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Presidential Documents

Title 3—

The President

Proclamation 5536 of October 4, 1986

National Outreach to the Rural Disabled Day, 1986

By the President of the United States of America

A Proclamation

Of the approximately 35 million disabled persons living in the United States, some eight and one-half million are residents of rural areas.

The proportion of disabled persons in rural areas is much higher but less concentrated than in urban areas. This means that disabled persons residing in rural areas are often isolated and far from the types of services, programs, and assistance that are available to their urban counterparts.

To focus attention on the unique problems faced by rural disabled persons and their families, the Congress, by Senate Joint Resolution 406, has designated October 4, 1986, as "National Outreach to the Rural Disabled Day" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 4, 1986, as National Outreach to the Rural Disabled Day. I encourage all Americans to help bring attention to unmet needs of disabled persons in their communities and to underscore the potential of these disabled persons by observing the day with appropriate activities in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of October, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

Ronald Reagan

[FR Doc. 86-22868
Filed 10-6-86; 10:52 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 86-327]

Ethylene Dibromide; Mangoes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms without change an interim rule published in the **Federal Register** on February 21, 1986, which amended the regulations captioned "Subpart—Fruits and Vegetables" by adding provisions to allow for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico. This action is necessary in order to provide a mechanism for continuing to allow mangoes to be imported into the United States from the specified places.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT: James Fons, Acting Senior Staff Officer, Technology Analysis and Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 671, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8896.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the **Federal Register** on February 14, 1986, the Environmental Protection Agency (EPA) changed its regulations to allow a tolerance of .03 ppm (in the edible pulp) for residues of EDB per se in or on mangoes if the fumigant was applied in foreign countries after harvest in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U.S. Department of Agriculture (UDSA).

Subpart—Fruits and Vegetables quarantine and regulations (contained in 7 CFR 319.56 *et seq.* and referred to below as the regulations) regulate the inportation of fruits and vegetables into the United States. On February 21, 1986, (51 FR 6213–6216) USDA published an interim rule in the **Federal Register** which amended § 319.56 by adding new §§ 319.56–2h and 319.56–2i which added provisions to allow for fumigation with ethylene dibromide (EDB) as a condition-of-entry treatment for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico in order to provide a mechanism for continuing to allow mangoes to be imported into the United States from the specified places.

Comments were solicited for 60 days after publication of the interim rule. No comments were received in response to the interim rule. The factual situations which were set forth in the document of February 21, 1986, still provide a basis for the amendments made by the interim rule. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on February 21, 1986.

Executive Order 12291 and Regulatory Flexibility Act

The interim rule is issued in conformance with Executive Order 12291 and has been determined to be not a "Major rule." Based on information compiled by the Department, it has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As noted above, the provision concerning the fumigation of mangoes were removed solely because of action taken by EPA. Since EPA has changed its regulations to reestablish the previous provisions allowing residues of EDB in or on mangoes, this document reestablishes the provisions allowing fumigation with EDB as a condition-of-entry treatment for the importation of mangoes into the United States from Central America, the West Indies, Brazil, and Mexico. This action allows mangoes from the specified places to continue to be imported into the United States. The importation of mangoes under the interim rule would not be the primary business activity of any business in the United States.

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

Executive Order 12372

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

List of Subjects in 7 CFR Part 319

Agricultural commodities, Imports, Mangoes, Plant diseases, Plant pests, plants (agriculture), Quarantine, and transportation.

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, the interim rule published at 51 FR 6213–6216 on February 21, 1986, adding §§ 319.56–2h and 319.56–2i is adopted as a final rule without change.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51 and 37.2(c).

Done at Washington, DC, this 2nd day of October 1986.

William F. Helms,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 86-22654 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 332c

Establishment of Photographic Studios

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule extends the supervision of district directors over photographic studios operated by sponsoring organizations, without profit, in INS facilities. The rule authorizes district directors to provide space to sponsoring organizations to operate photographic services, fingerprinting services, or both. The rule change relates solely to the INS organization and management and has no impact upon the public.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC, 20536, Telephone (202) 663–3048.

For Specific Information: E. B. Duarte, Jr., Director, Outreach Program Immigration and Naturalization Service, 425 I Street NW, Washington, DC, 20536, Telephone: (202) 633–4123.

SUPPLEMENTARY INFORMATION: This rule extends the supervision of district directors over photographic studios operated by sponsoring organizations, without profit, in INS facilities. The rule authorizes district directors to provide space to sponsoring organizations to operate photographic services, fingerprinting services, or both.

The rule is consistent with the intent of section 332(g) of the I&N Act, 8 U.S.C. 1443(g) which allows the establishment of facilities by sponsoring organizations for the benefit of persons seeking to comply with immigration and naturalization laws. A review by the INS General Counsel of the legislative history of section 332(g) does not show any specific intent to limit the use of facilities to photographic studios.

Since the rule was last amended in 1982, delegating oversight responsibility to the INS regional commissioners and operational supervision to the district directors, photographic and fingerprinting studios have been set up in five district offices. Meanwhile, the INS Outreach Program has received inquiries from other INS district offices and voluntary agencies asking whether fingerprinting services are also covered by the former rule. The change, therefore, clarifies the intent of the rule and enhances the INS supervision of the delivery to services to the public. The change is administrative and relates to INS organization and management.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because the rule involves INS organization and has no adverse impact on the public.

In accordance with 5 U.S.C. 605(b) the Commissioner of the Immigration and Naturalization Service certifies that this rule will not have a significant impact on a substantial number of small entities since it is limited to the INS organization.

The rule is exempt from the requirements of E.O. 12291 as provided by section 1(a)(3) of the Executive Order because it relates solely to INS organization and management.

List of Subjects in 8 CFR Part 332c

Citizenship and naturalization.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 332c—PHOTOGRAPHIC STUDIOS

1. The authority citation for Part 332c continues to read as follows:

Authority: Secs. 103 and 332(g), Immigration and Nationality Act, as amended; 8 U.S.C. 1103 and 1443(g).

2. Section 332c.1 is revised to read as follows:

§ 332c.1 Establishment of photographic and fingerprinting studios.

District directors shall after investigation recommend to the appropriate regional commissioner the establishment and operation of studios providing photographic services, fingerprinting services or both. The studios shall be operated by sponsoring organizations on a nonprofit basis solely for the benefit of persons seeking to comply with the requirements of the immigration and naturalization laws. Such studios must be in a building occupied by the INS and be conducted under the supervision of the district director. Each sponsoring organization shall submit an annual accounting of the conduct of each studio to the regional commissioner through the district director.

Dated: October 1, 1986.

H.F. Sylvester,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 86–22719 Filed 10–6–86; 8:45 am]

BILLING CODE 4410–10–M

8 CFR Parts 341 and 343a

Certificates of Citizenship; Naturalization and Citizenship Papers Lost, Mutilated, or Destroyed; New Certificates in Changed Name; Certified Copy of Repatriation Proceedings

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule allows readily approvable applications for certificates of citizenship and for replacement of naturalization and citizenship papers to be processed without an interview. It permits the Service to process these cases at sites other than district offices and concentrate district resources on cases which are identified as requiring an intensive examination. In addition it allows for the delivery of new or returned certificates to applicants by certified or registered mail in those cases where the statute does not require a personal appearance for the purpose of taking the oath of allegiance. The changes benefit both the Service and the public by reducing Service backlogs and letting the field offices provide better service to the public.

EFFECTIVE DATE: November 6, 1986.

FOR FURTHER INFORMATION CONTACT:

For General Information: Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633–3048

For Specific Information: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 633–5014.

SUPPLEMENTARY INFORMATION: The change in 8 CFR Part 341 allows the Service to process without interview, at remote sites, applications for certificates of citizenship where the applicant lives in the United States and the application is accompanied by either Department of State Form FS 240 (Report of Birth Abroad of a Citizen of the United States); an unexpired United States passport issued initially for a full/ten-year period to the applicant as a United

States citizen; or the applicant's parent(s)' naturalization certificate(s).

The change in 8 CFR Part 343a will allow readily approvable cases to be sent to a remote site for processing without an interview.

Notices of proposed rulemaking were published as two separate proposed rules in the **Federal Register** of July 15, 1985 at 50 FR 28586 and 28587, with a 60-day comment period ending September 13, 1985. The Service received eight comments, seven on proposed 8 CFR 341.2(a) and one on proposed 8 CFR 343a.1(c). All expressed support for the proposed rule changes. The two proposed rules have been combined and are being published as one final rule, with minor nonsubstantive language changes for clarity.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule does not have significant economic impact on a substantial number of small entities.

This rule is not a major rule within the definition of section 1(b) of E.O. 12291.

Lists of Subjects

8 CFR Part 341

Administrative practice and procedure, Citizenship and naturalization.

8 CFR Part 343a

Citizenship and naturalization.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 341—CERTIFICATES OF CITIZENSHIP

1. The authority citation of Part 341 continues to read as follows:

Authority: Secs. 103, 309(c), 332, 333, 337, 341, 344, 66 Stat. 173, 238, 252, 254, 258, 263, 264, as amended; 8 U.S.C. 1103, 1409(c), 1443, 1444, 1448, 1452, 1455.

2. Section 341.2 is amended by revising paragraph (a) to read as follows:

§ 341.2 Examination upon application.

(a) *Personal appearance of applicant and parent or guardian*—(1) *When testimony may be omitted.* An application received at a Service office having jurisdiction over the applicant's residence may be processed without interview if accompanied by one of the following:

(i) A Department of State Form FS–240 (Report of Birth Abroad of a Citizen of the United States);

(ii) An unexpired United States passport issued initially for a full five/ten-year period to the applicant as a citizen of the United States, or

(iii) The applicant's parent(s)' naturalization certificate(s).

(2) *Testimony required.* Each applicant, when notified to do so, shall appear in person before an officer for examination under oath or affirmation upon the application. A person under 18 years of age must have a parent or guardian apply, appear, and testify for the applicant, unless one is unavailable and the district director is satisfied that the applicant is old enough to provide reliable testimony. The same rule will apply for incompetent applicants. At the examination the applicant and the acting parent or guardian, if necessary, shall present testimony and evidence pertinent to the claim to citizenship and shall have the right to review and rebut any adverse evidence on file, and to cross-examine witnesses called by the Government.

* * * * *

PART 343a—NATURALIZATION AND CITIZENSHIP PAPERS LOST, MULTILATED, OR DESTROYED; NEW CERTIFICATE IN CHANGED NAME; CERTIFIED COPY OF REPATRIATION PROCEEDINGS

1. The authority for 8 CFR Part 343a continues to read as follows:

Authority: Secs. 103, 324, 332, 343, 344, 405, 66 Stat. 173, 246, 247, 252, 263, 264, 265, 280; 8 U.S.C. 1101 note, 1103, 1435, 1443, 1454, 1455.

2. Section 343a.1 is amended by revising the heading and paragraph (c) to read as follows:

§ 343a.1 Application for replacement of or new papers relating to naturalization, citizenship, or repatriation.

* * * * *

(c) *Disposition.* The applicant shall only be required to appear in person before an officer for interview under oath or affirmation in specific cases. Those cases which necessitate an interview enabling an officer to properly adjudicate the application at the office having jurisdiction will be determined by a supervising officer. If an application for a new certificate of naturalization, citizenship, or repatriation or a new declaration of intention is approved, the new certificate or declaration shall be issued and delivered by personal service in accordance with § 103.5a(a)(2) of this chapter. If an application for a new certified copy of the proceedings under the Act of June 25, 1936, as amended, or under section 317(b) of the Nationality Act of 1940, or under section 324(c) of the Immigration and Nationality Act, or under the provisions of any private law is approved, a certified positive photocopy of the record of the proceedings filed with the Service shall be issued. If, subsequent to naturalization or repatriation, the applicant's name was changed by marriage, the certification of the positive photocopy shall show both the name in which the proceedings were conducted and the changed name. The new certified copy shall be personally delivered to the applicant upon his or her signed receipt therefor. If the application is denied, the applicant shall be notified of the reasons therefor and of the right to appeal in accordance with the provisions of Part 103 of this chapter.

3. Section 343a.2 is revised to read as follows:

§ 343a.2 Return or replacement of surrendered certificate of naturalization or citizenship.

A certificate of naturalization or citizenship which is contained in a Service file, and which was surrendered on a finding that loss of nationality occurred directly or through a parent as a result of the application of any of the following sections of law may, upon request, be returned to the person to whom it was originally issued, notwithstanding the fact that he or she has since been naturalized or repatriated in the United States or abroad:

(a) Section 404 (b) or (c) of the Nationality Act of 1940;

(b) Section 352 of the Immigration and Nationality Act, which was invalidated by *Schneider* v. *Rusk*, 377 U.S. 163;

(c) Section 401(e) of the Nationality Act of 1940;

(d) Section 349(a)(5) of the Immigration and Nationality Act, which was invalidated by *Afroyim* v. *Rusk*, 387 U.S. 253;

(e) Section 301(b) of the Immigration and Nationality Act

(f) Section 301(c) of the Immigration and Nationality Act relative to persons born after May 24, 1934, which was invalidated by amendment to section 301(b) on October 27, 1972, Pub. L. 92–584.

If, after having been surrendered to the Department of State or to the Service, the certificate was lost, mutilated, or destroyed as a result of action by the Service or that Department, a replacement certificate may be issued in the name shown in the surrendered certificate without fee and without requiring the submission of Form N–565. A surrendered certificate shall not be regarded as mutilated and a replacement shall not be issued solely because of holes made in it to

accommodate a fastener, unless the citizen declines to accept the return of the surrendered certificate in that condition and insists upon issuance of a replacement. When it is desired that the replacement certificate be furnished in a name other than the one shown in the surrendered certificate, the regular application procedure with payment of fee must be followed.

Dated: September 24, 1986

Harriet B. Marple,

Acting Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 86-22559 Filed 10-6-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 85-033F]

Alpha-Tocopherol as an N-nitrosamine Inhibitor in Pump-Cured Bacon

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the surface application of d- and dl-alpha-tocopherol in pump-cured bacon. The Food and Drug Administration (FDA) has determined that alpha-tocopherols are generally recognized as safe (GRAS) for use in or on pump-cured bacon, at levels not to exceed good manufacturing practice, as inhibitors of nitrosamine formation. FDA has further acknowledged that spraying and dipping methods of applying tocopherols to pump-cured bacon are acceptable provided their level of use does not exceed 500 ppm. Consequently, FSIS is now amending the Federal meat inspection regulations to include the application of d- and dl-alpha-tocopherol to pump-cured bacon by injection or surface application.

DATES: November 6, 1986. Comments will be accepted until November 6, 1986.

ADDRESS: Post-promulgation written comments may be mailed to the U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: Policy Office, Room 3168-S, Washington, DC 20250. See "Comments" for Agency rational in issuing this rule without proposal for public comment.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret O'K. Glavin, Director, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this final rule is not a "major rule" within the scope of E.O. 12291. It will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule provides for the surface application of d- and dl-alpha-tocopherol as nitrosamine inhibitors on pump-cured bacon. Current Federal meat inspection regulations provide only for the use of tocopherols as nitrosamine inhibitors in pump-cured bacon when applied through the injection process. Industry will benefit from this action through the ability to incorporate d- and dl-alpha-tocopherol by alternate means into pump-cured bacon. No mandatory uses of tocopherol are specified by this rulemaking; application of this substance is wholly discretionary.

Effect on Small Entities

The Administrator has determined that this final rule will not have a significant impact upon a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601-612). This rulemaking will impose no new requirement on industry; rather, it will permit the meat industry to adopt a new application method for using d- or dl-alpha-tocopherol in pump cured-bacon. Use of the surface application method will be entirely voluntary.

Comments

This is a final rule issued without prior proposal for public comment under authority of § 318.7 of the Federal meat inspection regulations (9 CFR 318.7). Under that provision the Administrator may approve new substances, new uses, or new levels of substances in meat or meat products provided that (1) the substance has been previously approved by the Food and Drug Administration for use in meat or meat food products as a food additive, color additive, or as a substance generally recognized as safe, and is listed in 21 CFR Parts 73, 74, 81, 172, 179, 182, or 184, and (2) that its intended use would be in compliance with applicable FDA requirements. If these criteria are met, the Administrator may issue a final rule without prior proposal for public comment upon further finding that (1) the use of the substance will not render the product in which it is used adulterated, misbranded, or otherwise not in compliance with the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), and (2) that the substance is functional and suitable for the product and is permitted for use at the lowest level necessary to accomplish that stated technical effect.

The Administrator finds that the above criteria have been met in this instance and is therefore issuing a final rule which amends the chart of substances acceptable for use in the preparation of products. Notwithstanding this finding for the issuance of a final rule, the Agency will accept and consider public comments relevant to this rulemaking. Written comments may be forwarded pursuant to the "ADDRESS" section shown above; they should arrive within the 30 day period between publication of this rule and its effective date.

