discharge drilling muds and additives not listed in Tables 1 and 2.* The discharge of drilling muds containing any additive (or component) not allowed under Part II.C.1.e. shall require authorization by Region 10 *prior* to discharge. In the authorization process, Region 10 will evaluate whether the requested additives or components will unacceptably increase the toxicity of the drilling mud. The permittee shall supply the information listed below to Region 10 and shall submit it with the information required by Part I.A.2., I.B.2., or I.C.2.

(1) Approximate date and duration of proposed discharge.

(2) Bioassay testing and reporting of results in accordance with the Drilling Fluids Toxicity Test or other procedures approved in advance by Region 10, and also ADEC for discharges to state waters. Additives may be tested with this methodology in a standard reference mud, a generic mud, or in the proposed drilling mud system. *The biossay report shall specify the concentration of each constituent in the tested drilling fluid.*

(3) Chemical characterization of the additive; estimate of total amount required for any particular well, requested application rate (lb/bbl and % by volume) in the drilling mud, total volume of the drilling mud in which the additive will be dispersed. For the particular well under consideration, a description of drilling mud type and list of other additives, including concentrations (lb/bbl) and % by volume) likely to be present in the drilling mud.

(4) (For biocides only)

(a) Product registration and label information required by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); and

(b) Any other available information (e.g., on rate of degradation).

Additives may be authorized on an interim basis, at the discretion of Region 10, if preliminary bioassay data and other information are submitted and if the Director determines that additional information is

required. The requested additional information may include bioassay data on a used drilling mud sample containing the requested additive. Interim authorization of some mineral oil spotting agents may require that a pill containing the mineral oil spot be removed prior to discharge of the mud system. This information shall be submitted by the date specified in the letter granting interim authorization.

Region 10 will also consider any cost information provided by permittees as part of its evaluations.

g. *Authorization to discharge biocides or mineral oil lubricity or spotting agents.* Biocides or mineral oil lubricity or spotting agents will be authorized as additives in discharged drilling muds (subject to other limitations; e.g., on free oil) in accordance with Part II.C.1.f., if (1) the Drilling Fluids Toxicity Test demonstrates that the selected biocide or mineral oil would not cause the drilling mud to be more toxic than the most toxic generic mud, or (2) the permittee adequately demonstrates that the use of biocides or mineral oils which meet this limitation is not possible and that the requested product is the least toxic available alternative.

In addition, Region 10 will consider the following factors:

(1) For operations in State waters, the likelihood that the biocide will meet the Alaska Water Quality Standard for "toxic and other deleterious organic and inorganic substances," at 18 AAC 70.020(b), as well as other applicable Alaska Water Quality Standards;

(2) For all operations, the likelihood that the biocide will meet federal marine water quality criteria;

(3) For operations in the Offshore Subcategory (i.e., located seaward of the inner boundary of the territorial seas), factors required to be considered by the Ocean Discharge Criteria regulations; and

(4) For all operations, the availability of other products which would be technologically and economically feasible, but less harmful to the environment.

Determinations for state waters will be made in consultation with ADEC.

h. *Mercury and cadmium content of barite.* The permittee shall not discharge a drilling mud to which barite was added if such barite contained mercury in excess of 1 mg/kg or cadmium in excess of 3 mg/kg (dry weight basis). The permittee shall analyze a representative sample of stock barite once prior to drilling each well and submit the results for total mercury and total cadmium in the Discharge Monitoring Report upon well completion. If more than one well is drilled at a site, new analyses are not required for subsequent wells if no new supplies of barite have been received since the previous analyses. In this case, the DMR should state that no new barite was received since the last reported analysis. Analyses shall be conducted by atomic absorption spectrophotometry and results expressed as mg/kg (dry weight) of barite.

If the permittee is unable to comply with this provision due to the lack of availability of barite which meets the above limitations, the Director may, on a case by case basis, allow the discharge of barite which exceeds these limitations. Prior to discharge the permittee shall demonstrate to the satisfaction of the Director that barite which meets the limitations is unavailable and shall provide the results of analyses of the substitute barite.

1. *Chemical inventory.* For each mud system discharged the permittee shall maintain a precise chemical inventory of all constitutents added downhole, including all drilling mud additives used to meet specific drilling requirements. The permittee shall report the following information for each discharged mud system: (1) Generic mud type (from Table 1), (2) Name and total amount (volume or weight) of each constituent added downhole, (3) The total volumes of mud created and added downhole, and (4) Maximum concentration of each constitutent in discharged mud. In addition, for each mud system discharged, the permittee shall report (5) The total volume of mud discharged, and (6) Estimated amount of each constitutent discharged. The inventory shall be submitted within 45 days following well completion.

j. *Chemical analysis.* The permittee shall analyze each discharged mud system containing a mineral oil lubricity and/or spotting agent. Samples shall be collected when the additive concentration is at its maximum value. If no mineral oil is used, the analysis shall be done on a drilling mud sample collected from the mud system used at the greatest well depth. All samples shall be collected prior to any predilution. Each drilling mud sample shall be of sufficient size to allow for both the chemical testing described here and the bioassay testing described in Part II.C.1.k. below.

The chemical analysis of the drilling mud shall include the following metals: barium, cadmium, chromium, copper, mercury, zinc, and lead. The total concentration shall be reported for each metal and shall be obtained by the methods given in 40 CFR Part 136 with, exception of barium. Neutron activation analysis (NAA) or x-ray fluorescence analysis (XFA) shall be used for total barium. Flame or flameless atomic absorption spectrophotometry (AAS) shall be used for mercury, cadmium, copper, zinc and lead. Either NAA or AAS may be used for chromium. The results shall be reported in "mg/kg of whole mud (dry weight)," and the moisture content (% by weight) of the original drilling mud sample shall be reported.

In addition, permittees shall analyze mud samples for oil content (percent by weight and by volume). The analytical method shall be the retort distillation method for oil (American Petroleum Institute, Recommended Practice 13B, 1980).

Results of chemical analyses shall be submitted within 45 days following well completion. Results shall be submitted with the end-of-well chemical inventory, Part II.C.1.i., and shall identify the corresponding mud system from the end-of-well inventory.

This requirement may be discontinued if EPA (and ADEC, for state waters) determine that additional data collection is unnecessary.

k. *Bioassay test.* The permittee shall complete one bioassay test on each discharged mud system where a mineral oil lubricity or spotting agent is used. If no mineral oil is used, the bioassay test shall be conducted on the drilling mud sample collected for end-of-well chemical analysis. Each sample shall be a representative subsample of that collected for chemical analysis in Part II.C.1.j. above. The testing and reporting of results shall be in accordance with the Drilling Fluids Toxicity Test or other procedures approved in advance by EPA, Region 10.