Background

On July 5, 1985, the Food Safety and Inspection Service Published a final rule in the **Federal Register** which amended the Federal meat inspection regulations to permit the use of d- and dl-alpha-tocopherol in pump-cured bacon when applied through the injection process (50 FR 27573). The petitioner, Hoffman-LaRoche, Inc., has also requested application of these substances by spraying, dipping, or brushing. However, at that time the Administrator determined that additional information was needed to support the efficacy of surface application methods. The final rule stated that surface applications of tocopherol would be the subject of further rulemaking after receipt and evaluation of additional data. Since publication of the final rule the petitioner has supplied the Agency with additional information which supports the efficacy of d- and dl-alpha-tocopherol as nitrosamine inhibitors when applied to pump-cured bacon. Data are available from the Standards and Labeling Division at the address given under "For Further Information Contact."

Alpha-tocopherols have been affirmed as GRAS by the FDA and are listed in 21 CFR 184.1890 as nitrosamine inhibitors in pump-cured bacon at levels not to exceed good manufacturing practice. Alpha-tocopherols are also

listed in the Federal meat inspection regulations in 9 CFR 318.7(c)(4) as nitrosamine inhibitors in pump-cured bacon at levels not to exceed 500 ppm in the product formulation. That authority does not, however, presently include the surface application of these substances.

FDA has advised FSIS that it considers d- and dl-alpha-tocopherol GRAS at a level not to exceed 500 ppm, is spraying or dipping applications to pump-cured bacon.

The Administrator finds that information provided by the petitioner and other data available to the Agency indicate that (1) the proposed use of these substances as described above will be in compliance with applicable FDA requirements, (2) their use will be at the lowest level necessary to accomplish the intended technical effect, and (4) the application of these substances will not render the products in which they are used adulterated, misbranded, or otherwise not in accordance with the Federal Meat Inspection Act.

Therefore, the Department is now amending the table of approved substances in the Federal meat inspection regulations (9 CFR 318.7) to include the surface application d- and dl-alpha-tocopherol in pump-cured bacon as nitrosamine inhibitors at a level not to exceed 500 ppm.

List of Subjects in 9 CFR Part 318

Food Additives, Meat inspection.

For reasons explained in the preamble, Part 318, Subchapter A, Chapter III of Title 9, Code of Federal Regulations, is amended as set forth below.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

1. The authority citation for Part 318 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*), unless otherwise noted.

2. Section 318.7(c)(4) is amended by adding the following entry to the chart of substances:

§ 318.7 Approval of substances for use in the preparation of products.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Products	Amount
Miscellaneous	d- and dl-alphatocopherol.	To inhibit nitrosamine formation.	Pump-cured bacon.	500 ppm; by injection or surface application.

Dated: October 2, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-22658 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-CE-14-AD; Amdt. 39-5435]

Airworthiness Directives; Piper Model PA-42-1000 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain serial numbered Piper Model PA-42-1000 airplanes which requires use of continuous ignition during landing. The FAA has received reports of engine flameouts when the power levers are retarded to ground idle during landing. These flameouts are believed to be caused by ice ingestion. The actions specified are necessary to preclude possible power interruptions due to flameouts by providing a source of ignition to quickly reestablish combustion.

EFFECTIVE DATE: November 13, 1986.

COMPLIANCE: Required within the next 10 hours time in service

ADDRESSES: Piper Service Bulletin No. 816A, dated January 24, 1986, applicable to this AD may be obtained from Piper Aircraft Corporation, 2926 Piper Drive, Vero Beach, Florida 32960; Telephone (305) 567-4361. A copy of the service bulletin is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, MO 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Gil Carter, FAA, Atlanta Aircraft Certification Office, ACE-140A, 1075 Inner Loop Road, College Park, GA 30337; Telephone (404) 763-7435.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring use of continuous ignition during landing on certain serial numbered Piper Model PA-42-1000 airplanes was published in the **Federal Register** on June 23, 1986 (51 FR 22824). The proposal resulted from reports of engine flameouts which occurred in the landing phases of flight during or after an icing encounter when the power levers were retarded to ground idle. If a flame-out occurs on landing rollout, reverse thrust operation could result in an asymmetric condition and loss of control. Although no accidents or incidents have resulted from these flameouts, AD action is considered necessary to preclude routinely subjecting pilots to emergency procedures (engine failure) on landing rollout, a critical phase of flight when conditions exist such as short runways, crosswinds, or contaminated runways with poor braking action.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received on the proposal or the FAA determination of the related cost to the public. However, following publication of the proposal, the FAA determined that the actions required throughout paragraph (a) of the proposed AD could be accomplished by a pilot who owns or operates the airplane. This provision has been added to the AD. Accordingly, the proposal is adopted with the change noted above.

The FAA has determined that this regulation only involves approximately 28 airplanes at an approximate one time cost of $20 for each aircraft or a total one-time fleet cost of $560.

The cost is so small that compliance with the proposal will not have a significant financial impact on any small entities owning affected airplanes.

Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the Rules Docket under the caption **"ADDRESSES"**.

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39 —[AMENDED]

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

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

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

§ 39.13 [Amended]

2. By adding the following new AD:

Piper Aircraft Corporation

Applies to Model PA–42–1000 (S/N's 42–5527001 through 42–5527033) airplanes certificated in any category.

Compliance: Required within 10 hours time-in-service after the effective date of this AD, unless already accomplished.

To preclude engine flameout during landing, accomplish the following:

(a) Insert copies of this AD in the Pilots Operating Handbook and FAA approved Aircraft Flight Manual (POH/AFM) and operate as described herein:

(1) Insert the following in the Operating Limitations Section on pages 2–9: "USE OF CONTINUOUS IGNITION"—"Ignition must be turned ON prior to landing and remain ON until the landing is completed or until climb has been established following a balked landing."

(2) Insert the following in the Normal Procedures Section, pages 4–14, in the BEFORE LANDING CHECKLIST: "Ignition Switches . . . ON."

(3) Insert the following in the Normal Procedures Section, pages 4–15 in the BALKED LANDING checklist and pages 4–16 in the AFTER LANDING Checklist: "Ignition Switches . . . NORMAL."

Note.—Piper Service Bulletin 816A, dated January 24, 1986, applies to the subject of this AD.

(b) The requirements of paragraph (a) of this AD may be accomplished by the holder of a pilot certificate issued under Part 61 of the Federal Aviation Regulations on any airplane owned or operated by him. The person accomplishing these actions must make the appropriate aircraft maintenance record entry as prescribed by FAR 43.9 and FAR 91.173.

(c) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Atlanta Aircraft Certification Office, ACE–115A, 1075 Inner Loop Road, College Park, Georgia 30337; Telephone (404) 763–7428.

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

This amendment becomes effective on November 13, 1986.

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

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–22625 Filed 10–6–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Sterile Prednisolone Acetate Aqueous Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations by removing the regulation that reflected approval of a new animal drug application (NADA) sponsored by Schering Corp. providing for use of Meticortelone® Aqueous Suspension (sterile prednisolone acetate) as an anti-inflammatory agent in dogs, cats, and horses. In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of the subject NADA at the request of the sponsor.

EFFECTIVE DATE: October 17, 1986.

FOR FURTHER INFORMATION CONTACT: John K. Augsburg, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4093.

SUPPLEMENTARY INFORMATION: In a notice published elsewhere in this issue of the **Federal Register**, the agency is withdrawing approval of Schering Corp.'s NADA 10–312 which covers use of Meticortelone® Aqueous Suspension (sterile prednisolone acetate). This document removes the regulation that reflected approval of the NADA.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

1. The authority citation for 21 CFR Part 522 continues to read as follows:

Authority: Sec 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

§ 522.1881 [Removed]

2. Section 522.1881 *Sterile prednisolone acetate aqueous suspension* is removed.

Dated: September 30, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86–22637 Filed 10–6–86; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Approval of Permanent Program Amendments for the State of Iowa Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of an amendment to the Iowa permanent regulatory program (hereinafter referred to as the Iowa program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Iowa submitted the amendment to change its regulatory authority as a result of a statewide governmental reorganization.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Kovacic, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, Room 502, 1103 Grand Avenue, Kansas City, Missouri 64106; Telephone: (816) 374–5527.

SUPPLEMENTARY INFORMATION:

I. Background

The Iowa program was conditionally approved by the Secretary of the Interior on January 21, 1981. The approval was made effective April 10, 1981. Information pertinent to the general background, revisions, modifications, and amendments to the Iowa program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 **Federal Register** [46 FR 5885]. Subsequent actions concerning the conditions of approval and program

amendments are identified at 30 CFR 915.11 and 915.15.

II. Discussion of Amendments

The amendment submitted by letter dated June 16, 1986, consists of proposed changes that reorganize Iowa's State government. The amendment would transfer all of the Department of Soil Conservation's functions, including surface coal mining regulation and abandoned mine lands, to the newly created Division of Soil Conservation in the Iowa Department of Agriculture and Land Stewardship.

On August 11, 1986, OSMRE published an announcement of the receipt of the amendment and invited public comment on the adequacy of the proposed amendment (51 FR 28729). The notice stated that a public hearing would be held only if requested. Since there were no requests for a hearing, a hearing was not held. The comment period closed on September 10, 1986. No comments were received.

III. Director's Findings

The Director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Iowa on June 16, 1986, meet the requirements of SMCRA and 30 CFR Chapter VII. Accordingly, the Director is approving this program amendment. The Federal rules at 30 CFR Part 915 which codify decisions on the Ohio program are being amended to implement this decision.

The final rule is being made effective upon publication to expedite the State program amendment process and to encourage the State to bring its program into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

Iowa Code

The Act, Senate File 2175, which was signed by the Governor on May 1, 1986, reorganizes and restructures the Iowa State government. The Act transfers the statutory authority, Iowa Code Chapter 83, for the Iowa surface coal mining program to the newly created Division of Soil Conservation in the Iowa Department of Agriculture and Land Stewardship.

The authority for the administration and enforcement of the Iowa program remains the same even though the regulatory authority's title has changed. The State has assured OSMRE that the Division of Soil Conservation's budget and staffing level will be at least equal to those approved by the Secretary. Iowa submitted this amendment to OSMRE as required by 30 CFR 732.17. The Director finds that the amendment to redesignate the Iowa regulatory authority is no less effective than the Federal provisions.

IV. Public Comments

No public comments were received.

V. Director's Decision

The Director, based on the above findings, is approving the amendments submitted to OSMRE on June 16, 1986. The Director is amending Part 915 of 30 CFR Chapter VII to reflect this decision.

VI. Procedural Matters

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, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will 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 915

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

Dated: September 30, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 915—IOWA

30 CFR Part 915 is amended as follows:

1. The authority citation for Part 915 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et al.).

2. § 915.10 is amended by revising paragraphs (a) and (b) to read as follows:

§ 915.10 State regulatory program approval.

* * * * *

(a) Iowa Division of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319.

(b) Office of Surface Mining Reclamation and Enforcement, Professional Building, 1103 Grand Avenue, Kansas City, Missouri 64106.

3. § 915.15(e) is amended by revising paragraph (e) to read as follows:

§ 915.15 Approval of regulatory program amendments.

* * * * *

(e) The following amendment submitted to OSMRE on June 16, 1986, is approved effective October 7, 1986: Iowa Senate File 2175: State Government Reorganization Bill.

4. § 915.20 is revised to read as follows:

§ 915.20 Approval of Iowa abandoned mine plan.

The Iowa Abandoned Mine Plan, as submitted and revised, is approved. Copies of the approved program are available at:

Office of Surface Mining Reclamation and Enforcement, Professional Building, 1103 Grand Avenue, Kansas City, Missouri 64106.

Iowa Division of Soil Conservation, Wallace State Office Building, Des Moines, Iowa 50319.

[FR Doc. 86–22645 Filed 10–6–86; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 Amendment; USS LOUISVILLE

AGENCY: Department of the Navy DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at

Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS LOUISVILLE (SSN 724) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: September 22, 1986.

FOR FURTHER INFORMATION CONTACT: Captain P.C. Turner, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332-2400, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS LOUISVILLE (SSN 724) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the locations of the sidelights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified the above mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS LOUISVILLE (SSN 724) is a member of the SSN 688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS LOUISVILLE (SSN 724).

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessel:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. Section 2(a)(i), Annex I
USS LOUISVILLE	SSN 724	3.5

2. Table Three of § 706.2 is amended by adding the following vessel:

Vessel	Number	Masthead lights arc of visibility; Rule 21(a)	Side lights arc of visibility; Rule 21(b)	Stern lights, arc of visibility; Rule 21(c)	Side lights, distance inboard of ship's sides in meters; Section 3(b), Annex I	Stern light distance forward of stern in meters; Rule 21(c)	Forward anchor light, height above hull in meters; Section 2(k), Annex I	Anchor lights, relationship of aft light to forward light in meters Section 2(k), Annex I
USS LOUISVILLE	SSN 724		113°	209°	4.2	6.1	3.5	1.7 below.

Dated: September 22, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-22622 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-AE-M

Defense Logistics Agency

32 CFR Part 1285

[DLAR 5400.14]

Freedom of Information Act Program

AGENCY: Defense Logistics Agency, DoD.

ACTION: Final rule.

SUMMARY: This final rule revises the Defense Logistics Agency Freedom of Information Program which implements the Freedom of Information Act of 1974, as amended (5 U.S.C. 552) within the Agency. This revision supersedes a final rule (46 FR 20541) published on April 6, 1981, 32 CFR Part 1285—"Availability to the Public of Official Information."

EFFECTIVE DATE: October 7, 1986.

ADDRESS: Headquarters, Defense Logistics Agency, ATTN: DLA-XAM, Cameron Station, Alexandria, Virginia 22304-6130.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Henshall, (202) 274-6234.

SUPPLEMENTARY INFORMATION: This rule implements the provisions of DoD Directive 5400.7 DoD Freedom of Information Act Program as published (45 FR 80502) on December 5, 1980, 32 CFR Part 286—DoD Freedom of Information Act Program.

List of Subjects in 32 CFR Part 1285

Freedom of information.

Accordingly Title 32 is amended by revising Part 1285 to read as follows:

PART 1285—DEFENSE LOGISTICS AGENCY FREEDOM OF INFORMATION ACT PROGRAM

Sec.

1285.1 References.
1285.2 Purpose and scope.
1285.3 Policy.
1285.4 Definitions.
1285.5 Background.
1285.6 Significant changes.
1285.7 Responsibilities.
1285.8 Procedures.
1285.9 Forms and reports.

Appendix A—Fee Schedule
Appendix B—For Official Use Only (FOUO)
Appendix C—Judicial Actions
Appendix D—FOI Annual Report—CY

Authority: 5 U.S.C. 552, as amended by Pub. L. 93-502.

§ 1285.1 References.

(a) Title 5, U.S.C. 552, as amended by Pub. L. 93-502.

(b) Title 18, U.S.C. 798, Communication Intelligence.

(c) Title 18, U.S.C. 1905, Disclosure of Confidential Information Generally.

(d) Title 18, U.S.C. 3500, The Jencks Act.

(e) Title 35, U.S.C. 181–188, Secrecy of Certain Inventions and Filing Applications in Foreign Countries.

(f) Title 42, U.S.C. 2162, Classification and Declassification of Restricted Data Periodic Determinations.

(g) Title 44, U.S.C. 33, Disposal of Records.

(h) Pub. L. 86–36, National Security Information Exemption.

(i) Pub. L. 90–620, 44 U.S.C. 3301, Definition of Records.

(j) DoD Directive 5200.1–R, Information Security Program Regulation.

(k) DoD Directive 5200.20, Distribution Statements on Technical Documents.

(l) DoD Directive 5400.4, Provision of Information to Congress.

(m) DoD Directive 5400.7 DoD Freedom of Information Act Program.

(n) DoD Directive 5400.11, Personal Privacy and Rights of Individuals Regarding Their Personal Records.

(o) DoD Directive 7650.1, General Accounting Office Comprehensive Audits.

§ 1285.2 Purpose and scope.

To establish/provide policy, procedures, and uniformity within DLA for implementation of the DoD Freedom of Information Act (FOIA) Program, pursuant to the provisions of Title 5, U.S.C. 552, as amended by Pub. L. 93–502, and DoD Directive 5400.7. This Part 1285 is applicable to HQ DLA and all DLA field activities.

§ 1285.3 Policy.

(a) *General.* (1) It is the policy of DLA of promote public trust by making the maximum amount of information available to the public on the operation and activities of DLA. Records that are exempt from release to the public, and meet the exemption criteria spelled out in paragraph (g) of this section need not be published in the **Federal Register**, made available in a library reading room, or provided in response to an FOIA request.

(2) Information exempt from public disclosure, under provisions of paragraph (g) of this section, will be made available to the public when its disclosure is not inconsistent with statutory requirements or with DLA Supplement 1 to DoD 5200.1–R, Information Security Program Regulation,[1] and when officials determine that no governmental interest will be jeopardized by the release of the information. The determination of whether the governmental interest will be jeopardized by releasing the information is within the sole discretion of the DLA official authorized by this part to deny release.

(3) Records and other documents or related material may be withheld from the public only as authorized by this part.

(b) *Availability of records.* (1) DLA will conduct activities in an open manner, consistent with the need for security and adherence to other requirements of law and regulation. Records not specifically exempt from disclosure under the FOIA shall, upon request, be made readily accessible to the public whether or not the FOIA is invoked.

(2) DLA will ensure that procedural matters do not unnecessarily impede a requester from obtaining records promptly. Assistance will be provided to requesters to help them understand and comply with procedures established by this part.

(3) When a member of the public complies with the procedures for obtaining DLA records, the request will receive prompt attention. A reply will be dispatched within 10 working days unless an extension is authorized. Requests by individuals for access to records about themselves will be processed under the Privacy Act procedures. Pursuant to DLAR 5400.12, Administration of Congressional Matters,[2] a request by a Member of Congress on behalf of a constituent should be considered as if the constituent had written directly to DLA.

(4) Records that may be withheld under the exemptions outlined in paragraph (g) of this regulation will be made available to the public when it is determined that no governmental interest will be jeopardized by the release of the record. Determination of jeopardy of Government interest is within the sole discretion of DLA, consistent with statutory requirements, security classification requirements, or other requirements of law.

(5) Nonexempt records released under the authority of this regulation are considered to be in the public domain. However, exempt records released pursuant to or other statutory or regulatory authority, may be considered to be in the public domain only when their release constitutes a waiver of FOIA exemption. When the release does not constitute such a waiver, such as when disclosure is made to a properly constituted advisory committee or to a Congressional Committee, the released records do not lose their exempt status. Also, while authority may exist to disclose records to individuals in their official capacity, the provisions of this part apply if the same individual seeks the records in a private or personal capacity.

(6) A record must exist and be in the possession and control of DLA at the time of the request to be considered subject to this regulation. Mere possession of a record does not presume control and such records, or identified portions thereof, should be referred to the originating agency for direct response to the requester. There is no obligation to create, compile, or obtain a record to satisfy an FOIA request. A new record may be compiled or created when so doing would result in a more useful response to the requester, or be less burdensome than providing existing records, and the requester does not object. Cost of creating or compiling such a record may not be charged to the requester unless the fee for creating the record is less than the fee which would be charged for providing the existing record. Fee assessment for direct search and duplication associated with the request will be in accordance with the fees set forth in Appendix A.

(7) Identification of the record desired is the responsibility of the member of the public who requests a record. The requester must provide a description of the desired record to enable location of the record with a reasonable amount of effort. When a request does not "reasonably describe" the record, the requester will be so advised.

(i) Generally, a record is not reasonably described unless the description contains sufficient information to permit the conduct of an organized, nonrandom search based on the DLA filing arrangements and existing retrieval systems, or unless the record contains sufficient information to permit inference of the elements needed to conduct such a search. Descriptive information about a record is divided into the following two categories:

(A) Category I is file-related and includes information such as type of record (for example, memorandum), title, index citation, subject area, date the record was created, and originator.

(B) Category II is event-related and includes the circumstances that resulted in the record being created, or the date and circumstances surrounding the event the record covers.

[1] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[2] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

(ii) The following guidelines deal with requests for personal records. Ordinarily, when personal identifiers only are provided in connection with a request for records concerning the requester, only records retrievable by personal identifiers need be searched. Search for such records may be conducted under Privacy Act procedures. No record may be denied that is releasable under the FOIA.

(8) The above guidelines notwithstanding, the decision of DLA concerning reasonableness of description must be based on knowledge of the files. If the description enables DLA personnel to locate the record with reasonable effort, the description is adequate.

(9) A request received by a DLA activity having no records responsive to a request shall be referred routinely to another Department of Defense (DoD) Component, if the other Component confirms that it has the request record, and this belief can be confirmed by the other DoD Component. If the DoD Component that is consulted determines that the existence or nonexistence of any record of the DoD Component responsive to the request is in itself classified, the requester will be so notified. Otherwise, the request shall be referred to the other DoD Component, and the requester shall be notified of any such referral. Any DLA activity receiving a request that has been misaddressed shall refer the request to the proper address and advise the requester.

(10) Whenever a record or a portion of a record is referred to another DoD Component or to a Government agency outside DoD for a release determination and direct response, the requester shall be informed of the referral. Referred records shall only be identified to the extent consistent with security requirements.

(11) A DLA activity will refer an FOIA request for a classified record that it holds to another DoD Component or agency outside the DoD, if the record originated in the other DoD Component or outside agency, or if the classification is derivative. Telephonic coordination with the DoD Component or outside agency will be made prior to the referral.

(12) A DLA activity may also refer a request for a record that it originated to another DoD Component or agency when the record was created for the use of the other DoD Component or agency. The DoD Component or Agency for which the record was created may have an equally valid interest in withholding the record as the DLA activity that created the record. An example of such a situation is a request for audit reports prepared by the Defense Contract Audit Agency. These advisory reports are prepared for the use of contracting officers and their release to the audited contractor should be at the discretion of the contracting officer. Any FOIA request will be referred to the appropriate contracting officer and the requester will be notified of the referral.

(13) Within DoD, a DLA activity will ordinarily refer an FOIA request for a record that it holds, but that was originated by another DoD Component or that contains substantial information obtained from another DoD Component, to that Component for direct response, after direct coordination and concurrence from the Component. The requester should then be notified of such referral. DLA activities will not, in any case, release or deny such records without prior consultation with the other DoD Component.

(14) DLA activities that receive referred requests will answer them in accordance with the time limits established by the FOIA and this part. Those time limits will begin to run upon receipt of the referral by the official designated to respond.

(15) Referring requests to non-DoD agencies subject to FOIA:

(i) DLA may refer an FOIA request for any record that originated in an agency outside DoD, or that is based on information obtained from an outside agency, to the agency for direct response to the requester after coordination with the outside agency, if that agency is subject to FOIA. Otherwise DLA must respond to the request.

(ii) DLA will not honor any FOIA request for investigative, intelligence, or any other type of records that are on loan to DoD for a specific purpose, if the records are restricted from further release and so marked. Such requests will be referred to the agency that provided the record.

(iii) Notwithstanding anything to the contrary in paragraphs (b) (9) through (15) of this section, DLA shall forward a request for National Security Council (NSC) documents or White House files to the NSC for a direct response to the requester. DoD documents in which the NSC has a concurrent reviewing interest shall be forwarded to Director, Freedom of Information and Security Review (DFOISR), OASD (Public Affairs) which shall effect this coordination with the NSC, and return the documents to the originating agency after the NSC review and determination.

(c) *Inspection and copying of opinions, orders, and manuals.* (1) Subject to the exemptions set forth in paragraph (g) of this section, DLA will make the following materials available for public inspection and copying in an appropriate facility or facilities in accordance with the procedures in section 1285.8 below, unless such materials are published and copies offered for sale:

(i) All final opinions (including concurring and dissenting opinions) and orders in adjudication, as defined in 5 U.S.C. 551 (section 2 of the Administrative Procedures Act) that may be cited, used, or relied upon as precedents in future adjudication.

(ii) Statements of policy and interpretations of less than general applicability affecting the public but not published in the **Federal Register.**

(iii) Administrative staff manuals and instructions, or portions of such, which establish DLA policy or interpretation of policy that is determinative of the rights of members of the public. This provision does not apply to instructions for employees on the tactics and techniques to be used in performing their duties, or to instructions relating only to the internal management of DLA. Examples of manuals and instructions not normally made available are:

(A) Those issued for audit and inspection purposes.

(B) Those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(C) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems, and foreign intelligence operations.

(2) The cost to the DLA activity of copying any such opinion, order, or statement of policy or interpretation shall be imposed on the person requesting the copy in accordance with Appendix A.

(3) When feasible, all material published in the **Federal Register** will be made available for inspection and copying, along with any available index of that published material, in the same facility or facilities provided for inspection and copying of opinions, orders, and manuals.

(4) Identifying details, which if revealed would create a clearly unwarranted invasion of personal privacy, may be deleted from any final opinion, order, statement of policy, interpretation, staff manual, or instruction made available for inspection and copying. In every such case, the justification for the deletion must be fully explained in writing.

(5) No order, opinion, statement of policy, interpretation, staff manual, or

instruction issued, promulgated, or adopted after 4 July 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as a precedent against any member of the public unless that person has actual and timely notice of terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before 4 July 1967, it need not be indexed but must be made available in accordance with paragraph (c)(1) of this section. In determining whether an order, opinion, statement of policy, interpretation, staff manual, or instruction is likely to be used or relied upon as precedent, the primary test will be whether it is intended to provide binding guidance for decisions or evaluations by subordinates, or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts of issues are presented.

(d) *Fee assessment.* (1) Fees may not be used to discourage requests, and to this end FOIA fees are limited to standard charges for direct document search and duplication. Documents may be furnished without charge or at a reduced charge when the releasing authority determines that waiver or reduction of the fees is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Based on this guidance, the DoD has established a liberal fee schedule, outlined in Appendix A of this part.

(2) In order to be as responsive as possible to FOIA requests, while minimizing unwarranted costs to the taxpayer, DLA activities will adhere to the following procedures:

(i) If the requester declares an unwillingness to pay fees and does not substantiate a request for waiver, and if it appears that the direct search and reproduction costs associated with the request will exceed the automatic waiver threshold, the request need not be processed and the requester will be so informed.

(ii) If the requester declares a willingness to pay fees up to a specified amount and does not substantiate a request for waiver, then the specified amount or the automatic waiver threshold, whichever is greater, will not be exceeded without the consent of the requester.

(iii) If the requester makes no declaration concerning fees and does not substantiate a request for waiver, and if it appears that the direct search and reproduction fees to be assessed will exceed the automatic waiver threshold, the request will not be processed until the requester is advised of anticipated charges and agrees to pay them.

(iv) Activities may require payment of all or a portion of estimated fees before processing a request.

(v) Subsequent requests from persons who fail to discharge fee obligations need not be processed until previous obligations have been discharged or waived.

(e) *Records management.* FOIA records will be maintained and disposed of in accordance with DLAM 5015.1, Files Maintenance and Disposition.[3]

(f) *Jeopardy of Government interest.* An exempted record, other than those being withheld pursuant to exemptions 1, 3 or 6, shall be made available upon the request of any individual when, in the judgment of the releasing authority, no Government interest will be jeopardized by release. It is appropriate to use discretionary authority on a case-by-case basis in the release of given records. If it is determined that a record requested under the FOIA meets the exemption 4 withholding criteria set forth in this regulation, discretionary power to release shall not ordinarily be exercised, absent circumstances in which a compelling public interest will be served by release of that record.

(g) *FOIA exemptions.* The following types of records may be withheld in whole or in part from public disclosure unless otherwise prescribed by law:

(1) Those properly and currently classified in the interest of national defense or foreign policy, as specifically authorized under the criteria established by executive order and implemented by regulations, such as DoD 5200.1-R[4] and DLA Supplement 1 to DoD 5200.1-R[5]

(2) Those containing or constituting rules, regulations, orders, manuals, directives, and instructions relating to the internal personnel rules or practices of DLA, if their release to the public would substantially hinder the effective performance of a significant function of DoD and they do not impose requirements directly on the general public. Examples include:

(i) Those rules, guidelines, and manuals for DoD investigators, inspectors, auditors, or examiners, that must remain privileged in order for DLA to fulfill a legal requirement.

(ii) Personnel and other administrative matters, such as examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance on duty, advancement, or promotion.

(3) Those concerning matters that a statute specifically exempts from disclosure by terms that permit no discretion on the issue, or in accordance with criteria established by that statute for withholding or referring to particular types of matters to be withheld. Examples of statutes are:

(i) National Security Agency Information Exemption, Pub. L. 86–36, section 6.

(ii) Patent Secrecy, 35 U.S.C. 181–188. Any records containing information relating to inventions that are the subject of patent applications on which Patent Secrecy Orders have been issued.

(iii) Restricted Data and Formerly Restricted Data, 42 U.S.C. 2162.

(iv) Communication Intelligence, 18 U.S.C. 798.

(4) Those containing trade secrets or commercial or financial information that DLA receives from a person or organization outside the Government with the understanding that the information or record will be retained on a privileged or confidential basis in accordance with the customary handling of such records. Records within the exemption must contain trade secrets, or commercial or financial records, the disclosure of which is likely to cause substantial harm to the competitive position of the source providing the information, impair the Government's ability to obtain necessary information in the future, or jeopardize some other Government interest. Examples include records that contain:

(i) Commercial or financial information received in confidence in connection with loans, bids, contracts, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions, discoveries, or other proprietary data.

(ii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if offered and received in confidence from a contractor or potential contractor.

(iii) Personal statements given in the course of inspections, investigations, or audits, when such statements are received in confidence from the individual and retained in confidence because they reveal trade secrets or commercial or financial information normally considered confidential or privileged.

[3] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304–6130.

[4] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304–6130.

[5] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304–6130.

(iv) Financial data provided in confidence by private employers in connection with locality wage surveys that are used to fix and adjust pay schedules applicable to the prevailing wage rate of employees within DoD.

(v) Scientific and manufacturing processes or developments concerning technical or scientific data or other information submitted with an application for a research grant, or with a report while research is in progress.

(5) Except as provided in paragraphs (g)(5) (ii) through (v) of this section, internal advice, recommendations, and subjective evaluations, as contrasted with factual matters, that are reflected in records pertaining to the decision-making process of an agency, whether within or among agencies (as defined in 5 U.S.C. 552(e) (reference (a)) or within or among DoD Components.

(i) Examples include:

(A) The nonfactual portions of staff papers, to include after-action reports and situation reports containing staff evaluations, advice, opinions or suggestions.

(B) Advice, suggestions, or evaluations prepared on behalf of DLA by individual consultants or by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups formed for the purpose of obtaining advice and recommendations.

(C) Those nonfactual portions of evaluations by DLA personnel of contractors and their products.

(D) Information of a speculative, tentative, or evaluative nature on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions, when such information would provide undue or unfair competitive advantage to private personal interests or would impede legitimate Government functions.

(E) Trade secret or other confidential research development, or commercial information owned by the Government, where premature release is likely to affect the Government's negotiating position or other commercial interests.

(F) Records which are exchanged among Agency personnel or within and among elements of DoD and Federal Agencies preparing for anticipated legal proceedings before any Federal, State, or military court or before any regulatory body as well as records that qualify for the attorney client privilege.

(G) Those portions of official reports of inspection, reports of the Inspectors General, audits, investigations, or surveys pertaining to safety, security, or the internal management, administration, or operation of DLA, when these records have traditionally been treated by the courts as privileged against disclosure in litigation.

(ii) If any such intra or interagency record or reasonably segregable portion of such record hypothetically would be made available routinely through the "discovery process" in the course of litigation with DLA, i.e., the process by which litigants obtain information from each other that is relevant to the issues in a trial or hearing, then it should not be withheld from the general public even though discovery has not been sought in actual litigation. If, however, the information hypothetically would only be made available through the discovery process by special order of the court based on the particular needs of a litigant, balanced against the interests of DLA in maintaining its confidentiality, then the record or document need not be made available under this part.

(iii) Intra or interagency memoranda or letters that are factual, or those reasonably segregable portions that are factual, are routinely made available through "discovery," and shall be made available to a requester, unless the factual material is otherwise exempt from release, inextricably intertwined with the exempt information, so fragmented as to be uninformative, or so redundant of information already available to the requester as to provide no new substantive information.

(iv) A direction or order from a superior to a subordinate, though contained in an internal communication, generally cannot be withheld from a requester if it constitutes policy guidance or a decision, as distinguished from a discussion of preliminary matters or a request for information or advice that would compromise the decisionmaking process.

(v) An internal communication concerning a decision that subsequently has been made a matter of public record must be made available to a requester when the rationale for the decision is expressly adopted or incorporated by reference in the record containing the decision.

(6) Information in personnel and medical files, as well as similar personal information in other files, that, if disclosed to the requester would result in a clearly unwarranted invasion of personal privacy.

(i) Examples of other files containing personal information similar to that contained in personnel and medical files include:

(A) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment or membership in the Armed Forces, and the eligibility of individuals (civilian, military, or contractor employees) for security clearances, or for access to particularly sensitive classified information.