Results of the bioassay testing shall be reported together with the end-of-well chemical inventory and chemical analysis results of Parts II.C.1.i. and j. Results are due within 45 days following well completion.

This requirement may be discontinued if EPA (and ADEC, for state waters) determine that additional data collection is unnecessary.

2. *Depth-Related Requirements.* The total drilling muds, drill cuttings, and washwater discharge rate shall not exceed 750 bbl/hr in water depths greater than 20 m but not exceeding 40 m, nor exceed 500 bbl/hr in water depths of 5–20 m (as measured from mean lower low water). Discharges of drilling muds and cuttings are prohibited shoreward of the 5 m isobath (as measured from mean lower low water) under the provisions of Part II.B.

3. *Environmental Monitoring Requirements.*

Within 1500 m of sensitive areas. Monitoring of the fate and effects of drilling muds and/or cuttings discharges shall be required for new development and production facilities when the location of the discharges is within 1500 m of an area of biological significance, such as a coastal marsh, river delta, river mouth, designated Area Meriting Special Attention, game refuge, game sanctuary, or critical habitat area.

The specifics and each monitoring program, including survey design, analytical techniques, and reporting requirements, will be determined by EPA, Region 10, in consultation with the South Central Regional Office of ADEC and the permittee. Monitoring shall include, but not be limited to, relevant hydrographic, sediment hydrocarbon, and heavy metal data from surveys conducted before and during drilling mud disposal operations and for a minimum of one year after drilling operations cease.

Region 10, in consultation with ADEC, will grant an exemption to this requirement if the permittee can satisfactorily demonstrate that information on the fate and effects of the discharge is available and/or the discharge will have insignificant impacts on the area of biological significance. An exemption to post-drilling monitoring will be granted if no impact was indicated during drilling.

In water depths of 5–20 m (state waters only). In state waters where drilling muds and/or drill cuttings are discharged in water depths of 5–20 m (as measured from mean lower low water) under the depth-related discharge requirements of Part II.C.2., monitoring may be required, at the discretion of ADEC, for verification of predicted water column dilutions and bottom deposition at representative sites. Permittees requesting

such discharge may be required to participate in monitoring of actual water column dilutions and bottom deposition. The specifics of any monitoring program, including survey design, analytical techniques, participants, and reporting requirements, will be determined by ADEC, in consultation with EPA, Region 10, and the permittee.

D. Deck Drainage (Discharge 003)

1. These discharges shall be limited and monitored by the permittee in accordance with Parts II.B., II.J., III., VI., and the following requirements:

Outfall/effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Reported value(s)
Flow rate (MGD)		Monthly	Estimate	Monthly avg.
Free oil	No visible sheen	Daily, during discharge	Visual/sheen on receiving water [1]	Number of days sheen observed.

[1] If discharge occurs during broken or unstable ice conditions, or during stable ice conditions, the sample type/methods shall be "Grab/Static Sheen Test."

2. Area drains for either washdown water or rainfall that may be contaminated with oil and grease shall be separated from those area drains that would not be contaminated. The contaminated deck drainage shall be processed through an oil-water separator prior to discharge and samples for that portion of the deck drainage collected from the separator effluent.

3. Any deck drainage which is commingled with other wastes prior to discharge shall be subject at the point of discharge to the most stringent of the limitations on the individual effluents.

E. Sanitary Wastes and Domestic Wastes (Discharges 004 and 005)

1. These discharges shall be limited and monitored by the permittee in accordance with Parts II.B., II.J., III., VI., and the following requirements:

Outfall/effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Reported value(s)
Both Discharges:				
Flow rate (MGD)		Monthly	Estimate	Monthly avg.
Solids [1]	No floating solids	Daily	Observation [2]	Number of days solids observed.
Sanitary Wastes [3]:				
Residual chlorine (mg/l) [4, 6]	As close as possible to, but no less than 1.0 mg/l [5].	Monthly	Grab [6]	Concentration.
BOD and suspended solids (mg/l) [7].		Monthly	Grab	Concentration.
24-hr period	60 mg/l, avg.			
7 consecutive days	45 mg/l, avg.			
30 consecutive days	30 mg/l, avg.			
Domestic Wastes:				
Free oil [8]	No visible sheen	Daily, during discharge	Observation [8]	Number of days sheen observed.

[1] Any facility using a marine sanitation device (MSD) that complies with pollution control standards and regulations under Section 312 of the Act shall be deemed to be in compliance with these limitations until such time as the device is replaced or is found not to comply with such standards and regulations. The MSD shall be tested yearly for proper operation and test results maintained at the facility.

[2] Monitoring, by visual observation of the surface of the receiving water in the vicinity of the outfall(s), shall be done during daylight at a time of maximum estimated discharge.

[3] In cases where sanitary and domestic wastes are mixed prior to discharge,and sampling of the sanitary waste component stream is infeasible, the discharge may be sampled after mixing. In such cases, the discharge limitations for sanitary wastes shall apply to the mixed waste stream.

[4] This limitation applies only to facilities continuously manned by ten or more persons.

[5] For state waters chlorine contact time shall be no less than 30 minutes. In addition, residual chlorine shall not exceed 2.0 ug/l outside the boundary of the mixing zone, or shall be below the detection limit based upon the DPD (N,N-diethy-p-phenlyenediamine) method or the amperometric method for detection of chlorine.

[6] Residual chlorine may be monitored according to test procedures approved under 40 CFR Part 136 or using a Hach Test Kit capable of measuring chlorine in the range from 0–3.5 mg/l with a sensitivity of 0.1 mg/l or better.

[7] Limits apply only to discharges to state waters and separately for BOD and suspended solids. For each parameter, the arithmetic mean of values for effluent samples collected in the specified period may not exceed the specified concentration. At a minimum, one measurement must be made monthly to meet the 24-hr period limitation. If measurements are made for 7 or 30 consecutive days, the more stringent discharge limitations shall also apply.

[8] For state waters, monitoring by visual observation of the surface of the receiving waters in the vicinity of the outfall(s) is required during open water conditions only, and shall be done in daylight at the time of maximum estimated discharge.

2. For state waters, domestic and sanitary wastes shall be discharged below the water surface.

F. Miscellaneous Discharges (Discharges 006–015)

The following limitations and monitoring requirements in addition to those in Parts II.B., II.J., III., and VI. apply to these discharges:

Outfall/effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type method	Reported value(s)
All Miscellaneous Discharges:				
Free oil [1]	No free oil	Once/discharge for intermittent discharges or once/day for continuous discharges.	Visual/Sheen on receiving water [2]	Number of days sheen observed.
Cooling Water				
Desalinator Wastes				
Waterflooding Discharges				
Flow rate (MGD)		Monthly	Estimate	Monthly average.

[1] Bilge water shall be processed through an oil-water separator prior to discharge.

[2] If bilge water is discharged during broken or unstable ice conditions, or during stable ice conditions, the sample type/method shall be "Grab-Static Sheen Test."

G. Produced Water (Discharge 016)

1. *General Requirements.* This discharge is subject to the requirements of Parts II.B., II.J., III., VI., and the conditions listed below:

Outfall/effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type/method	Reported value(s)
Oil and grease: (mg/l) [1]:				
Phillips A platform	20 max. daily, 15 monthly avg	Weekly	Composite	Max. and min. daily, and monthly avg.
Other facilities	72 max. daily, 48 monthly avg	Weekly	Composite	Max. and min. daily, and monthly avg.
pH [1]	6-9	Weekly	Grab	Max. and min. daily, and monthly avg.
Flow rate (gal/day)		Daily	Estimate	Max. and min. daily, and monthly avg.

[1] Produced water shall be processed through at least one oil-water separator prior to discharge. Samples shall be collected after the final step of treatment.

2. Discharges of produced water to waters shoreward of the 10 m isobath are provided the mixing zones listed below. The following mixing zones are specified for existing facilities covered by the permit:

Facility	Mixing zone radius (m)
Marathon Granite Point Production Facility	450
Marathon Trading Bay Production Facility	750
Shell East Foreland Production Facility	750

Mixing zones for new facilities will be determined on a case-by-case basis as described in Part II.B.2.

3. A mixing zone verification study for mixing zones for existing produced water discharges shoreward of the 10 m isobath is required to ascertain model fit. Operators will be allowed to jointly contract for such a study to verify the model for one of the three indicated mixing zones. This mixing zone verification study must be completed within one year from the initiation of discharges from new outfalls which meet the depth limitations in the permit for the shore-based facilities. The specifics of the verification study, including survey design, analytical techniques, and reporting requirements will be determined by ADEC, in consultation with EPA, Region 10 and the permittee(s). The verification study shall include, but not be limited to, determination of total aromatic hydrocarbon concentrations in the effluent, and at points within, on, and outside the boundary of the mixing zone.

4. Produced water discharges from the following offshore platforms are provided interim mixing zones as follows:

Facility	Mixing zone radius (m)
Amoco Platforms Anna, Baker, Bruce, and Dillon	625
Phillips A Platform	150

Upon further evaluation of modeling efforts, the receipt of any additional information and evaluation of the results of the mixing zone verification study required of the produced water discharges from onshore facilities, ADEC may modify these mixing zones according to the criteria of 18 AAC 70.032. Existing production platforms in the Upper Cook Inlet discharging produced water must submit the information specified in Part II.B.2. within one year of the effective date of the permit.

5. New production facilities in the Upper Cook Inlet wishing to discharge produced water to state waters must submit the information specified in Part II.B.2. as well as water depth and depth of discharge to ADEC and EPA at least 6 months prior to the initiation of discharge in order that an appropriate mixing zone may be established.

H. Completion Fluids , Workover Fluids, Well Treatment Fluids, and Test Fluids (Discharges 017–020)

Each of these discharges shall be limited and monitored by the permittee in accordance with Parts II.B., II.J., III., VI., and the following requirements:

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type method	Reported values
Frequency of discharge		Once/discharge	Count	Total number of discharges.
Volume (bbl)		Once/discharge	Estimate	Total for each discharge.
Free oil [1]	No free oil	Once/discharge	Grab/Static Sheen Test	Number of times sheen observed.
Oil-based fluids	No discharge	Included in free oil monitoring above		
pH of test fluids	6.5–8.5	Once/discharge	Grab	pH.
pH of other fluids	6–9	Once/discharge	Grab	pH.
Oil and grease in test fluids (mg/l)	72 max. daily 48 monthly avg	Once/discharge	Grab	Max. daily and monthly average.
Oil and grease in other fluids (mg/l) [2].	[2]	Once/discharge	Grab	Max. daily and monthly average.

[1] The discharge of oil-based fluids is prohibited. All fluids shall be processed through an oil-water separator prior to discharge. Samples shall be collected after the final step of treatment.
[2] The produced water oil and grease limits apply to the combined discharge of any workover, completion, opr well treatment fluid which is commingled with produced water prior to discharge.

I. *Produced Solids (Discharge 021)*

1. This discharge shall be limited and monitored by the permittee in accordance with Parts II.B., II.J., III., and the following requirements:

Effluent characteristic	Discharge limitation	Monitoring requirements		
		Measurement frequency	Sample type method	Reported value(s)
Frequency of discharge		Once/discharge	Count	Total number of discharges.
Volume (m^3)		Once/discharge	Estimate	Total for each discharge.
Free oil	No free oil	Once/discharge	Grab/Static Sheen test	Number of times sheen observed.
Elutriate oil and grease (mg/l) [1]	No visible sheen	See Part II.I.3	Elutriate test	Maximum daily.

[1] Applies to discharges to state waters only.

2. The permittee shall perform the Static Sheen Test once prior to each discharge. the test shall be conducted in accordance with "Proposed Methodology: Laboratory Sheen Tests for the Offshore Subcategory, Oil and Gas Extraction Industry" (Petrazzuolo, 1983) and EPA, Region 10's "Interim Guidance for the Static (Laboratory) Sheen Test." The discharge of produced solids which fail the Static Sheen Test is prohibited.

3. *Elutriate test or oil and grease (applies to state waters only).* Produced solids

containing oil shall not be disposed of on sea ice or into waters of the State of Alaska if such discharge will result in violation of EPA's free oil standard or the State of Alaska's visible sheen standard. Monitoring of elutriate oil and grease concentrations in representative samples of produced solids shall be required prior to each discharge.

The procedure for the elutriate test shall be that required by ADEC. Copies of the procedure may be obtained from ADEC. Results shall be reported to the ADEC, Southcentral Regional Office, and to EPA within 45 days of sample collection, and shall include correlations between the results of the static laboratory sheen test and the elutriate oil and grease test.

In cases where monitoring indicate an elutriate oil and grease concentration of 50 mg/l is exceeded and a discharge has occurred in compliance with section II.C.1.b., the permittee shall also conduct an analysis of total recoverable oil and grease and shall report the results in writing to ADEC and EPA within 45 days.

Discharges which pass the elutriate test requirements are not exempt from the free oil requirements of section 2. above.

After two years from the effective date of this permit, ADEC shall evaluate the results of elutriate oil and grease and visible sheen correlation tests to determine whether a 50 mg/l or other elutriate oil and grease discharge limitation shall be placed on future discharges to Cook Inlet for the remaining life of the permit. Operators are encouraged to evaluate a range of alternatives to marine disposal of produced solids, including developing and maintaining individual and/or centralized onshore special waste disposal site(s), barging, and reinjection.