(B) Files containing reports, records, and other material pertaining to personnel matters in which administrative action, including disciplinary action, may be taken.

(ii) In determining whether the release of information would result in a "clearly unwarranted invasion of personal privacy," consideration will be given to the stated or ascertained purpose of the request. When determining whether a release is "clearly unwarranted," the public interest in satisfying this purpose must be balanced against the sensitivity of the privacy interest being threatened. This exemption shall not be exercised in an attempt to protect the privacy of a deceased person, but it may be used to protect the privacy of the deceased person's family.

(iii) Individuals' personnel, medical, or similar file may be withheld from them or their designated legal representative only to the extent consistent with DoD Directive 5400.11.[6]

(iv) A clearly unwarranted invasion of the privacy of the persons identified in a personnel, medical, or similar record may constitute a basis for deleting those reasonably segregable portions of that record, even when providing it to the subject of the record.

(7) Those investigative records compiled for the purpose of enforcing civil, criminal, or military law, including the implementation of executive orders or regulations issued pursuant to law.

(i) However, this exemption applies only to the extent that release of a record or portion of a record would:

(A) Interfere with enforcement proceedings.

(B) Deprive a person of the right to a fair trial or to an impartial adjudication.

(C) Constitute an unwarranted invasion of personal privacy of a living person, including surviving family members of an individual identified in such a record.

(D) Disclose the identity of a confidential source.

(E) Disclose confidential information furnished only from a confidential source and obtained by a criminal law enforcement authority in a criminal investigation or by an agency conducting a lawful national security intelligence investigation.

(F) Disclose investigative techniques and procedures not already in the public

[6] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304 6130.

domain and requiring protection against public disclosure to ensure their continued effectiveness.

(G) Endanger the life, physical safety, or well-being of law enforcement personnel or their families.

(ii) Examples include:

(A) Statements of witnesses and other material developed during the course of the investigation and all materials prepared in connection with related Government litigation or adjudicative proceedings.

(B) The identity of firms or individuals being investigated for alleged irregularities involving contracting with DoD when no indictment has been obtained nor any civil action filed against them by the United States.

(C) Information obtained in confidence, expressed or implied in the course of a criminal investigation by a criminal law enforcement agency or office within a DLA activity, or a lawful national security intelligence investigation conducted by an authorized agency or office within a DLA activity. National security intelligence investigations include background security investigations and those investigations conducted for the purpose of obtaining affirmative or counterintelligence information.

(iii) The right of individual litigants to investigative records currently available by law (such as, the Jencks Act, 18 U.S.C. 3500) is not diminished.

(iv) When the subject of an investigative record is the requester of the record, it may be withheld only as authorized by DoD Directive 5400.11.[7]

(8) Those contained in or related to examination, operation or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(i) Those containing geological and geophysical information and data (including maps) concerning wells.

§ 1285.4 Definitions.

(a) *Administrative appeal.* A request by a member of the general public, made under the FOIA, asking the appellate authority of DLA to reserve an Initial Denial Authority (IDA) decision to withhold all or part of a requested record or to deny a request for waiver or reduction of fees.

(b) *Appellate authority.* The Director, DLA or his designee.

(c) *FOIA request.* A written request for DLA records made by a member of the public who either explicitly or implicitly invokes the FOIA (5 U.S.C. 552).

(d) *Initial denial authority (IDA).* An official who has been granted authority by the Director, DLA to withhold records requested under the FOIA for one or more of the nine categories of records exempt from mandatory disclosure.

(e) *Record.* (1) The products of data compilation, regardless of physical form or characteristics, made or received by DLA in connection with the transaction of public business and preserved by DLA primarily as evidence of the organization, policies, functions, decisions, or procedures of DLA.

(2) The following are not included within the definition of the word "record":

(i) Library and museum material made, acquired, and preserved solely for reference or exhibition.

(ii) Objects or articles, such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles and equipment, whatever their historical value, or value as evidence.

(iii) Commercially exploitable resources, including but not limited to formulae, designs, drawings, maps and charts, map compilation manuscripts and map research materials, research data, computer programs, and technical data packages that were not created and are not utilized as primary sources of information about organizations, policies, functions, decisions, or procedures of DLA.

(iv) Unaltered publications and processed documents, such as regulations, manuals, maps, charts, and related geophysical materials, that are available to the public through an established distribution system with or without charges.

(v) Anything that is not a tangible or documentary record, such as an individual's memory or oral communication.

(vi) Personal notes of an individual not made available to other persons in an agency and filed with agency records.

(vii) Information stored within a computer for which there is no existing computer program or printout.

§ 1285.5 Background.

The FOIA describes the kinds of official records and information that must be made available to the public and the kinds of information that need not be made available to the public, requires facilities be made available to the public for the examination and copying of records, and provides procedures for the review of denials to release records and information to the public. Requests from Members of Congress are governed by DLAR 5400.12, Administration of Congressional Matters.[8]

§ 1285.6 Significant changes.

This revision eliminates triannual cost reporting. Cost reporting will be included in the annual report. Additional changes update names, zip codes and title of this publication.

§ 1285.7 Responsibilities.

(a) *HQ DLA*—(1) *The Staff Director, Administration, DLA (DLA–X)* will:

(i) Serve as the point of contact for referring members of the public, except the news media, desiring to examine and copy records to the appropriate staff element within HQ DLA, or within the DLA Administrative Support Center having custody of the records.

(ii) Maintain a copy of the material and documents referred to in paragraph (b)(3) of this section for examination and copying by the public.

(iii) Process requests for records received under provisions of § 1285.8(a).

(iv) Review DLA publications to assure that those which meet the criteria for publication in the **Federal Register** are prepared in proper form and transmitted promptly for publication in the **Federal Register**, as required by DLAR 5025.19, Publication of Material in the **Federal Register**.[9]

(v) Maintain a file of copies of all responses provided by PSEs and denials provided by PLFAs.

(2) *The Assistant for Public Affairs, Office of Legislative and Public Affairs, DLA (DLA–BP)* will serve as the central point of contact for the release of information to the news media.

(3) *The General Counsel, DLA (DLA–G)* will:

(i) Provide advice and assistance in determining releasability of records.

(ii) Process appeals to the Director, DLA of denials to provide records.

(iii) Coordinate denials of releases with Office of the General Counsel, DoD, and the Department of Justice, as appropriate.

(4) *The heads of DLA principal staff elements (PSEs)* will:

(i) Review all instructions for which they are the proponent to ensure that such instructions are not inconsistent with the provisions of this DLAR.

(ii) Ensure that the provisions of this DLAR are followed in processing

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[8] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[9] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

requests for records from members of the public.

(iii) Forward to the Chief, Resources Management Division, Office of Administration (DLA–XA) any FOIA request received directly in order that the request may be properly controlled.

(iv) Coordinate requests from the public for information with other HQ DLA staff elements, to the extent considered necessary.

(v) Arrange for the collection of fees prescribed in enclosure 1 associated with locating and providing copies of documentary material requested.

(vi) Furnish DLA–XA a copy of all responses to provide a record made under the provisions of § 1285.8(b)(13). Copies will be identified using the control number furnished by DLA–XA. Furnish DLA–XA a completed DD Form 2086, Record of Freedom of Information (FOI) Processing Costs, for every FOIA request to which the PSE responds.

(vii) Make initial determination to deny release after coordination with DLA–G.

(b) *The heads of DLA primary level field activities (PLFAs)* will:

(1) Ensure that the provisions of this DLAR are followed in processing requests for records from members of the public.

(2) Provide convenient facilities where members of the public may examine and copy documents to which they are entitled.

(3) Maintain for examination and copying by the public a copy of the following:

(i) All publications listed in paragraph I.

(ii) DLAH 5805.1, DLA Organization Directory,[10] which reflects the mailing addresses of all activities of DLA.

(iii) DLAH 5025.1, PT 1, Defense Logistics Agency Index of Publications,[11] which contains a topical index of the publications issued by HQ DLA.

(iv) DLAM 5015.1, Files Maintenance and Disposition,[12] which contains a functional description of all records and files generated by DLA. This manual also contains a topical index.

(v) A copy of such local indexes of opinions, orders, statements of policy, and publications that may exist, or that may be prepared in the future.

[10] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[11] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[12] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

(4) For each FOIA request processed, prepare and retain for feeder input a DD Form 2086 to ensure that all costs related to the request are properly documented.

(5) Arrange for the collection of fees associated with locating and providing copies of documentary material requested. Appendix A.

(6) Furnish DLA–XA a copy of all denials to provide a record made under provisions of § 1285.8(b)(13) of this part. Copies will be identified using activity office symbol, calendar year, and FOIA, and serially numbered, e.g., DCSC–80–FOIA–1.

(7) Prepare and submit reports in accordance with § 1285.9(b) of this part.

(8) Refer cases of significance to DLA–G for review and evaluation when the issues raised are unusual, precedent setting, matters of disagreement among components, or otherwise requiring special attention or guidance.

(9) Establish safeguards to ensure that the official records of the activity are properly safeguarded during the time they are made available for examination by a member of the public.

(10) Establish controls to ensure that internal operating procedures provide for prompt response to all requests for records.

(11) Establish a training program for those personnel who may be involved in responding to requests from the public for records.

§ 1285.8 Procedures.

(a) *Requests for records or for permission to examine records.* (1) Members of the public may make requests in writing for copies of records or for permission to examine or copy records directly to the Head of the PLFA having custody of the records, if the location of the document is known. If the location is not known, and it is reasonably certain that the document is in the custody of DLA, or if the record is in the possession of a PSE, the requester should submit the request to HQ DLA, ATTN: DLA–XAM, c/o Freedom of Information Officer, Cameron Station, Alexandria, Virginia 22304–6130.

(2) Requests must identify each record with sufficient particularity to enable the custodian to locate the record with a reasonable amount of effort. Information as to where the record originated, its subject, date, number, or other identification that would enable the custodian to locate the document should be provided by the requester when possible.

(3) Because certain information and documents are exempt from the imposition of fees under provisions of Appendix A, the requester need not submit payment for services with the initial written request. When it is anticipated that the cost of the record search and reproduction of the documents may exceed $30, the requester will be so advised and requested to submit payment prior to furnishing the records. In other instances, the requester will be advised of the charges involved at the time the record is found and prior to its release.

(4) Refusal to make a record available may be made only by the Heads of DLA PLFAs or the Heads of HQ DLA PSEs or their Deputies. The refusal may be appealed to the Director, DLA.

(b) *Processing requests for records or for permission to examine records.* (1) Upon receipt of a request for records or for permission to examine records, the DLA activity having custody of the records will collect the documents, determine whether they are releasable under provisions of this part, determine the fees to be charged, if any, and advise the requester accordingly.

(2) If the request is for permission to examine releasable records, the requester will be advised as to where and when during normal working hours he may appear for this purpose. Every reasonable effort will be made to accommodate individuals granted permission to examine records; however, overtime is not authorized for this purpose.

(3) The DLA official having custody and control of any DLA record requested by a member of the public is authorized to make such record available unless the record falls within one of the exemptions listed in § 1285.3(g). In such case, the request will be referred promptly to the Head of the PLFA or the Head of a HQ DLA PSE, or the Deputy as appropriate. The marking or absence of the marking "FOR OFFICIAL USE ONLY" does not relieve the official, who is authorized to release the record, from the responsibility of reviewing the requested record for the purpose of determining whether an exemption under § 1285.3(g) is applicable.

(4) The official designated by DLA to make initial determinations, if not a public affairs officer, should consult with the appropriate public affairs officer to determine if the subject matter is considered to be newsworthy. The Public Affairs Officer will be advised of all requests from news media representatives. In addition, public affairs officers will be informed in advance whenever a record containing potentially newsworthy material is to be released or to be withheld when it is

likely that the withholding action will be publicly challenged.

(5) Initial determinations will normally be made within 10 working days of the date a request is received by the official designated to respond for the type of record sought, providing the requester indicates a willingness to reimburse the DLA activity for any search and duplication costs incurred in providing the record. If the willingness of the requester to reimburse the DLA activity for any required search and duplication costs is not expressed in the request, this issue must be resolved before the time for responding begins to run. The requester will be contacted as expeditiously as possible for assurance of his intent to reimburse the Government for these costs.

(6) When the request is received by someone other than the records custodian, it will be forwarded promptly to the records custodian with the period for response commencing upon his receipt.

(7) When a request is received for records which were obtained by DLA from a non-U.S. Government source, or for a record containing information clearly identified as having been provided by a non-U.S. Government source, and because of the source and the nature of the records or information, there is reason to believe that the source of the information or records may object to release and may have an enforceable right to prevent release, prompt notification of intended release shall be given to the source (also known as "the submitter" for matters pertaining to proprietary data under FOIA exemption (b)(4)). This practice is required for those FOIA requests for data not deemed clearly exempt from disclosure under exemption (b)(4). Release will normally be withheld until the source has a reasonable time to comment on the proposed release. Comments received will be considered in determining the releasability of the document. The final decision to disclose information claimed to be exempt under (b)(4) shall be made by an official equivalent in rank to the official who would make the decision to withhold that information under the FOIA. When the source advises that it is seeking a restraining order or other court action to prevent release, release will normally not be made pending the outcome of the court action.

(8) When a decision is made to release a record, it will be forwarded promptly to the requester, upon receipt of any required payment for search and duplication.

(9) In all cases where the time for response may become an issue, the official responsible for replying will acknowledge to the requester the date of the receipt of the request, for purposes of determining time limits.

(10) If additional time is needed in unusual circumstances to respond to requests for records, the DLA activity will acknowledge the request in writing within the 10-day period, briefly cite one of the unusual circumstances requiring delay, and indicate the anticipated date for substantive response which may not exceed 10 additional working days. Unusual circumstances that may justify delay are:

(i) The requested records are located in whole or part at places other than the office processing the request.

(ii) The request requires the collection and coordination of a substantial number of records.

(iii) Consultation is required with other DoD Components or agencies having substantial interest in the subject matter of the requested records to determine whether the records requested in whole or part are exempt from disclosure, in accordance with § 1285.3(g)(1), or should be released as a matter of discretion.

(11) The extension of time for responding to an initial request must be approved on a case-by-case basis by the Office of Counsel, DLA–G.

(12) Requests for records will be denied only by the Head of a DLA PLFA or the Head of a HQ DLA PSE or the Deputy upon a determination after consultation with the appropriate Office of Counsel that:

(i) The record is subject to one or more of the exemptions set forth in paragraph IIIG of this part and some governmental interest will be jeopardized by its release.

(ii) The record cannot be found because it has not been described with sufficient particularity to enable the DLA activity to locate it with a reasonable amount of effort.

(13) When a request for a record or records is denied in whole or in part, the designated official who has made the determination will specifically inform the requester of the exemption(s) on which the denial is based, in writing (with at least one additional copy). This determination will also inform the requester of his appeal rights to the Director, DLA and that such appeal should contain the basis for disagreement with the denials. Such appeal shall be made within 45 calendar days of receipt of such a response.

(i) Inability to process any part of the request within the specified time will be explained to the requester, with notification that delay may be treated as an initial denial with a right to appeal, or that he may agree to await a substantive response by an anticipated date. It will be made clear that any such agreement does not prejudice the right of the requester to appeal the initial decision after it is made.

(ii) The explanation of the substantive basis for a denial will include specific citation of the exemption applied under the authority of § 1285.3(g). Reference to the marking "FOR OFFICIAL USE ONLY" on the requested record does not constitute a proper citation or explanation of the basis for invoking an exemption.

(iii) The name and title or position of the official responsible for the denial will be included in the written response to the requester.

(iv) When the initial denial is based in whole or in part on a security classification pursuant to § 1285.3(g)(2)(i), the explanation will include a summary of the paragraph or paragraphs contained in DLA Supplement 1 to DoD 5200.1–R [13], which set forth the criteria or rationale for the current classification of the requested record. In addition, it will advise the requester of his optional right under DoD 5200.1–R [14] and DLA Supplement 1 to DoD 5200.1–R [15] to seek declassification review of a record more than 10 years old.

(v) Copies of all initial denials will be maintained by each DLA activity in a form suitable for rapid retrieval, periodic statistical compilation, and management evaluation.

(vi) When there is good reason to believe that the requester will appeal the denial, the record, the letter of denial, and such other information as will assist the Director, DLA will be promptly forwarded to DLA–G in order to permit timely response of the anticipated appeal.

(14) Final determination on appeals will normally be made within 20 working days of the receipt of the appeal by DLA–G. Misdirected appeals will be forwarded promptly to DLA–G with the period for response commencing upon their receipt, which should be acknowledged. If additional time is needed to decide the appeal because of unusual circumstances, as described in subparagraph 10 above, the final determination may be delayed for

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[14] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[15] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

the number of working days, not to exceed 10, which were not utilized as additional time for responding to the initial request.

(15) A final denial to provide a requested record will be made in writing by the Director, DLA. Such a denial will be made in accordance with appeal procedures prescribed in this part and will include, as a minimum, the following elements.

(i) The basis for the denial will be explained to the requester, in writing, with regard to the applicable exemption(s) under § 1285.3(g), particularly:

(A) When the final denial is based in whole or part on a security classification, pursuant to § 1285.3(g)(2)(i) the explanation will include a statement that the record meets the cited criteria and rationale of DLA Supplement 1 to DoD 5200.1–R [16] and that this determination is based on a declassification review. A brief explanation of why that review confirmed the continuing validity of the security classification will also be included.

(B) The requestor will be advised of his optional right to seek declassification of the record by the appropriate component Classification Review Committee established pursuant to DoD 5200.1–R [17].

(C) Appeals from a denial by the appropriate component Classification Review Committee may be made to the Interdepartmental Classification Review Committee, established pursuant to Executive Order 11652, March 8, 1972 [18], in lieu of immediate judicial review.

(D) The written final denial will include the name and title or position of the official responsible for the denial and of the provision for judicial review of the denial set forth in Appendix C.

(ii) No final denial will be made without prior consultation with the DoD Office of the General Counsel when there is reason to believe that the requester will file a complaint in a U.S. District Court to force release of the denied record.

(iii) Copies of all final denial letters will be maintained by DLA–G in a central repository. Whenever a complaint is filed in a U.S. District Court to force release of the record, a copy of the final denial letter from DLA will be forwarded to the General Counsel of DoD. DLA–G will also furnish to the General Counsel a copy of the requester's complaint and the DLA litigation report.

(iv) When the denial to provide the record is based in whole or in part on a security classification, pursuant to § 1285.3(g)(1) and § 1285.3(g)(3)(i) the litigation report will include an affidavit from the Director, DLA for this purpose, explaining in as much detail as national security interest permit the basis under applicable statute, executive order, and regulations for the current security classification of the requested record.

(16) The costs of searching for and duplicating a requested record must be paid or waived in accordance with Appendix A. The time limits for responding to requests will be computed from the date of receipt from the requester of clear evidence of willingness to pay any anticipated search and duplication costs under the schedule of fees set forth in Appendix A for providing the requested record. The record need not be forwarded until actual receipt of payment.

(c) *Release and authentication of copies of offical records.* (1) Records available to a person requesting them under § 1285.3(d) will be authenticated with an appropriate seal whenever necessary to fulfill an official governmental or other legal function.

(2) Records exempt from release to a person requesting them may, nevertheless, be authenticated on request, and released in accordance with this part to local, state, or other Federal Governmental bodies, whether legislative, executive, administrative, or judicial, as follows:

(i) To the courts whenever ordered, as appropriate to the proper administration of justice.

(ii) To the Congress, in accordance with DLAR 5400.12 [19]

(iii) To local and State legislative bodies, in accordance with the determination of the Director, DLA.

(iv) To other Federal agencies, both executive and administrative as determined by the Director, DLA consistent with efficient administration and in accordance with law, including Pub. L. 93–579, 5 U.S.C. 552a, The Privacy Act of 1974.

(v) To local and state executive and administrative agencies as determined by the Director, DLA.

(d) *Reasons for not releasing a record.* There are six reasons provided by the FOIA for not complying with a request for a record. They are:

(1) The information requested is not a record within the meaning of the FOIA and this regulation.

(2) A record has not been described with sufficient particularity to enable DLA to locate it by conducting a reasonable search.

(3) The requester has failed unreasonably to comply with procedural requirements, including payment of fees, imposed by this regulation.

(4) DLA determines through knowledges of its filed and reasonable search efforts that it neither controls nor otherwise possesses the requested record. (A "no record" determination is not considered a denial; therefore, an appeal is not appropriate.)

(5) DLA determines that the request should be handled under the provisions of the Privacy Act.

(6) The request is denied in accordance wth procedures set forth in the FOIA and this regulation.

(e) *Denial tests.* To deny a requested record that is in the possession and control of DLA, it must be determined that the denial meets the following tests:

(1) The record is included in one or more of the nine categories of records exempt from mandatory disclosure as provided by the FOIA and outlined in this regulation.

(2) The use of discretionary authority to release records exempt from mandatory disclosure is deemed unwarranted.

(f) *Reasonably segregable portions.* Although portions of some records may be denied, the remaining reasonably segregable portions must be released to the requester when the meaning of these portions is not distorted by deletion of the denied portions and when it reasonably can be assumed that a skillful and knowledgeable person could not reconstruct the excised information. When a record is denied in whole, the response advising the requester of that determination will specifically state that it is not possible to reasonably segregate meaningful portions of the record for release.

§ 1285.9 Forms and reports.

(a) An annual report will be prepared by DLA–XA from statistics furnished by HQ DLA Principle Staff Elements (PSEs) and Primary Level Field Activities (PLFAs) for the preceding calendar year on those items prescribed by ASD(PA) on or before 1 February. The responsibility for submission of the data for each item will be as indicated following each item (see Appendix D). The feeder reports for the subject annual

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[17] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[18] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

[19] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

report will be prepared by the Heads of DLA PLFAs for submission *in duplicate to DLA–XA on or before 15 January each year.* Negative reports are required. RCS DD–PA(TRA–A)1365 is assigned to this report.

Appendix A—Fee Schedule

Application, Assessment, Computation, Collection, and Fee Rates

1. *Application.* The fee rates listed below reflect direct search and duplication costs, collection of which are permitted by the FOIA. They are neither intended to imply that fees must be charged in connection with providing information to the public in the routine course of business, nor are they meant as a substitute for any other schedule of fees.

2. *Fee assessment.*

a. Minimum fees shall not be charged.

b. When direct search and duplication costs for a single FOIA request total less than $30, fees should be waived automatically. DLA activities, however, may set aside the automatic waiver provision when, on the basis of good evidence, the activity can demonstrate that waiver of fees is not in the public interest. Multiple requests from a single requester or from those acting in behalf of a single requester in an effort to take advantage of the waiver may create a situation in which waiver should be denied by the activity.

c. Decisions to waive or reduce fees that exceed the automatic waiver threshold shall be made on a case-by-case basis. However, the following circumstances describe the most common circumstances in which waiver or reduction of fees are most likely to be warranted.

(1) No record is located or all records are denied. However, fee charges are appropriate if the requester insists upon a search and agrees to such fees after being informed that the search is likely to be nonproductive or that the records are all likely to be exempt from release.

(2) A record is voluntarily created to preclude an otherwise burdensome effort to provide voluminous amounts of available records including additional information not requested.

(3) The records are to be made available in response to a news media requester whose requests under this regulation are reasonable in scope and frequency.

(4) The record is for a nonprofit public interest group and the subject of the requested record is known to be of wide public interest, and furnishing the information can be considered as primarily benefiting the general public.

(5) A previous denial is reversed in whole or in part and the search and reproduction costs involved are not substantial.

3. *Computation fees.* The fee schedule contained herein is used to compute the search and duplication costs associated with processing a given FOIA request. Search fees shall be computed based on time actually spent. Neither time-based nor dollar-based minimum charges for search and duplication are authorized.

4. *Collection of fees.* Collection of charges and fees need not be made in advance of rendering the service unless the costs are expected to exceed the fee waiver threshold and the requester has not indicated a willingness in writing to pay. It frequently is more pratical to collect charges and fees at the time of providing the service or property to the recipient when the requester specifically states that the cost involved shall be acceptable or acceptable up to a specified limit that covers anticipated costs. Collection of fees in advance is an appropriate requirement only when the requester has not agreed in writing to pay the anticipated fee or has not honored previous commitments to pay fees.

5. *Fee rates.*

a. *Search fees.*

(1) Manual search.

Type	Grade	Hourly rate ($)
Clerical	E9/GS–8 and below	8
Professional	01–06/GS–9 to GS–15	16
Executive	07/GS–16/ES1 and above	26

(2) Computer search is based on direct cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration.

(3) Actual cost of transporting records or personnel to the search site may be included.

b. *Duplication Fees.*

Type	Cost per page (¢)
Printed material	01
Office copy	10
Microfiche	25

c. *Audiovisual documentary materials.* Search costs are computed as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

d. *Other records.* Direct search and duplication cost for any record not described above shall be computed in the manner described for audiovisual documentary material.

Appendix B—For Official Use Only (FOUO)

Identification, Marking, Release, Safeguarding, Termination, and Disposal of FOUO Information

1. *Identification.*

a. Information that has not been given a security classification pursuant to the criteria of an Executive Order, but which may be withheld from the public for one or more of the reasons cited in FOIA exemptions 2 through 9, shall be considered as being for official use only. *No other material shall be considered or marked "For Official Use Only"* (FOUO), and FOUO is not authorized as a lower form of classification to protect national security interests.

b. The prior application of FOUO markings is not a conclusive basis for withholding a record that is requested under the FOIA. When such a record is requested, the information in it shall be evaluated to determine whether, under current circumstances, FOIA exemptions apply in withholding the record or portions of it. If any exemption(s) applies, it may nonetheless be released when it is determined that no governmental interest will be jeopardized by its release.

2. *Marking of records.*

a. *When to mark.* Marking records at the time of their creation provides notice of FOUO content and facilitates review when a record is requested under the FOIA. Records requested under the FOIA that do not bear such markings shall not be assumed to be releasable without examination for the presence of information that requires continued protection and qualifies as exempt from public release.

b. *Location of markings.*

(1) An unclassified document containing FOUO information shall be marked "For Official Use Only" at the bottom on the outside of the front cover (if any), on the first page, on the back page, and on the outside of the back cover (if any).

(2) Within a classified document, an individual page that contains both FOUO and classified information shall be marked at the top and bottom with the highest security classification of information appearing on the page.

(3) Within a classified or unclassified document, an individual page that contains FOUO information but no classified information shall be marked "For Official Use Only" at the bottom of the page.

(4) Other records, such as photographs, films, tapes, or slides, shall be marked "For Official Use Only" or "FOUO" in a manner that ensures that a recipient or viewer is aware of the status of the information therein.

(5) FOUO material transmitted outside DoD requires application of an expanded marking to explain the significance of the FOUO marking. This may be accomplished by typing or stamping the following statement on the record prior to transfer:

This document contains information EXEMPT FROM MANDATORY DISCLOSURE under the FOIA. Exemptions . . . apply.

3. *Release and transmission procedures.* Until FOUO status is terminated, the release and transmission instructions that follow apply:

a. FOUO information may be disseminated within DLA and between officials of DLA and DoD contractors, consultants, and grantees to conduct official business for DoD. Recipients shall be made aware of the status of such information, and transmission shall be by means that preclude unauthorized public disclosure. Transmittal documents shall call attention to the presence of FOUO attachments.

b. DLA holders of FOUO information are authorized to convey such information to officials in other departments and agencies of the executive and judicial branches to fulfill a Government function, except to the extent prohibited by the Privacy Act. Records thus transmitted shall be marked "For Official Use Only", and the recipient shall be advised that

the information has been exempted from public disclosure, pursuant to the FOIA, and that special handling instructions do or do not apply.

c. Release of FOUO information to members of Congress is governed by DoD Directive 5400.4 [20]. Release to the General Accounting Office (GAO) is governed by DoD Directive 7650.1. [21] Records released to the Congress or GAO should be reviewed to determine whether the information warrants FOUO status. If not, prior FOUO markings shall be removed or effaced. If withholding criteria are met, the records shall be marked FOUO and the recipient provided an explanation for such exemption and marking. Alternatively, the recipient may be requested, without marking the record, to protect against its public disclosure for reasons that are explained.

d. Records containing FOUO information shall be transported in a manner that precludes disclosure of the contents. When not commingled with classified information FOUO information may be sent via first-class mail or parcel post. Bulky shipments, such as distributions of FOUO Directives or testing materials, that other-wise qualify under postal regulations may be sent by fourth-class mail.

e. Each part of electrically transmitted messages containing FOUO information shall be marked appropriately. Unclassified messages containing FOUO information shall contain the abbreviation "FOUO" before the beginning of the text. Such messages shall be transmitted in accordance with communications security procedures in Allied Communications Procedures (ACP-121) (US Supp 1)[22] for FOUO information.

4. *Safeguarding FOUO information.*

a. During normal working hours, records determined to be FOUO shall be placed in an out-of-sight location if the work area is accessible to non-Governmental personnel. The use of DLA Label 22, FOUO Cover Sheet,[23] is optional.

b. At the close of business, FOUO records shall be stored so as to preclude unauthorized access. Filing such material with other unclassified records in unlocked files or desks, etc., is adequate when normal U.S. Government or Government-contractor internal building security is provided during nonduty hours. When such internal security control is not exercised, locked buildings or rooms normally provide adequate after-hours protection. If such protection is not considered adequate, FOUO material shall be stored in locked receptacles such as file cabinets, desks, or bookcases. FOUO records that are subject to the provisions of Pub. L. 86-36, National Security Information Exemption, shall meet the safeguards outlined in any system notice for that group of records.

5. *Termination.* The originator or other competent authority, e.g., initial denial and appellate authorities, shall terminate "For Official Use Only" markings or status when circumstances indicate that the information no longer requires protection from public disclosure. When FOUO status is terminated, all known holders shall be notified to the extent practical. Upon notification, holders shall efface or remove the "For Official Use Only" markings, but records in file or storage need not be retrieved solely for that purpose.

6. *Disposal.*

a. Nonrecord copies of FOUO materials may be destroyed by tearing each copy into pieces to preclude reconstructing, and placing them in regular trash containers. When local circumstances or experiences indicate that this destruction method is not sufficiently protective of FOUO information, local authorities may direct other methods but must give due consideration to the additional expense balanced against the degree of sensitivity of the type of FOUO information contained in the records.

b. Record copies of FOUO documents shall be disposed of in accordance with the methods in DLAM 5015.1.[24]

Appendix C—Judicial Actions

1. *General.* A requester may seek an order from a United States District Court to compel release of a record after administrative remedies have been exhausted; i.e., when refused a record by the Director, DLA or an appellate designee, or when DLA has failed to respond within the time limits prescribed by the FOIA and set forth in this regulation.

2. *Jurisdiction.* The requester may bring suit in the United States District Court in the district in which the requester resides or is the requester's place of business, in the district in which the record is located, or in the District of Columbia.

3. *Burden of proof.* The burden of proof is on DLA to justify its refusal to provide a record. The court will evaluate the case de novo (anew) and may elect to examine any requested record in camera (in private) to determine whether the denial was justified.

4. *Actions by the court.*

a. When DLA has failed to make a determination within the statutory time limits but can demonstrate due diligence in exceptional circumstances, the court may retain jurisdiction and allow DLA additional time to complete its review of the records.

b. If the court determines that the requester's complaint is substantially correct, it may require the United States to pay reasonable attorney fees and other litigation costs.

c. When the court orders the release of denied records, it may also issue a written finding that the circumstances surrounding the withholding of the records raise questions whether DLA personnel acted arbitrarily and capriciously. In these cases, the special counsel of the Merit Systems Protection Board will conduct an investigation to determine whether or not disciplinary action is warranted. DLA is obligated to take the action recommended by the special counsel.

d. The court may punish the responsible official for contempt when DLA fails to comply with the court order to produce records that it determines have been withheld improperly.

5. *Non-United States Government source information.* A requester may bring suit in a U.S. District Court to compel the release of records obtained from a non-Government source or records based on information obtained from a non-Government source. Such source shall be notified promptly of the court action. When the source advises that it is seeking court action to prevent release, the DoD Component shall defer answering or otherwise pleading to the complainant as long as permitted by the Court or until a decision is rendered in the court action of the source, whichever is sooner.

6. *Litigation status sheet.* Freedom of Information managers in DLA will be aware of litigation under the FOIA. Such information will provide management insights into the use of the nine exemptions by DLA personnel. The Litigation Status Sheet attached provides a standard format for recording information concerning FOIA litigation and forwarding that information to the Office of the Secretary of Defense.

Whenever a complaint under the FOIA is filed in a U.S. District Court, the DoD Component named in the complaint will foward a Litigation Status Sheet, with items 1 through 6 completed, and a copy of the complaint to the Director for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs). A revised Litigation Status Sheet will be provided at each stage of the litigation.

Litigation Status Sheet

1. Case Number*
2. Requester
3. Document Title or Description
4. Litigation
   a. Date Complaint Filed
   b. Court
   c. Case File Number*
5. Defendants (agency and individual)
6. Remarks: (brief explanation of what the case is about)
7. Court Action
   a. Court's Finding
   b. Disciplinary Action (as appropriate)
8. Appeal (as appropriate)
   a. Date Complaint Filed
   b. Court
   c. Case File Number*
   d. Court's Finding
   e. Disciplinary Action (as appropriate)

*Number used by DLA for reference purposes.