ADEC may, in its discretion, require a one-time marine sediment sampling program at a single shallow water production site to determine the fate of discharged produced solids containing oils. The scope of the sampling program shall be determined by ADEC in conjunction with the operators and EPA.

J. Other Discharge Limitations

1. *Floating Solids, Visible Foam, Oily Wastes, and Toxic or deleterious Substances.* There shall be no discharge of floating solids or visible foam in other than trace amounts. Additionally, in state waters, discharges shall not, alone or in combination with other substances or wastes, cause the water to be unfit or unsafe for the uses listed at 18 AAC 70.020, or cause acute or chronic problem levels as determined by bioassay or other appropriate methods. Discharges shall not, alone or in combination with other substances, cause a film, sheen, or discoloration on the surface of the water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines. Surface waters shall be virtually free from floating oils.

2. *Applicable Marine Water Quality Criteria.* There shall be no discharge of any constituent in concentrations which exceed applicable marine water quality criteria or standards after allowance for initial mixing. Initial mixing in federal waters is defined at 40 CFR 227.29, and federal marine water quality criteria at 45 FR 79318, 28 November 1980 and in subsequent updates in the Federal Register. Mixing zones in state waters and state water quality standards are defined at 18 AAC 70.010 through 70.110.

3. *Highly Toxic Compounds and Materials.* There shall be no discharge of diesel oil, halogenated phenol compounds, trisodium nitrilotriacetic acid, sodium chromate or sodium dichromate.

4. *Surfactants, Dispersants, and Detergents.* The discharge of surfactants, dispersants, and detergents shall be minimized except as necessary to comply with the safety requirements of the Occupational Health and Safety Administration and the Minerals Management Service.

5. *Biocides.* Biocides for use in drilling fluids shall not be discharged unless authorization has been obtained from EPA under Part II.C.1.g. Discharges of biocides in all waste streams are limited to those biocides registered with EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for the use(s) in which they are intended (e.g., non-contact cooling water, drilling muds, packer fluids, or water flooding operations). Discharges shall be in accordance with product registration labeling and shall not exceed the maximum recommended numerical concentration value (for all discharges except drilling muds), or (for drilling muds only), the mximum allowable concentration authorized under Part II.C.1.g.

In addition, biocides for use in waste streams other than drilling muds which contain a label which states that the product may not be discharged unless "specifically identified and addressed in an NPDES permit" shall not be discharged without prior written authorization from EPA. The maximum allowable concentration required by EPA in the authorization takes precedence over the maximum recommended numerical concentration value on the product label. Requests for authorization to discharge shall be submitted to EPA, Region 10 at least 30 days ahead of the proposed discharge date. Requests shall include the information listed below:

(1) Product name, and manufacturer/distributor;

(2) Product registration and label information required by FIFRA;

(3) Chemical description;

(4) Bioassay test results (preferably for a 96-hr test) using a marine test organism and a concentration of product greater than or equal to the requested discharge concentration. The acceptability of test results is subject to EPA approval. EPA will require new test results if submitted test results are unsatisfactory.

(5) Approximate date and duration of discharge;

(6) Application in which biocide will be used;

(7) Estimated concentration of biocide indischarge; and

(8) Any other available information (e.g., on rate of degradation).

In evaluating requests, EPA, Region 10, in consultation with ADEC for state waters, will consider the following factors:

(1) For operations in state waters, the likelihood that the product will meet the Alaska Water Quality Standard for "toxic and other deleterious organic and inorganic substances," at 18 AAC 70.020(b), as well as all other applicable Alaska Water Quality Standards;

(2) For all operations, the likelihood that the product will meet federal marine water quality criteria;

(3) For operations in the Offshore Subcategory (i.e., located seaward of the inner boundary of the territorial seas), factors required to be considered by the Ocean Discharge Criteria regulations; and

(4) For all operations, the availability of other products which would be technologicaly and economically feasible, but less harmful to the environment.

Part III. Monitoring, Recording and Reporting Requirements

A. *Representative Sampling.* Samples taken in compliance with the monitoring requirements established under Part II. shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

B. *Monitoring Procedures.* Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or have received written prior approval by Region 10.

C. *Penalties for Tampering.* The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

D. *Reporting of Monitoring Results.* The permittee shall be responsible for submitting monitoring results.

1. The effluent monitoring requirements in this permit shall take effect upon commencement of discharge. Monitoring results shall be summarized each month on a Discharge Monitoring Report (DMR) form (EPA No. 3320–1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part V.H. Signatory Requirements, and submitted to EPA and, for discharges to state waters, to ADEC at the addresses specified in Part I.D.3.

2. If any discharge has more than one discharge point, all permit limitations apply to each discharge point. The discharge points shall be designated as 001A, 001B, 001C, etc. Flow limitations apply to the total discharge of each category of wastes; i.e., to the sum of 001A, 001B, 001C, etc., except where otherwise noted.

3. If any category of waste (outfall) is not applicable due to the type of operation or

facility, no reporting is required for that particular outfall. Only DMRs representative of the activities occurring need to be submitted. Information indicating the type of operation should be provided with DMRs.

4. The permittee shall specify on each DMR the nature of ice conditions (stable, unstable, or open water) during the month covered by that DMR. If conditions changed during the month, the permittee shall report the date and nature of change for each variation.

E. *Compliance Schedules.* Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

F. *Additional Monitoring by the Permittee.* If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

G. *Records Contents.* Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements
2. The individual(s) who performed the sampling or measurements
3. The date(s) analyses were performed
4. The individual(s) who performed the analyses
5. The analytical techniques or methods used
6. The results of such analyses

H. *Retention of Records.* The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to comply with this permit, for a period of at least 3 years fromthe date of the sample, measurement, or report. This period may be extended by request of the Director, or for state waters, ADEC, at any time. Data collected onsite, copies of Discharge Monitoring Reports, and a copy of this NPDES permit must be maintained onsight during the duration of activity at the permitted location.

I. *Twenty-Four Hour Notice of Noncompliance Reporting.*

1. The following occurrences of noncompliance shall be reported by telephone within 24 hours from the time the permittee becomes aware of the circumstances:

a. Any noncompliance which may endanger health or the environment.

b. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See Part IV.G., Bypass of Treatment Facilities).

c. Any upset which exceeds any effluent limitation in the permit. (See Part IV.H., Upset Conditions).

d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring violations to be reported within 24 hours.

2. A written submission shall also be provided within 5 days of the time that the permittee becomes aware of the circumstances. The written description shall contain:

a. A description of the noncompliance and its cause.

b. The period of noncompliance, including exact dates and times.

c. The estimated time noncompliance is expected to continue if it has not been corrected.

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442–1213.

4. Reports shall be submitted as specified in Part III.D., Reporting of Monitoring Results.

J. *Other Noncompliance Reporting.* Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part III.D. are submitted. The reports shall contain the information listed in Part III.I.2.

K. *Inspection and Entry.* The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premise where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

Part IV. Compliance Responsibilities

A. *Duty to Comply.* The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, termination of coverage under the general permit, or for requiring a permittee to apply for and obtain an individual NPDES permit.

B. *Penalties for Violations of Permit Conditions.* The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than $2,500, nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. Except as provided in permit conditions in Part IV.G. (Bypass of Treatment Facilities) and Part IV.H. (Upset Conditions), nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. *Need to Halt or Reduce Activity not a Defense.* It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. *Duty to Mitigate.* The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. *Proper Operation and Maintenance.* The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, adequate laboratory and process controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. *Removed Substances.* Solids (with the exception of Discharge 021, Produced Solids), sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

G. *Bypass of Treatment Facilities.*

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice:

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.I. (Twenty-Four Hour Notice of Noncompliance Reporting).

3. Prohibition of bypass.

a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under paragraph 2 of this section.

b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3.a of this section.

H. *Upset Conditions*

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2. of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required under Part III.I. (Twenty-Four Hour Notice of Noncompliance Reporting); and

d. The permittee complied with any remedial measures required under Part IV.D. (Duty to Mitigate.)

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. *Toxic Pollutants.* The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

J. *Samples of Wastes.* If requested, the permittee shall provide EPA with a sample of any waste in a manner specified by the Agency.

Part V. General Requirements

A. *Changes in Discharge of Toxic Substances.* Under 40 CFR 122.42(a) notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. One hundred micrograms per liter (100 μg/l);

b. Two hundred micrograms per liter (200 μg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 μg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony; or

c. The level established by the Director in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 μg/l);

b. One milligram per liter (1 mg/l) for antimony; or

c. The level established by the Director in accordance with 40 CFR 122.44(f).

B. *Planned Changes.* The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Part V.A.1.

C. *Anticipated Noncompliance.* The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

D. *Permit Actions.* This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

E. *Duty to Reapply.* If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at lease 180 days before the expiration date of this permit.

F. *Duty to Provide Information.* The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

G. *Other Information.* When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

H. *Signatory Requirements.* All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation or

(ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(i) The chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director.

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph V.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph V.H.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under the direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I. *Penalties for Falsification of Reports.* The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

J. *Availability of Reports.* Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of ADEC and EPA. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

K. *Oil and Hazardous Substance Liability.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

L. *Property Rights.* The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

M. *State Laws.* Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

N. *Severability.* The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

O. *Transfers.* This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;

2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue authorization under this general permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Part V.0.2.

Part VI. Development/Production Discharge Monitoring Study

Development and production operators in Cook Inlet shall jointly study certain discharges from their facilities. Monitoring required by Parts A., B., C., and F. shall commence within 6 months of the effective date of this permit. Monitoring required by Part E. shall commence within two years of the effective date of the permit. Development and production operators who choose not to participate in the joint study will be subject to similar monitoring requirements on each individual facility. At a minimum, the study shall include the monitoring requirements listed below. Where 6-month study periods are listed. those study periods shall include both summer and winter samples.

From the time that the joint study is completed, each operator shall be responsible for promptly reporting any changes in the chemical products present in waste streams at that facility. The following waste streams are exempt from this requirement: excess cement slurry; mud, cuttings and cement at the seafloor; drilling muds; drill cuttings, produced solids; sanitary wastes; and domestic wastes. For such changes, the following information shall be included in the report: product name, chemical composition, use, application rate, and estimated concentration in the discharge. If a particular waste stream was not included in the joint study, the first report shall also includes a complete chemical inventory of products in use prior to the first reported change. The inventory shall include the same information as required by the joint study for the appropriate waste stream.

Monitoring requirements are as follows:

A. *Deck Drainage.* All operators shall report the product names, chemical compositions, and uses of any products present in significant amounts in the deck drainage of the respective facilities at the end of the one-year period beginning on the effective date of the study.

B. *Non-contact Cooling Water and Desalination Wastes.* Chemical inventories of additives (other than seawater) added to non-contact cooling water and desalination wastes shall be reported for all platforms at the end of the one-year period beginning on the effective date of the study. Inventories shall include product names, chemical compositions, uses, addition rates, total amounts used, and concentrations in discharge. In addition, monthly average flow rates shall be estimated and reported in MGD.

C. *Blowout Preventer Fluid, Boiler Blowdown, Fire Control System Test Water, Uncontaminated Ballast Water, Uncontaminated Bilge Water, and Waterflooding Discharges.* The monthly average flow rate of each of the above discharges shall be estimated for all platforms for a period of 6 months, beginning on the effective date of the study. Flow rates shall be reported in MGD.

Chemical inventories of additives (other than seawater) added to each of the above wastes shall be reported at the end of 6 months. Inventories shall include product names, chemical compositions, uses, addition rates, total amounts used. and concentrations in discharge.

D *Excess Cement Slurry, and Mud, Cuttings, Cement at Seafloor.* The total volume of each of these discharges shall be estimated for the first five development or production wells drilled and completed in Cook Inlet after the effective date of the study.

Chemical inventories shall be reported as in Section C. above, except that inventories shall be done for each of the first five wells instead of for a 6-month period.

E. *Produced Water.* The discharge flow rate shall be estimated at the time each sample below is collected. Flow rates shall be reported in MGD and shall be reported together with the chemical and toxicological results. Rates may be calculated by taking the difference between the total flowrates of produced fluid (oil plus water) and of recovered oil.

Produced water from the three shore facilities and three of the five platforms which discharge directly into Cook Inlet shall be sampled once each in summer and in winter of the year begining 18 months after the effective date of the study (i.e., two years after the effective date of the permit). Two of the three platforms shall be oil platforms located on different oil fields. The third platform shall be an existing gas platform. In addition, one of the two oil platforms sampled in summer and winter shall be sampled once each in fall and in spring of the same year. Produced water samples shall be collected from the treated effluent just prior to discharge. Grab samples shall be collected at 8 a.m., 12 noon, and 6 p.m., and shall be large enough to allow for chemical and toxicological tests as outlined below.