Appendix D—FOI Annual Report—CY

Reporting Activity _____
Date Completed _____

Item 1. Total number of initial determinations. (All PLFAs.)

a. Number of completed public requests

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[20] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304-6130.

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[22] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304-6130.

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[24] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA-XP, Cameron Station, Alexandria, VA 22304-6130.

b. Number of completed reportable requests ———

c. Number of instances where at least one of the nine statutory exemptions was cited ———

d. Number of instances where other reasons were cited ———

Note.—A reportable request is that portion of an FOIA request resulting in a single record or group of records pertaining to one general subject area being acted upon by one IDA who concludes that a single type of determination applies. Example: A single public request that requires the action of three IDAs in determining if a record under their jurisdiction is to be released would be counted as three reportable requests, but one public request. Records released by two IDAs in response to one public request would be counted as two reportable requests.

Item 2. Provide statistics on the specific authorities—statutory exemptions, statutes, and categories of other reasons used in the totals above. (All PLFAs.)

a. Exemptions invoked on initial determination:

Exemptions (552(b)) and Number of Times Invoked

(1) ———
(2) ———
(3) ———
(4) ———
(5) ———
(6) ———
(7) ———
(8) ———
(9) ———

b. *Statute* *Number of Times Invoked*

——— ———
——— ———

c. Other reasons cited on initial determination and number of times each:

(1) Transferred Request (Appeal) ———
(2) Lack of Records ———
(3) Failure of Requester to Reasonably Describe Record ———
(4) Other Failures by Requesters to Comply with Published Rules and/or Directives ———
(5) Request (Appeal) Withdrawn by Requester ———

Item 3. Provide the name and title of person(s) cited as IDA followed thereafter in two subcolumns by the number of times each person cited exemptions or other authority categories (the vertical column or totals must match item 1). (All PLFAs)

Participation ———
Name ———
Title ———
Exemption ———
Other Authority ———

Item 4. Provide the number of appeals that, upon review, were granted, granted in part, or denied, followed by a total of those three numbers. (DLA-G only)

a. Granted ———
b. Granted in part ———
c. Denied ———
Total ———

Item 5. Repeat the three statistical requirements of item 2 for the appeals that were granted in part or denied. (DLA–G only.)

Item 6. Repeat Item 3 for appellate authorities including both subcolumn statistics. (DLA–G only.)

Item 7. When a court determines that DLA records were improperly withheld and issues a finding raising questions on the actions of DLA personnel, provide a copy of each such court opinion or order; a copy of the Office of Personnel Management finding and recommendation on each such proceeding; and a report of any disciplinary action taken against the person who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken. (PLFAs and DLA–G.)

Item 8. List changes or revisions of DLA rules or regulations affecting the implementation of FOIA followed by the **Federal Register** reference (number, date, and page) that announced the change or revision to the public. Append a copy of each such change or revised rule or regulation. (DLA–XA only.)

Item 9. The amount of fees collected from the public will be reported triannually to OASD(PA); thus, duplicate annual reporting by DoD Components is not required. (DLA–XA only.)

Item 10. Number of times unusual circumstances required an extension of normal processing time limits. (DLA–G and PLFAs.)

Item 11. List FOI instructional seminars, schools or courses attended during the period of this report. (DLA–G, DLA–K and all PLFAs.)

Cost Report

I. Cost of routine requests processed:
No. of reportable requests x (cost factor per request). $———

II. Personnel cost (civilian and military):
A. Direct costs of personnel assigned FOI duties based upon estimated payroll man-hours by grade:
Total man-hours ———
Cost ... $———
B. Direct costs for other personnel involved in processing requests not included above based upon accumulation of total hourly data:
(1) Search time costs ... $———
(2) Classification review and excising action costs. $———
(3) Coordination and approval/denial decision costs. $———
(4) Corres. and form prep. costs. $———
(5) Other activity costs ... $———
Total man-hour costs ... $———
C. Application of overhead:
(Subtotal A) + (Subtotal B) x (overhead rate). $———
Total of direct personnel costs and overhead. $———

III. Other case related costs:
A. Computer ... $———
B. Office copy reproduction ... $———
C. Microfiche reproduction ... $———
D. Cost of printed records ... $———
Total of other costs ... $———

IV. Other operating costs:
A. Reporting costs*
(1) Operational ... $———
(2) User ... $———
(3) Overhead (25 percent of (1) and (2)). $———
Total reporting costs ... $———
B. Other costs as directed or as can be reasonably ascertained. Itemize each expense category and cost $———
Total other operating costs .. $———

*In the report for the last 4-month period (Sep–Dec) of each year include the costs attributable to the annual report. See DLAR 5000.12, Management and Control of DLA Information Requirement,[25] enclosure 5, for computing this cost.

V. Summary:
A. Total costs of section I through IV above. $———
B. Amount collected from requesters this reporting period:
Search ... $———
Copy ... $———
Total ... $———
C. No. of requests processed and completed during this calendar year:
Reportable Requests ... $———
Appeals ... $———
Total ... $———

[25] Copies may be obtained, if needed, from the Defense Logistics Agency, ATTN: DLA–XP, Cameron Station, Alexandria, VA 22304–6130.

For the Director.

Preston B. Speed,

Chief, Administrative Management Branch.

[FR Doc. 86–22577 Filed 10–6–86; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF EDUCATION

34 CFR Part 30

Federal Claims Debt Collection

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education (Secretary) establishes final regulations governing the use of administrative offset to collect debts owed under a program or activity administered by the Secretary. The final regulations also establish procedures for requesting other Federal agencies to collect by offset debts owed under a program or activity administered by the Secretary and for the processing of requests for offset by the Secretary on behalf of other Federal agencies. Finally, the regulations establish procedures for referring debts to consumer reporting agencies.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register**, or later, if Congress

takes certain adjournments. If you want to know the effective date of these regulations, call or write the contact person listed below.

FOR FURTHER INFORMATION CONTACT: Frank Stidman, U.S. Department of Education, Financial Management Service, Room 3109, FOB #6, 400 Maryland Avenue, SW., Washington, DC 20202, (202) 245–2964.

SUPPLEMENTARY INFORMATION: The Secretary amends Part 30 of Title 34 of the Code of Federal Regulations to establish rules governing the procedures used to collect debts by administrative offset. A notice of proposed rulemaking (NPRM) that proposed these general offset regulations was published in the **Federal Register** on July 1, 1986, at 51 FR 24092. In a companion document published on that same day at 51 FR 24095, the Secretary published a final regulation regarding IRS tax-refund offsets. The final regulations contained an invitation to comment. At that time, the Secretary indicated an intention to publish responses to the comments on both the NPRM and the final regulations in a single document. The Secretary received no comments in response to the NPRM during the established comment period but has received several comments in response to the final regulations. As a result, the Secretary sees no reason to delay publication of the final general offset regulations at this time while he reviews the comments received on the IRS tax-refund offset procedures. This review should be completed shortly, at which time the Secretary will publish the responses to the IRS tax-refund offset comments, together with any changes to those procedures adopted in light of the comments.

A change has been made to § 30.20 of the proposed general offset regulations. This section had indicated that offset might be taken under separate regulations only if the separate regulations were authorized under a statute other than 31 U.S.C. 3716. However, the Secretary has proposed separate regulations implementing salary offset authority in part under 31 U.S.C. 3716 to collect by salary offset overpayments of Federal pay and allowances (49 FR 35658, September 11, 1984). When these regulations are published in final form, they will be codified at 34 CFR Part 32. Also, the Secretary currently has regulations at 34 CFR Parts 218 and 222 that implement offset authority under the Impact Aid program (Title I—except Section 7—and Title IV of Pub. L. 81–874). Thus, § 30.20(b)(2) has been revised to clarify that the offset procedures in Part 30 do not apply in any case where separate regulations exist under the authority of 31 U.S.C. 3716, another statute authorizing offset, or the common law.

The Secretary has also made a series of changes to §§ 30.23, 30.24, and 30.27 of the proposed regulations to make the general offset regulations more consistent with the IRS tax-refund offset regulations and the guidance contained in the Federal Claims Collection Standards (4 CFR Parts 101 through 105). Under the revised regulations, the Secretary will determine the time by which a debtor must respond to a notice based on the date of the notice, rather than the date the debtor receives the notice. This will reduce the costs to the Department of collecting debts. In order to compensate for the time required to deliver the notice, the Secretary has also decided to extend by five days the time during which a debtor has to respond to a notice of offset—either by requesting an opportunity to inspect and copy records, to obtain a review of the debt, or to enter into a repayment agreement. The Secretary believes that this extra time more than compensates for the time for the notice to be delivered to the debtor after the date the notice is mailed.

Finally, three of the sections in the proposed regulations contained proposed information collection requirements. These requirements have been submitted to, and approved by the Office of Management and Budget as required by section 3504(h) of the Paperwork Reduction Act of 1980. The regulations are amended by this document to add the Paperwork Reduction Act clearance number for the three sections.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major regulations because they do not meet the criteria for major regulations established in the Order.

Assessment of Educational Impact

In the notice or proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the absence of any comments on this matter and the Department's own review, it has been determined that the regulations in this document do not require information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 30

Claims, Debt collection.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance Number: Not Applicable)

Dated: October 2, 1986.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 30 of Title 34 of the Code of Federal Regulations as follows.

PART 30—DEBT COLLECTION

1. The authority citation for Part 30 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1) and 1226a–1, 31 U.S.C. 3716(b) and 3720A, unless otherwise noted.

2. The Secretary amends § 30.20 by redesignating paragraph (a)(3) as paragraph (a)(2), revising paragraph (b)(2)(iii), and removing paragraph (f), to read as follows:

§ 30.20 To what do §§ 30.20–30.31 apply?

* * * * *

(b) * * *

(2) * * *

(iii) Other regulations implementing an offset authority.

* * * * *

3. Sections 30.23 is amended by adding the Office of Management and Budget control number 1880–0515 after the authority citation for the section and by revising paragraph (a)(1) to read as follows:

§ 30.23 How must a debtor request an opportunity to inspect and copy records relating to a debt?

(a) * * *

(1) File a written request to inspect and copy the documents within 20 days after the date of the notice provided under § 30.22; and

* * * * *

(Approved by the Office of Management and Budget under control number 1880–0515)

4. Section 30.24 is amended by adding the Office of Management and Budget control number 1880–0515 after the authority citation for the section and by revising paragraphs (a)(1), and (d)(1)(iii)(A) to read as follows:

§ 30.24 What opportunities does the debtor receive to obtain a review of the existence or amount of a debt?

(a) * * *

(1) File a request for review within 20 days after the date of the notice provided under § 30.22; and

* * * * *

(d)(1) * * *

(iii) * * *

(A) 20 days after the date of the notice provided under § 30.22; or

* * * * *

(Approved by the Office of Management and Budget under control number 1880–0515)

5. Section 30.25 is amended by adding the Office of Management and Budget control number 1880–0515 after the authority citation for the section, to read as follows:

§ 30.25 How may a debtor obtain an oral hearing?

* * * * *

(Approved by the Office of Management and Budget under control number 1880–0515)

6. Section 30.27 is amended by revising paragraph (a)(1) to read as follows:

§ 30.27 When does the Secretary enter into a repayment agreement rather than offset?

(a) * * *

(1) File a request to enter into such agreement within 20 days after the date of the notice provided under § 30.22; and

* * * * *

[FR Doc. 86–22760 Filed 10–6–86; 8:45 am

BILLING CODE 4000–01–M

DEPARTMENT OF INTERIOR

National Park Service

36 CFR Part 7

Padre Island National Seashore, TX; Hunting Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This final rule will amend the existing hunting regulations for Padre Island National Seashore to exclude from hunting the waters surrounding all posted rookery islands and define where and how duck blinds may be placed.

It is necessary in order to help protect rookery island habitat and the birds that nest there and to help prevent the erection and abandonment of permanent duck blinds.

The effect will be to keep hunters away from environmentally sensitive rookery habitat and give them guidance as to what types of duck blinds are acceptable.

EFFECTIVE DATE: November 6, 1986.

FOR FURTHER INFORMATION CONTACT: Max Hancock, Chief Ranger, Padre Island National Seashore, (512) 949–8173.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 1986 the NPS published in the **Federal Register** (51 FR 21389) a proposed rule modifying the hunting regulations for Padre Island National Seashore. Pub. L. 87–712, authorizing establishment of Padre Island National Seashore, retained the privilege of the public to hunt migratory waterfowl on the waters of the Laguna Madre. The first regulations promulgated to control this hunting excluded only the two islands then used by birds for rookery Islands. For a variety of reasons the birds have expended their nesting activity to several other islands. In order to protect these new rookeries it is necessary to post them to exclude people. This new rule will allow the necessary posting on a continuing basis and allow changes in the posting as the birds nesting habits change.

Omission in the original regulation of any mention of duck blinds resulted in the proliferation of abandoned permanently built blinds which were an eyesore and required considerable time on the part of the National Park Service to remove. The addition of the restriction allowing portable blinds only will eliminate this problem.

Summary of Comments

The proposed rule generated no public comments.

One internal comment suggested clarifying the term "waters immediately adjacent to", as it is used in § 7.75(b)(1).

The NPS agrees with this comment and a change has been made accordingly.

Drafting Information

The principal author of this rulemaking is Max Hancock, Padre Island National Seashore, National Park Service, Corpus Christi, Texas.

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. 3501 et seq.

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 USC 601 et seq.). The final rule will not have any significant economic effect because it only serves to readjust slightly the hunting patterns and methods currently used by hunters. There should be no additional expenditures involved as a result.

The Service has determined that this final rule will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce noncompatible uses which might compromise the nature and characteristics of the area, or cause physical damage to it;

(c) Conflict with adjacent ownerships or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, this proposed rulemaking is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental regulations in 516 DM 6, (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Part 7 is amended as follows:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

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

Authority: 16 U.S.C. 1, 3, 9a, 462(k).

2. By revising § 7.75(b) to read as follows:

§ 7.75 Padre Island National Seashore.

* * * * *

(b) *Hunting.* (1) Hunting is prohibited, except that during the open season prescribed by State and Federal agencies, the hunting of waterfowl is allowed upon the waters of Laguna Madre wherever a floating vessel of any type is capable of being operated, at whatever tide level may exist. Provided, however, that the waters surrounding North and South Bird Islands and other designated rookery islands are closed to all hunting as posted. Hunting, where authorized, is allowed in accordance with all applicable Federal, State and local laws for the protection of wildlife.

(2) The erecting of a structure for use as a hunting blind is prohibited except that a temporary blind may be used

when removed at the end of each hunting day.

* * * * *

Dated: September 18, 1986.

Susan Recce,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 86-22675 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-70-M

VETERANS ADMINISTRATION

38 CFR Part 19

Appeals—General; Rules of Practice

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is amending its regulations dealing with tape recordings and written transcripts of personal hearings conducted before the Board of Veterans Appeals (BVA). The rule amends provisions of the existing regulations in 38 CFR 19.168 and 38 CFR 19.170. It has been determined that instead of providing appellants and their representatives with a written copy of hearing proceedings, it would be more convenient for them and more cost effective for the BVA to provide them with a copy of the tape recording of the hearing. Providing a copy would allow swift service when a record of a hearing proceeding held before a Section of the Board of Veterans Appeals is requested. The BVA would continue to provide written transcripts when the case is remanded and when good cause has been shown.

EFFECTIVE DATE: October 12, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Donsbach, Special (Legal) Assistant to the Chairman, Board of Veterans Appeals, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-2978).

SUPPLEMENTARY INFORMATION: Proposed amendments to 38 CFR Part 19 were published in the **Federal Register** of April 22, 1986, at page 15017. Interested persons were given 30 days in which to submit comments, suggestions or objections. The Veterans Administration received one comment. It was suggested that the use of the word "permanent" throughout the text of the proposed amendment was misleading because it implied that the tapes or transcripts were appraised and determined to have enduring value to warrant their preservation as archival records. The word "permanent" has been deleted in several places, and when necessary replaced with the word "official."

It was further recommended that the reference to destruction of transcribed tapes after a period of 12 months be deleted because the proposal to destroy the transcribed tapes has not been approved. The regulation has been changed to reflect that the transcribed tapes will be retained at the BVA for a period of 12 months following the date of the hearing.

The Administrator hereby certifies that these final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), these final rules therefore are exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. They will have no significant direct impact on small entities (i.e., small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Agency has also determined that these regulations are nonmajor in accordance with Executive Order 12291, Federal Regulation. They will not result in any significant effect on the economy, they will not have any significant impact upon private or governmental costs, and they will not affect business enterprises or otherwise have any adverse effect on the economy.