Chemical analyses of produced water samples shall include the following parameters: pH, oil and grease, dissolved oxygen, BOD, COD, TOC, NH_3 zinc, salinity, benzene, ethylbenzene, total naphthalenes, naphthalene, dimethylnaphthalenes, trimethylnaphthalenes, tetramethylnaphthalenes, phenol, toluene, 2,4-dimethylphenol, bis (2-ethylhexyl) phthalate, anthracene, phenanthrene, xylene, and total aromatic hydrocarbons. Analyses shall be perfomed in accordance with methods in 40 CFR Part 136 or as otherwise required by EPA or ADEC. Results shall be reported in mg/l, if the concentration is 1 mg/l or larger, or in ug/l if the concentration is less than 1 mg/l. Exceptions are pH, to be reported in pH units, and NH_3, to be reported as mg/l N.

Toxicological test procedures shall be determined by EPA, in consultation with ADEC, prior to the start of the produced water study.

Estimated concentrations of additives in the produced water shall be reported for each sample. Reports shall include product names, chemical compositions, uses, addition rates, and estimated concentration at point of sample collection.

F. *Workover, Completion, and Well Treatment Fluids.* The total volumes of workover, completion, and well treatment fluids collected and discharged shall be reported for each completion, workover, or well treatment job for a period of 1 year after the effective date of the study, and/or the first 10 jobs discharged to Cook Inlet after the effective date of the study, whichever is more. For each job, the operator shall also state the type of job and composition of the fluid.

The first 10 jobs above which are discharged shall be sampled and analyzed for pH, oil and grease, dissolved oxygen, BOD, COD, TOC, and salinity.

Additionally, well treatment fluids for first three acidizing jobs discharged to Cook Inlet after the effective date of the study will be sampled before and after downhole addition. Only acidizing jobs with an initial pH of 4 or less will be sampled. The following metal concentrations will be determined in the samples: cadmium, chromium, copper, mercury, zinc, and lead. The total concentration shall be reported for each metal and be obtained by the methods given in 40 CFR Part 136. Flame or flameless AAS shall be used for mercury, cadmium, copper, zinc, and lead. Either NAA or AAS may be used for chromium. Results shall be reported in mg/l

BILLING 6560-50-M

TABLE 1. AUTHORIZED DRILLING MUD TYPES

Table 1 may be updated by EPA, Region 10, during the effective period of the permit. If so, the latest updated version will supersede all earlier versions. Updated versions will be mailed to permittees at the time that the updates become effective. They will be available to other parties upon request.

Components	Maximum Allowable Concentration (lb/bbl)
1. Seawater/Freshwater/Potassium/Polymer Mud	
KCl	50
Starch	12
Cellulose Polymer	5
Xanthan Gum Polymer	2
Drilled Solids	100
Caustic	3
Barite	575
Seawater or Freshwater	As needed
2. Lignosulfonate Mud	
Bentonite*	50
Lignosulfonate, Chrome or Ferrochrome	15
Lignite, Untreated or Chrome-treated	10
Caustic	5
Lime	2
Barite	575
Drilled Solids	100
Soda Ash/Sodium Biacarbonate	2
Cellulose Polymer	5
Seawater or Freshwater	As needed
3. Lime Mud	
Lime	20
Bentonite*	50
Lignosulfonate, Chrome or Ferrochrome	15
Lignite, Untreated or Chrome-treated	10
Caustic	5
Barite	575
Drilled Solids	100
Soda Ash/Sodium Bicarbonate	2
Seawater or Freshwater	As needed
4. Nondispersed Mud	
Bentonite*	50
Acrylic Polymer	2
Lime	2
Barite	180
Drilled Solids	70
Seawater or Freshwater	As needed
5. Spud Mud	
Lime	2
Bentonite*	50
Caustic	2
Barite	50
Soda Ash/Sodium Bicarbonate	2
Seawater	As needed
6. Seawater/Freshwater Gel Mud	
Lime	2
Bentonite*	50
Caustic	3
Barite	50
Drilled Solids	100
Soda Ash/Sodium Bicarbonate	2
Cellulose Polymer	2
Seawater or Freshwater	As needed

*Attapulgite, sepiolite, or montmorillonite may be substituted for bentonite.

Table 2

Authorized Mud Components/Specialty Additives

Table 2 may be updated by EPA, Region 10, during the effective period of this permit. If so, the latest updated version will supersede all earlier versions. Updated versions will be mailed to permittees at the time the updates become effective. They will be available to other parties upon request.

Product Name	Generic Description*	Maximum Allowable Concentration (lb/bbl, unless otherwise noted)**
Aktaflo-S	Aqueous solution of non-ionic modified phenol (equivalent of DMS)	3 (3)**
Aluminum stearate	----	0.2
Ammonium nitrate	----	200 mg/l nitrate or 0.05 lb/bbl
Aqua-Spot	Sulfonated vegetable ester formulation	1% by vol.
Bara Brine Defoam	Dimethyl polysiloxane in an aqueous emulsion	0.1
Ben-Ex	Vinyl acetate/maleic anhydride copolymer	1 (1)**
Bit Lube II	Fatty acid esters and alkyl phenolic sulfides in a solvent base	2
Calcium carbide	----	As needed
Cellophane flakes	----	As needed
Chemtrol-X	Polymer treated humate	5 (4)**
Con Det	Water solution of anionic surfactants	0.4 (0.25)**
D-D	Blend of surfactants	0.5 (0.25)**
DMS	Aqueous solution of nonionic modified phenol	3 (3)**

Product Name	Generic Description*	Maximum Allowable Concentration (lb/bbl, unless otherwise noted)**
Desco CF	Chrome-free organic mud thinner containing sulfomethylated tannin	0.5
Duovis	Xanthan gum.	2
Durenex	Lignite/resin blend	6 (4)**
Flakes of silicate mineral mica	----	45
Gelex	Sodium polyacrylate and polyacrylamide	1 (1)**
Glass beads	----	8
LD-8	Aluminum stearate in propoxylated oleylalcohol	10 gal/1500 bbl
Lube-106	Oleates in mixed alcohols	2
Lubri-Sal	Vegetable ester formulation	2.0% (by vol)
MD (IMCO)	Fatty acid ester	0.25 (0.25)**
Milchem MD	Ethoxylated alcohol formulation	0.04 gal/bbl or 0.3 (0.25) lb/bbl**
Mil-Gard	Basic zinc carbonate	As needed
Nut hulls, crushed granular	----	As needed
Phosphoric acid esters and triethanolamine	----	0.4
Plastic spheres	----	8
Poly RX	Polymer treated humate	4 (4)**
Resinex	Reacted phenol-formaldhyde-urea resin containing no free phenol, urea, or formaldehyde	4 (4)**
Selec-Floc	High molecular weight polyacrylamide polymer packaged in light mineral oil	0.25