There is no Catalog of Federal Domestic Assistance number.

The final rules, as amended, are hereby adopted and are set forth below.

Lists of Subjects in 38 CFR Part 19

Administrative practice and procedures, Claims, Veterans.

Approved: September 12, 1986.

Thomas K. Turnage,

Administrator.

PART 19—[AMENDED]

38 CFR Part 19, Board of Veterans Appeals, is amended as follows:

1. Section 19.168 is revised to read as follow:

§ 19.168 Rule 68; Recorded hearing.

(a) *Board of Veterans Appeals.* A hearing before Members of the Board will be recorded. A written transcript will be prepared and a copy of the completed transcript will be incorporated as a part of the claims folder if: (1) Testimony and argument has been presented at the hearing pertaining to an issue which is remanded to the agency or original jurisdiction for further development or (2) the appellant or representative has shown good cause why such a written transcript should be prepared. Requests that recordings of hearing proceedings by transcribed should be in writing and should explain why a transcription is necessary. They should be filed with: Chief, Hearing Section (014B), Board of Veterans Appeals, 810 Vermont Avenue NW, Washington DC 20420. In those instances where a complete written transcript is prepared, that transcript will be the official record of the hearing and the tape recording will be retained at the Board for a period of 12 months following the date of the hearing; otherwise, the tape recording shall be kept on file by the Board of Veterans Appeals as the official record of the hearing.

(b) *Field offices.* The hearing proceedings before field office personnel after the filing of a notice of disagreement shall be recorded and a copy of the complete written transcript incorporated as a part of the claims folder.

(c) *Copy of hearing tape recording of written transcript.* A copy of the tape recording of hearing proceedings before the Board of Veterans Appeals, or the written transcript of such proceedings when such a transcript has been prepared in accordance with the provisions of paragraph (a) of this section, and/or a copy of the written transcript of field office appellate hearing proceedings may be furnished without cost to the appellant or representative if a request is made at the time of or prior to the hearing; otherwise a charge may be made in accordance with § 1.577 of this title. (38 U.S.C. 4002)

2. Section 19.170 is revised to read as follows:

§ 19.170 Rule 70; Official transcript.

The tape recording on file at the Board of Veterans Appeals or a transcript prepared by the Board of Veterans Appeals in lieu thereof, is the only official record of hearings conducted before the Board. (38 U.S.C. 4002)

[FR Doc. 86-22679 Filed 10-6-86; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-9-FRL-3091-4]

Designation of Areas for Air Quality Planning Purposes; California, North Central Coast Air Basin For Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: EPA withdraws the final rule published on August 4, 1986 (51 FR 27844) which approved the California request for redesignation of the North Central Coast Air Basin to attainment for ozone under section 107 of the Clean Air Act, as amended. EPA has received notice that a concerned citizen wishes to submit adverse comments on EPA's August 4, 1986 action. This withdrawal will allow EPA the opportunity to solicit and consider public comment on a proposal to be published separately. This withdrawal does not affect any other action.

EFFECTIVE DATE: This action is effective on October 3, 1986.

ADDRESSES: A copy of the letter which requested that EPA withdraw the final action and establish a public comment period is available for public inspection during normal business hours at: Environmental Protection Agency, Region 9, Air Management Division, Air Programs Branch, Technical Evaluation Section, 215 Fremont Street, 1st Floor, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Morris Goldberg, Technical Evaluation Section, Environmental Protection Agency, Region 9, Telephone: (415) 975–7651.

SUPPLEMENTARY INFORMATION: On August 4, 1986 EPA responded to a January 6, 1986 California Air Resources Board request for redesignation of the North Central Coast Air Basin of California (comprised of Monterey, Santa Cruz and San Benito Counties) from nonattainment to attainment for ozone. The request was based on measured air quality data showing no violation since 1981 and the implementation of federally enforceable regulations. The area also has an approved State Implementation Plan which predicts that attainment of the ozone standard would begin in 1982 through the implementation of the plan's federally enforceable rules. Because EPA believes that such a redesignation would not be controversial, the Agency published the August 4, 1986 action without prior notice.

On September 2, 1986 EPA Region 9 received notice that a citizen desired the opportunity to provide a comment on the redesignation. EPA, through this notice, is withdrawing the final rule which approved the request for redesignation. In terminating the effective date of the rule, EPA intends to provide the opportunity for the public to comment on a proposed action in the near future in a separate **Federal Register** notice.

EPA is withdrawing the August 4, 1986 (51 FR 27844) redesignation without providing prior notice and opportunity to comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. Notice and comment will be impractical on the termination of the effective date of the aforementioned action because EPA needs to withdraw its approval quickly in order to provide the opportunity for public comment through a separate notice. In addition, further notice is not necessary because EPA has already informed the public that it would follow this procedure if notice of the intent to provide adverse or critical comments was received by September 2, 1986. For the same reason EPA finds it has good cause under 5 U.S.C. 553(b) to make this withdrawal immediately effective.

EPA will address the concerns expressed in the letter received on September 2, 1986 in a **Federal Register** proposal notice to be published in the near future.

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Authority: 42 U.S.C. 7401–7642.

Dated: October 1, 1986.

Lee M. Thomas,

Administrator.

Therefore, the amendment to § 81.305 appearing on August 4, 1986 at 51 FR 27844, which was to become effective October 3, 1986, is withdrawn.

[FR Doc. 86–22682 Filed 10–6–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

Amendment of the Commission's Rules for Rural Cellular Service; Correction

AGENCY: Federal Communications Commission.

ACTION: First report and order; Correction.

SUMMARY: This document corrects typographical and clerical errors in amendments to §§ 22.902(b), 22.903(a) and 22.904(c) in the First Report and Order, 51 FR 26895, July 28, 1986.

FOR FURTHER INFORMATION CONTACT: Gerald Goldstein, Common Carrier Bureau, (202) 632–6450.

Erratum

In the matter of; amendment of the Commission's rules for rural Cellular service.

Released: September 26, 1986. [CC Docket No. 85–388; RM5167]

In the First Report and Order, (FCC 86–302) in the above-captioned matter, released July 18, 1986, certain rule changes were incorrectly described. Accordingly, the Rules section of the order containing revisions to 47 CFR Part 22 are being corrected. The corrections are to §§ 22.902(b), 22.903(a), and 22.904(c). In the interest of convenience and clarity, the corrected rules are set forth below in their entirety.

1. Section 22.902(b) is correctly revised to read as follows:

§ 22.902 Frequencies.

* * * * *

(b) For cellular systems the assignment of frequencies will be divided into two blocks. Assignments will be made from the frequencies listed for cellular Systems A and B. Common carriers not also engaged in the business of affording public landline message telephone service will be assigned frequencies from Cellular System A. Common carriers engaged directly or indirectly in the business of affording public landline message telephone service will be assigned frequencies from cellular System B in those areas in which they provide such landline service in some portion of the cellular market; except that, in the final cellular application phase for any initially unapplied for or unlicensed area, either within or without a Metropolitan Statistical Area (MSA) or New England County Metropolitan Area (NECMA), a cellular applicant may apply for either frequency block and the applicant shall indicate in its application which it prefers to be assigned.

* * * * *

2. Section 22.903(a) is correctly revised to read as follows:

§ 22.903 Cellular System Service Areas.

(a) The Cellular Geographic Service Area (CGSA) of the cellular system shall be defined by the applicant as the area intended to be served. At the time of initial application filing, no CGSA or 39 dBu contour which includes area within a Metropolitan Statistical Area (MSA), or in New England, a New England County Metropolitan Area (NECMA), as modified in paragraph (e) of this section, may extend beyond the boundaries of the MSA or NECMA, except where any such extensions are *de minimis* and do not include area within another central

MSA or NECMA. No CGSA or 39 dBu contour may extend beyond the boundaries of the Rural Service Area (RSA). For MSAs and NECMAs below the top 90 and for RSAs, the boundaries of the CGSA must include at least 75% of either the land area or population of the MSA, NECMA or RSA. The CGSA must be drawn on one or more U.S. Geological survey map(s) with a scale of 1:250,000. Within the CGSA the applicant must depict each base station site and its respective 39 dBu contour as determined by the methods described in paragraph (c) of this section. An applicant must state that the combined 39 dBu contours of all base stations will cover at least 75% of the total CGSA.

* * * * *

3. Section 22.904(c) is correctly added to read as follows:

§ 22.904 Power limitations.

* * * * *

(c) Stations serving Rural Service Areas will be required to operate at the effective radiated power listed in paragraph (a) of this section in the event the base station is located 100 miles or less from an adjacent MSA or NECMA. If interference is alleged to adjacent MSAs or NECMAs, the Rural Service Area stations will be required to reduce power immediately to the power limitations specified in § 22.905(a) until the Commission has authorized operation at an increased power.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-22564 Filed 10-6-86; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 51, No. 194
Tuesday, October 7, 1986

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 540

Performance Management and Recognition System

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations on the Performance Management and Recognition System (PMRS). These regulations would establish the minimum performance appraisal system requirements for employees and agencies subject to the PMRS but not covered by Chapter 43 of Title 5 of the United States Code. These new requirements would implement Title II of the Civil Service Retirement Spouse Equity Act of 1984.

DATES: To be considered, comments must be received no later than December 8, 1986.

ADDRESS: Send or deliver written comments to Barbara L. Fiss, Acting Assistant Director for Performance Management, Personnel Systems and Oversight Group, Office of Personnel Management, Room 7H30, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Allen B. Levan, (202) 632–5653.

SUPPLEMENTARY INFORMATION: On August 30, 1985, at 50 FR 35488, OPM issued final regulations on the PMRS mandated by Title II of the Civil Service Retirement Spouse Equity Act of 1984.

The August 30th regulations provided (in § 540.104(d)) that agencies and employees subject to the PMRS, but not covered by Chapter 43 of Title 5 of the United States Code, must meet minimal performance appraisal requirements issued by OPM. These proposed regulations establish those requirements.

The performance appraisal systems established under these regulations would be equivalent to the performance appraisal systems established under 5 U.S.C. 4302a for recognizing and rewarding performance of covered supervisors and managers. (Section 4302a refers to performance appraisal for most employees under the Performance Management and Recognition System.)

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 540

Government employees, Wages.

U.S. Office of Personnel Management.

Constance Horner,

Director.

Accordingly, OPM is proposing to amend 5 CFR Part 540 as follows:

PART 540—PERFORMANCE MANAGEMENT AND RECOGNITION SYSTEM

1. The authority citation for Part 540 appearing at the end of the table of contents is removed.

§§ 540.101—540.112 [Designated as Subpart A]

2. The existing sections, §§ 540.101 through 540.112, are designated as subpart A. The heading for subpart A is added to read as follows:

Subpart A—Operation of the Performance Management and Recognition System

3. The authority citation for subpart A is added to read as follows:

Authority 5 U.S.C. Chapters 43 and 54.

4. Section 540.104(d) is revised to read as follows:

§ 540.104 Performance Management and Recognition System performance ratings.

* * * * *

(d) Agencies and employees subject to the Performance Management and Recognition System but not covered by Chapter 43 of Title 5 of the United States Code shall meet the minimal performance appraisal requirements in Subpart B of this part. Performance appraisal systems established under Subpart B shall, for purposes of this subpart, be equivalent to performance appraisal systems established under 5 U.S.C. 4302a.

4. A new Subpart B is added to read as follows:

Subpart B—Performance Appraisal for Agencies and Employees Subject to PMRS but Not Covered by 5 U.S.C. Chapter 43

Sec.

540.201 General.

540.202 Agency performance appraisal systems.

540.203 OPM review of performance appraisal system.

540.204 Performance appraisal plans.

540.205 Reports.

Subpart B—Performance Appraisal for Agencies and Employees Subject to PMRS but Not Covered by 5 U.S.C. Chapter 43

Authority: 5 U.S.C. chapter 54.

§ 540.201 General.

(a) This subpart contains the minimum performance appraisal requirements that agencies and employees exempt from Chapter 43 (Performance Appraisal) of Title 5 of the United States Code, must meet to comply with the Performance Management and Recognition System (PMRS).

(b) (1) Agencies will develop one or more performance appraisal systems, for their employees who are covered by the provisions of the PMRS, for providing periodic appraisals of job performance to be used in adjusting base pay, making awards determinations, and as a basis for other personnel actions.

(2) Any agency with one or more employees covered by the PMRS is required to develop a performance appraisal system that will permit a determination of that employee's eligibility for performance pay under Subpart A of this part.

§ 540.202 Agency performance appraisal systems.

(a) Each agency performance appraisal system under this subpart must provide for—

(1) An annual appraisal period ending no later than September 30 of each year;

(2) A minimum appraisal period of 90 to 120 days;

(3) Identification of critical elements (or other terms that describe the major aspects of the job);

(4) Development of performance standards for the "Fully Successful" level through joint participation of employee and supervisor with authority for establishing standards resting with the supervising official;

(5) Higher level approval of the performance plan (i.e., critical elements and performance standards) at the beginning of the appraisal period;

(6) Communication of a written performance plan to employees at the beginning of each appraisal period;

(7) Progress review(s) to be held for each employee at least once during the appraisal period;

(8) Appraisal of the employee's performance on each element established for the appraisal period;

(9) Assignment of a rating based on the appraisal of each element;

(10) Higher level review of the rating prior to communication to the employee; and

(11) Communication of the rating to the employee.

(b) *Summary rating levels.* Each performance appraisal system must have five summary levels of performance with the middle level of performance termed the "Fully Successful" level. Agencies may designate the remaining levels of performance (two above "Fully Successful" and two below "Fully Successful") by any other adjectives.

(c) *Review of performance ratings.* Each employee must be provided the right to have his or her performance appraisal rating reviewed by a higher-level official within the organization than those participating in the original rating.

(d) *Performance Standards Review Boards.* Each agency must set up a Performance Standards Review Board to assist the agency head in assessing the appropriateness of performance standards and for determining possible group of unit performance awards. These boards may provide technical assistance to the agency head in establishing performance-based demonstration projects. Each board will consist of at least six members, all of whom shall be chosen by the agency head or his or her designee. At least one half of the board must be composed of employees covered by the PMRS and in the competitive service.

§ 540.203 OPM review of performance appraisal systems.

(a) OPM will review performance appraisal systems to determine conformance to requirements of law, OPM regulations, and OPM performance management policy.

(b) If OPM determines that an appraisal system does not meet the requirements and intent of this subpart, it will direct the agency to implement an appropriate system or to correct operations under the system. The agency will take any action so required.

§ 540.204 Performance appraisal plans.

(a) Agencies must submit proposed performance appraisal systems to OPM for approval as part of the performance management plans required by § 540.111.

(b) Agencies must submit to OPM, for approval, any changes to their performance appraisal plans that modify any element of the agency's system that is included in this subpart.

§ 540.205 Reports.

So that OPM can provide the Congress and others with information regarding the operation of the PMRS and performance management plans (including the performance appraisal systems), each agency will maintain such records and submit to OPM such reports as OPM may require.

[FR Doc. 86-22730 Filed 10-6-86; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-86-17]

Petitions for Rulemaking; Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (41 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawls of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and be received on or before December 8, 1986.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. 25049, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB-10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3162.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC on October 1, 1986.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the petition
25049	Fairchild Aircraft Corporation	Petitioner requests that §§ 91.30 and 135.179 be amended to eliminate the need for a minimal equipment list when the FAA-approved flight manual contains approved data permiting takeoff with the specific item inoperable. Petitioner states that the wording of §§ 91.30 and 135.179 fails to recognize the fact that the FAA has a means, other than the minmum equipment list, of approving dispatch with inoperable instruments or equipment. Regulations Affected: 14CFR 91.30 and 135.179 Petitioner"s Reason for Rule: Petitioner request amending §§ 91.30 and 135.179 to benefit all of its customers by eliminating delays and expense for the operator when the FAA-approveod flight manual contains approved data permiting takeoff with the specific item inoperable.

[FR Doc. 86-22624 Filed 10-6-86; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 201

[Release Nos. 33-6662; 34-23647; 35-24200; 39-2042; IC-15334; IA-1039; File No. S7-26-86]

Proposed Amendments to Rule 2(e)(7) of the Commission's Rules of Practice

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendment.

SUMMARY: The Securities and Exchange Commission is publishing for comment alternative amendments to Rule 2(e)(7) of its rules of practice, the provisions governing whether hearings in proceedings against professionals brought pursuant to Rule 2(e) shall be public or non-public. The proposed amendments would alter the current provision which provides that administrative proceedings pursuant to Rule 2(e) shall be non-public unless the Commission otherwise orders.