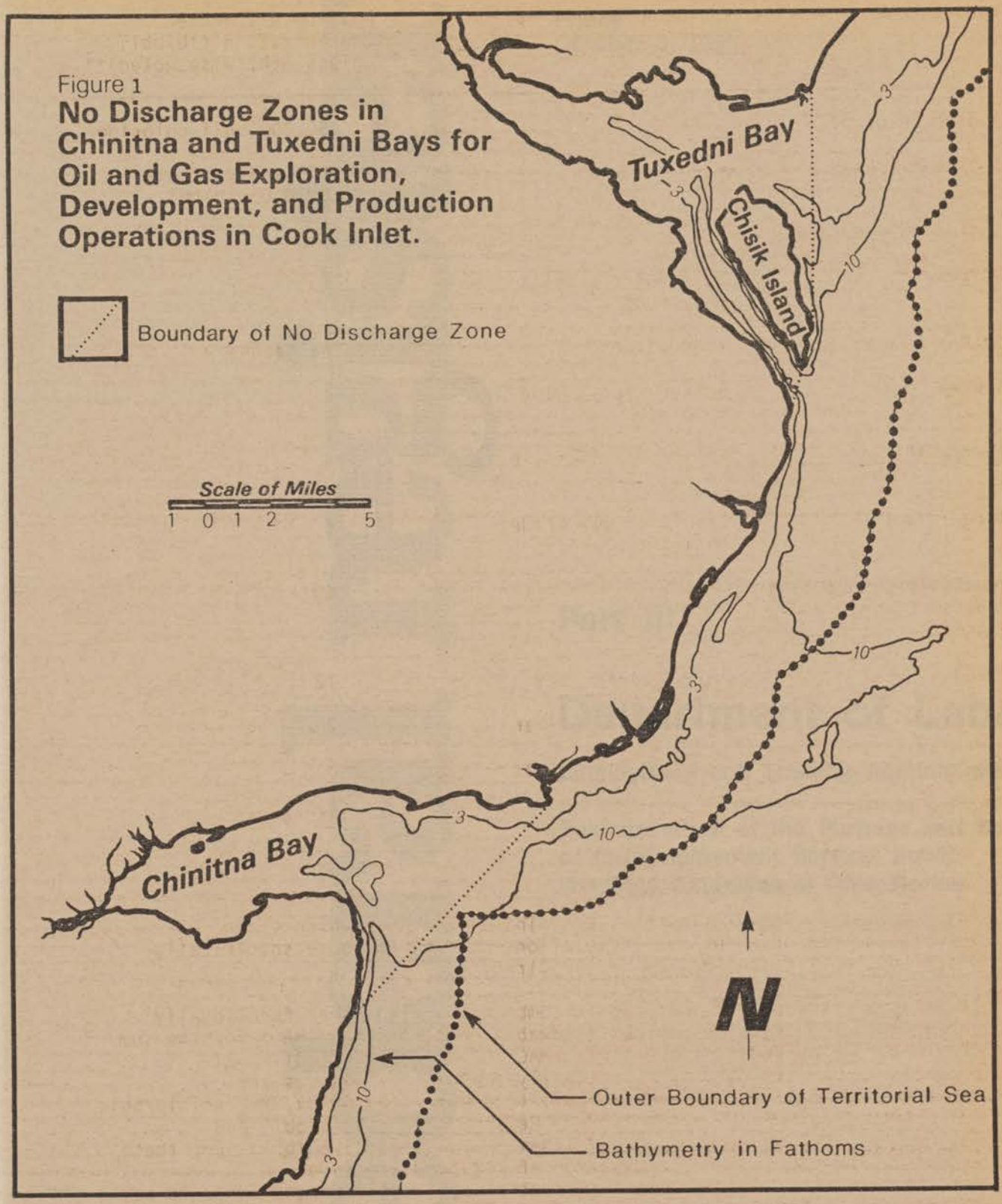
Product Name	Generic Description*	Maximum Allowable Concentration (lb/bbl, unless otherwise noted)**
Sodium chloride	----	50,000 mg/l chloride
Sodium nitrate	----	200 mg/l nitrate or 0.05 lb/bbl
Sodium polyphosphate	----	0.5
Soltex	Sulfonated asphalt residuum	6
Sulf-X ES	Zinc oxide	As needed
Therma Check	Sulfono-acrylamide copolymer	1
Therma Thin	Polycarboxylic acid salt	4
Torq-Trim II	Liquid triglycerides in vegetable oil	6
Vegetable plus polymer fibers, flakes, and granules	----	50
VG-69	Organophilic clay	12
XC Polymer	Xanthan gum polymer	2
XO_2	Ammonium bisulfite	0.5
Zinc carbonate and lime	----	As needed

* Any proprietary formulation that contains a substance which is an intentional component of the formulation, other than those specifically described, must be authorized by the Director.

** If a listed product will be used in combination with other functionally equivalent products, the maximum allowable concentration (MAC) for the sum of all of the products is the lowest MAC for any of the individual products. Four examples of functionally equivalent products are: (1) Aktaflo-S and DMS, MAC = 3 lb/bbl; (2) Ben-Ex and Gelex, MAC = 1 lb/bbl; (3) Chemtrol-X, Durenex, Poly RX, and Resinex, MAC = 4 lb/bbl, and (4) Con Det, D-D, MD (IMCO), and Milchem MD, MAC = 0.25 lb/bbl. For these examples, the MAC for any combination of the products is given in parentheses. For guidance on whether other products are considered to be functional equivalents, contact the regional office of EPA.

Figure 1

No Discharge Zones in Chinitna and Tuxedni Bays for Oil and Gas Exploration, Development, and Production Operations in Cook Inlet.



[FR Doc. 86-22302 Filed 10-2-86; 8:45 am]

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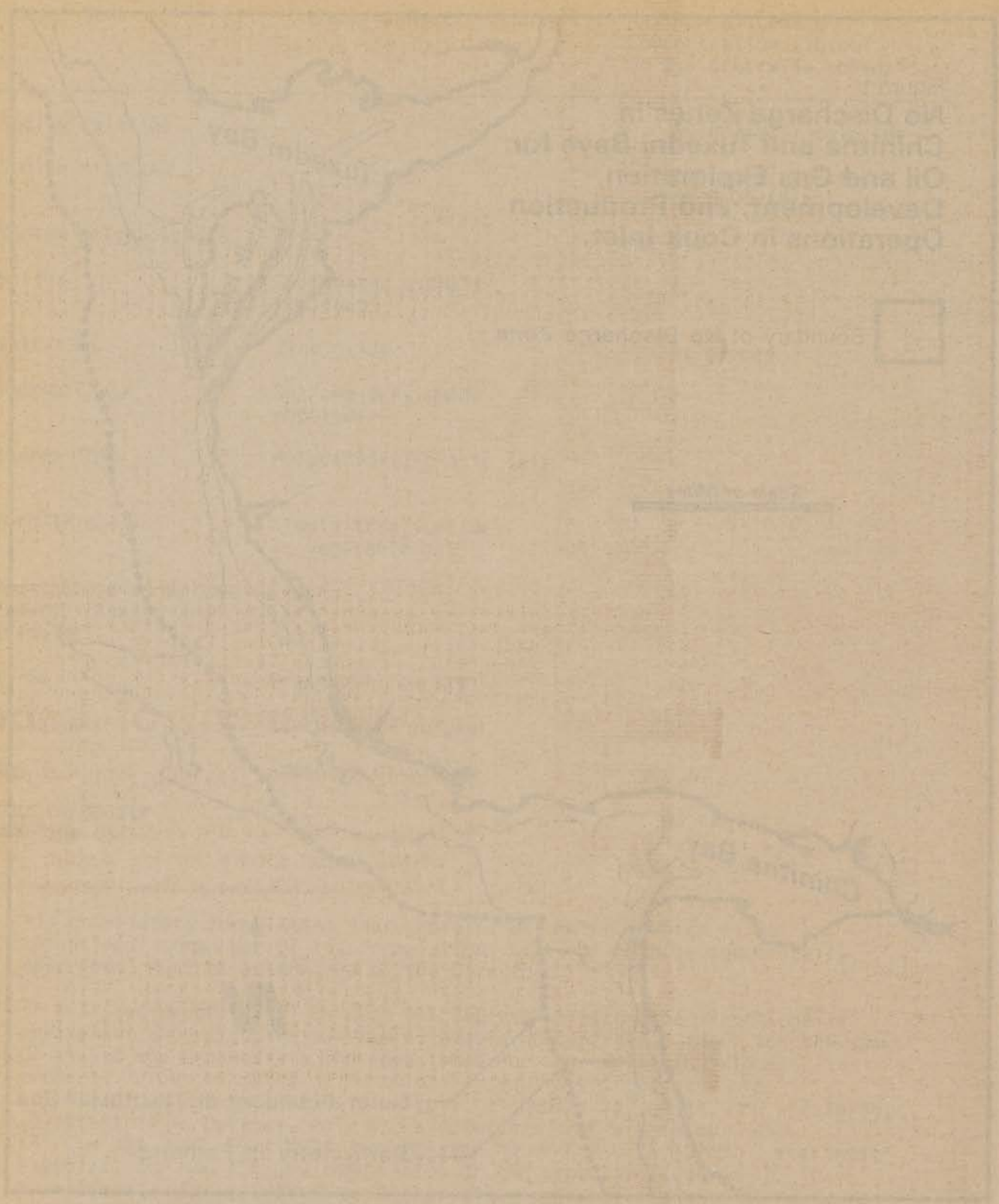

Federal Register

Friday
October 3, 1986

Part III

Department of Labor

Employment and Training Administration

Reexamination of the Purpose and Role of the Employment Service; Public Meetings; Extension of Time; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Reexamination of the Purpose and Role of the Employment Service; Public Meetings; Extension of Time

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of public meetings; request for comments; extension of time for filing notices of intent to present oral statements.

SUMMARY: The Employment and Training Administration is extending the deadline for filing notices of intent to present oral statements at four public meetings reexamining the purpose and role of the Employment Service.

DATE: Persons desiring to present oral statements must provide the Employment and Training Administration a notice of intent to appear, postmarked on or before October 10, 1986.

ADDRESSES: Notices of intent to present oral statements must be mailed to the addresses listed below:

San Francisco—Ramada Renaissance Hotel, 55 Cyril Magnin Street, San Francisco, California 94102, 415–392–8000.

Denver—Holiday Inn Denver Downtown, 1450 Glenarm Place, Denver, Colorado 80202, 303–573–1450.

Atlanta—Georgia International Convention and Trade Center, 1902 Sullivan Road, College Park, Georgia 30337, 404–997–3566.

Washington—J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004, 202–393–2000.

FOR FURTHER INFORMATION CONTACT: Robert A. Schaerfl, Director, U.S. Employment Service, Employment and Training Administration, Room N4470, 200 Constitution Avenue, NW., Washington, DC 20210, 202–535–0157.

SUPPLEMENTARY INFORMATION: On September 15, 1986, the Employment and Training Administration published a notice in the **Federal Register** at 51 FR 32772 announcing a series of four public meetings to reexamine the purpose and role of the Employment Service. This notice extends through October 10, 1986, the date by which notice of intent to present oral comments at the meetings must be postmarked. All other dates and information in that notice remain unchanged.

This extension is being made to permit a more broadly based and representative cross-section of individuals and organizations an oppportunity to participate in the meetings.

Signed at Washington, DC, this 30th day of September, 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 86–22428 Filed 10–2–86; 8:45 am]

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H.R. 1483/Pub. L. 99-423
To authorize the Smithsonian Institution to plan and construct facilities for certain science activities of the Institution, and for other purposes. (Sept. 30, 1986; 100 Stat. 963; 1 page) Price: $1.00

H.R. 3002/Pub. L. 99-424
Executive Exchange Program Voluntary Services Act of 1986. (Sept. 30, 1986; 100 Stat. 964; 2 pages) Price: $1.00

H.R. 4421/Pub. L. 99-425
Human Services Reauthorization Act of 1986. (Sept. 30, 1986; 100 Stat. 966; 13 pages) Price: $1.00

H.R. 4530/Pub. L. 99-426
To amend the Department of Defense Authorization Act, 1985, to provide that members of the Commission on Merchant Marine and Defense shall not be considered to be Federal employees for certain purposes, to extend the deadline for reports of the Commission, and to extend the availability of funds appropriated to the Commission. (Sept. 30, 1986; 100 Stat. 979; 1 page) Price: $1.00

S. 1963/Pub. L. 99-427
To direct the Secretary of the Interior to convey certain interests in lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology. (Sept. 30, 1986; 100 Stat. 980; 2 pages) Price: $1.00

S. 2095/Pub. L. 99-428
Tribally Controlled Community College Assistance Amendments of 1986. (Sept. 30, 1986; 100 Stat. 982; 3 pages) Price: $1.00

S. 2888/Pub. L. 99-429
To temporarily delay the repeal of the United States Trustee System. (Sept. 30, 1986; 100 Stat. 985; 1 page) Price: $1.00

S.J. Res. 353/Pub. L. 99-430
To provide for the extension of certain programs relating to housing and community development, and for other purposes. (Sept. 30, 1986; 100 Stat. 986; 1 page) Price: $1.00

S.J. Res. 415/Pub. L. 99-431
To provide for a settlement to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute. (Sept. 30, 1986; 100 Stat. 987; 2 pages) Price: $1.00