DATE: Comments should be received on or before January 5, 1987.

ADDRESS: Comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comment letters should refer to File No. S7-26-86. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Roberta R.W. Kameda, (202) 272-2453, Office of the General Counsel, Securities and Exchange Commission, 450 Fifth Street, NW., Mail Stop 6-6, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Background

The Securities and Exchange Commission is today seeking comments on alternative amendments to Rule 2(e)(7) of its rules of practice, 17 CFR 201.2(e)(7). Rule 2(e) of the Commission's rules of practice governs Commission administrative proceedings against professionals, such as attorneys and accountants, who practice before it.[1] Rule 2(e)(7) now provides that proceedings pursuant to that Rule "shall be non-public unless the Commission on its own motion or at the request of a party otherwise directs."

It appears that this may be an appropriate time to consider amending Rule 2(e). Since 1975 there have been a number of changes that may be relevant to this question. These changes reflect increased sensitivity to the benefits of public decision making.[2] Furthermore, present experience with public Commission proceedings indicates that there may be no reason for distinguishing administrative proceedings against professionals from administrative proceedings against broker-dealers, investment advisers, and other securities professionals.

The Commission perceives at least three possible approaches to amending Rule 2(e)(7). The Commission specifically seeks comments on the following three alternatives:

(1) amending the Rule to provide that Rule 2(e) hearings shall be public unless the Commission, at any time during the

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[1] The Commission may bring proceedings pursuant to either Rule 2(e)(1) or Rule 2(e)(3). Rule 2(e)(1) generally governs suspensions and bars from practice before the Commission, and provides that:

(1) The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for a hearing in the matter (i) not to possess the requisite qualifications to represent others; or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct, or (iii) to have willfully violated, or willfully aided and abetted the violation of any provision of the federal securities laws (15 U.S.C. 77a to 80b-20), or the rules and regulations thereunder.

Rule 2(e)(3) governs temporary summary suspensions and provides that:

(3)(i) The Commission, with due regard for the public interest and without preliminary hearing, may by order temporarily suspend from appearing or practicing before it any attorney, accountant, engineer or other professional or expert who, on or after July 1, 1971, has been by name:

(a) Permanently enjoined by any court of competent jurisdiction by reason of his misconduct in an action brought by the Commission from violating or aiding and abetting the violation of any provision of the Federal Securities laws (15 U.S.C. 77a to 80b-20) or of the rules and regulations thereunder; or

(b) Found by any court of competent jurisdiction in an action brought by the Commissioin or found by this Commission in any administrative proceeding to which he is a party to have violated or aided and abetted the violation of any provision of the Federal Securities laws (15 U.S.C. 77a to 80b-20) or the rules and regulations thereunder (unless the violation was found not to have been willful) * * *.

[2] In 1979, for example, the ABA adopted its Standards for Lawyers Discipline and Disability Proceedings (collectively, the "Standards"). Reports of the American Bar Association, Vol. 104 p. 373 (1979). With minor exceptions, the Standards urge that, upon the filing and service of formal charges, disciplinary proceedings should be public. Standard 8.25 of the ABA's Standards for Lawyers Discipline and Disability Proceedings: (ABA/BNA Lawyers Manual on Professional Conduct p. 01:533 (1985). The ABA's standards are, of course, intended to apply to state and bar association proceedings. The ABA has consistently *opposed* the Commission's exercise of disciplinary authority against attorneys under Rule 2(e). *See* Alternative Proposed Rules of Federal Agency Discipline Adopted by the House of Delegates of the ABA, August 11, 1982.

Also, with respect to accountants, a majority of state boards have provisions for public disciplinary proceedings. In addition, there has been increasing emphasis on the public responsibilities of accountants. *See generally U.S. v. Arthur Young & Co.*, 104 S. Ct. 1494, 1503 (1984).

Recent decisions have recognized that there is a common law and a constitutional presumption that the public will have access to certain civil and other proceedings. *See, e.g., Publicker Industries, Inc. v. Cohen*, 733 F.2d 1059, 1069 (3d Cir. 1984) (common law and first amendment make civil trials presumptively public); *In re Continental Illinois Securities Litigation*, 732 F.2d 1302, 1308-14 (7th Cir. 1984) (common law and first amendment support public access to civil proceedings and records); *In re Iowa Freedom of Information Council*, 724 F.2d 658, 661 (8th Cir. 1983) (contemp proceedings presumptively public under first amendment); *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1178 (6th Cir. 1983), *cert denied*, 104 S. Ct. 1595 (1984) (policy reasons support granting public presumptive access to proceedings and evidence in civil cases); *Society of Professional Journalists v. Secretary of Labor*, 616 F. Supp. 569 (D. Utah 1985) (first amendment presumption of access to agency fact-finding proceedings); *In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation*, 101 F.R.D. 34, 42-43 (C.D. Cal. 1984) (common law right of access to pretrial documents). *Cf. Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978) (common law right to inspect evidence in criminal trial); *Wilson v. American Motors Corp.*, 759 F.2d 1568, 1569-70 (11th Cir. 1985) (presumption of openness in civil proceedings); *Westmoreland v. Columbia Broadcasting System, Inc.*, 752 F.2d 16, 22-23 (2d Cir. 1984), *cert. denied sub nom. Cable News Network, Inc. v. U.S. District Court for the Southern District of New York*, 105 S. Ct. 3478 (1985) (first amendment right of access to civil proceedings). *Compare In re The Reporters Committee for Freedom of the Press*, 773 F.2d 1325 (D.C. Cir. Sept. 20, 1985) (first amendment right to post-judgment records in civil proceedings). *Also cf.* Section 2 of the Government in the Sunshine Act of 1976, Pub. L. No. 94-409, § 2, 90 Stat. 1241 (1976) ("the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Federal Government").

However, the U.S. Court of Appeals for the Third Circuit recently recognized the important privacy interest at stake in disciplinary proceedings before the Pennsylvania Judicial Inquiry and Review Board in sustaining a requirement that those proceedings remain non-public unless the Board recommends that the state Supreme Court impose sanctions on a judge. *See First Amendment Coalition v. Judicial Inquiry and Review Board*, 784 F.2d 467 (3d Cir. 1986) (en banc). In responding to arguments that the public had a right of access to the proceedings, the court recognized the "substantial interest in preserving limited confidentiality." The court found interest not only in protecting the reputation of a person who has been accused but not proven culpable, but also in protecting the judiciary as an institution and in the need for flexibility so that the Board could effectively accomplish its purpose.

The most recent Supreme Court discussion concerning the public's right of access arose in a criminal context. *See Press Enterprise Co. v. Superior Court of California*, 54 U.S.L.W. 4869 (June 30, 1986). In that case, the Court held that there exists a qualified constitutional right of access to preliminary criminal proceedings as they are conducted in California. The opinion describes many of the policies supporting public access. *See, e.g., id.* at 4871.

proceedings, on its own motion or at the request of a party, otherwise directs;

(2) amending the Rule to provide that hearings in specified classes of proceedings shall be public; or

(3) amending the Rule to provide that the Commission will determine whether to hold public hearings on a case-by-case basis.

The Commission also seeks comments on any other approaches to the issue of making Rule 2(e) proceedings public, including comments on whether Rule 2(e)(7) should simply remain in its present form. The Commission does not seek comment on whether it has the authority to discipline professionals under Rule 2(e).

II. Practice under Rule 2(e)

Rule 2(e) was first adopted in 1935. That Rule now provides that the Commission may deny, temporarily or permanently, the privilege of appearing or practicing before the Commission to any person who is found not to possess the requisite qualifications to represent others, to be lacking in character or integrity, to have engaged in unethical or improper professional conduct, or to have willfully violated or aided and abetted violations of the federal securities laws.

Although the original version of Rule 2(e) did not indicate whether proceedings would be public or non-public, all proceedings brought under that version of the Rule were non-public. In 1971, the Commission amended several parts of Rule 2(e) and added paragraph (7) to the rule to provide that:

> All hearings held under this paragraph (e) shall be non-public unless the Commission on its own motion or the request of a party otherwise directs.[3]

In 1974, the Commission published for comment a proposed amendment to Rule 2(e)(7) which would have provided that Rule 2(e) proceedings would be public unless the Commission ordered otherwise. The Commission emphasized the public interest in the standards the Commission imposed on the professionals who practice before it, and stated that "when sufficient reason exists to institute such a proceeding, the public should be aware of that fact."[4] The proposing release indicated that if the amendment were adopted the Commission would reserve the right to order that a particular Rule 2(e) proceeding be non-public.

On March 4, 1975, the Commission withdrew its proposal to amend the rule.[5] The Commission stated, however, that

> it nevertheless wishe[d] to apprise members of the professions who practice before it that the Commission is not suggesting that all disciplinary proceedings under Rule 2(e) will be conducted on a private basis in the future. The Commission believes there are circumstances which warrant the institution of public proceedings in the interest of investors, and it believes that the provisions of existing Rule 2(e)(7) provide it with ample discretion to institute public disciplinary proceedings under Rule 2(e) when the Commission deems it to be in the public interest to do so.

The Commission also indicated that in the future it would publish any order of an administrative law judge finding "a basis for the imposition of a sanction against a professional."[6] In addition, the Commission warned that if a professional unreasonably delayed the conduct of a private proceeding the Commission would consider making the proceeding public. After the 1975 release, the Commission began to bring public Rule 2(e) proceedings. The first such proceeding was initiated in 1976.[7]

Concerns have been raised as to the potential impact of public Rule 2(e) proceedings. For example, a professional's reputation and career may be unjustly harmed as a result of the announment of allegations in public disciplinary proceedings that are not subsequently sustained. In addition, some fear that the public may tend to overemphasize the adverse implications of the commencement of disciplinary proceedings, even though the charges have not yet been sustained.

On the other hand, there are a number of arguments that have been raised in favor of public proceedings under Rule 2(e). For example, public proceedings may increase the public's and professionals' awareness of the standards the Commission imposes on professionals and the public responsibilities of professionals who practice before the Commission. They may also inform the public that the staff believes that corrective action is appropriate in a particular case.

The Commission also seeks comment on whether modification of the present provision concerning private proceedings would be consistent with the administrative practice of other federal and state regulatory agencies, and professional organizations.

III. Alternative Proposals

The Commission seeks comments on the following three approaches to amending Rule 2(e)(7), as well as on any other approach to the issue of making Rule 2(e) proceedings public including whether Rule 2(e)(7) should remain in its current form.

The first alternative would amend Rule 2(e)(7) to provide that all proceedings pursuant to Rule 2(e) would be public, unless the Commission on its own motion or after considering the request of a party otherwise directs. This amendment would make public the majority of Rule 2(e) proceedings, but would make clear that the Commission retained the authority to make a Rule 2(e) proceeding non-public under appropriate circumstances.

The second alternative would amend Rule 2(e)(7) to identify circumstances when a Rule 2(e) proceeding would be public. The rule would specify that proceedings would be public when facts or allegations related to the facts underlying the proceeding already are public. Related facts would encompass not only the precise facts that form the basis for a separate Commission enforcement action against the professional or another person, such as the professional's client. Thus, for example, if a Commission injunctive action against a company for fraudulent statements in the company's audited financial statements disclosed facts related to the actions of the accountants in auditing those statements, a later Rule 2(e) proceeding against the auditor would be public unless the Commission exercised its discretion to otherwise order.

In addition, under this alternative, the rule would specifically provide for public proceedings where the nonpublic nature of the proceeding may cause unresonable delay; the professional's conduct was such that it seems appropriate to inform the public of the immediate risk of harm; or the Commission on its own motion or after considering the request of the staff or the professional makes a determination that public hearings are in the public interest. The Commission also seeks comment as to whether the rule should specify other circumstances where the proceedings would be public.

The third approach is to amend Rule 2(e)(7) to provide that the Commission will determine on a case-by-case basis whether proceedings will be public or nonpublic. This would enable the Commission the maximum flexibility to determine whether to institute public or private proceedings.

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[3] Securities Act Release No. 5147 (May 10, 1971).

[4] Securities Act Release No. 5477 (April 5, 1974), 4 SEC Docket 34, 35 (April 16, 1974).

[5] Securities Act Release No. 5572 (March 4, 1975), 6 SEC Docket 374 (March 19, 1975).

[6] *Id.* at 374.

[7] *In re Touche Ross & Co.*, File No. 3-5075 SEC (Sept. 1, 1976).

IV. Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act [8] generally requires the Commission to undertake a regulatory flexibility analysis of the impact of a rule or amendment of "small entities," unless exempted under section 605(b) of the Act on the basis that the rule or rule amendments would not have a significant impact on a substantial number of small entities. Because the amendments, if adopted, would affect only matters of practice and procedure, the Commission believes that they are not rules subject to the Regulatory Flexibility Act. Moreover, regardless of whether Rule 2(e) proceedings are public or private, regulatory burdens will not be affected. Nonetheless, because the Commission is publishing the proposed amendment for notice and comment, the Chairman has certified that the Rule amendments, if promulgated, will not have a significant economic impact on any entity and thus should not have any such impact on a substantial number of small entities.

V. Statutory Basis and Text of Proposed Amendments Authority

The amendments to the Commission's rule are being proposed by the Commission pursuant to section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20(a) of the Public Utility Holding Company Act of 1935, section 319(a) of the Trust Indenture Act of 1939, section 211(a) of the Investment Advisers Act of 1940 and section 38(a) of the Investment Company Act of 1940.

List of Subjects in 17 CFR Part 201

Administrative practice and procedure, Investigations, Securities.

Text of Proposal

In accordance with the foregoing, the Commission proposes to amend Chapter II of Title 17 of the Code of Federal Regulations as follows:

PART 201—RULES OF PRACTICE

1. The authority citation for Part 201 would be revised to read as follows:

Authority: Sec. 19, 48 Stat. 85, as amended, 15 U.S.C. 77s; Sec. 23, 48 Stat. 901, as amended, 15 U.S.C. 78w; Sec. 20, 49 Stat. 833, 15 U.S.C. 79t; Sec. 211, 54 Stat. 855, as amended, 15 U.S.C. 80b–11; Sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37.

2. By deleting present paragraph (e)(7) of § 201.2 and substituting one of the alternatives below:

[8] 5 U.S.C. 601 *et seq.*

§ 201.2 Appearance and practice before the Commission.

* * * * *

(e) * * *

Alternative A:

(7) All hearings held under this paragraph (e) shall be public unless the Commission, at any time, on its own motion or after considering the request of a party, otherwise directs.

* * * * *

Altenative B:

(7) All hearings held under this paragraph (e) shall be nonpubic unless the Commission at any time determines that:

(i) Facts of allegations related to those supporting the charges are already public or will become public prior to or concurrent with the institution of the hearing;

(ii) The nonpublic nature of the hearing may be a cause of unreasonable delay;

(iii) The professional's conduct was such that it seems appropriate to inform the public of the immediate risk of ham or

(iv) The Commission on its own motion or after considering the request of a party otherwise directs.

* * * * *

Alternative C:

(7) The Commission shall determine, on a case-by-case basis, whether hearings pursuant to this paragraph (e) shall be public or non-public.

* * * * *

By the Commission.

September 29, 1986.

Shirley E. Hollis,

Assistant Secretary.

Statement of Commissioner Fleischman

At this early stage I find no reason to disagree with General Counsel's most recent prior conclusion, reached less than three years ago, that a weighing of all relevant policy considerations fails to justify a proposal to change the present rule. I would not, therefore, authorize publication of the Release and the rule change it proposes. Public responses to the Commission's proposals will be instructive nevertheless.

Regulatory Flexibility Act Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Rule 2(e)(7) of the Commission's rules of Practice set forth in Securities Act Release No. 6662, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the proposed amendments, if adopted, would affect only matters of practice and procedure. Regardless of whether 2(e) proceedings are public or private, regulatory burdens will not be affected.

John Shad,

Chairman.

September 29, 1986.

[FR Doc. 86–22720 Filed 10–6–86; 8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 249

[Release No. 34–23646; File No. S7–25–86]

Broker-Dealer Registration Withdrawal; Proposed Revisions of Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Proposed form revisions.

SUMMARY: The Commission is publishing for comment proposed revisions of Form BDW, the form filed by a registered broker-dealer to withdraw from registration. The proposed revisions are intended to reduce the regulatory burden upon broker-dealers by simplifying the form and by clarifying the information that must be disclosed on the attachments to the form.

DATES: Comments should be submitted by November 6, 1986.

ADDRESSES: All comments should be submitted in triplicate to Jonathan G. Katz, Secretary, Securities and Exchange Commission, Washington, DC 20549, and should refer to File No. S7–25–86. All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lynne G. Masters, Esq. at (202) 272–2848, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC. 20549.

SUPPLEMENTARY INFORMATION: In November 1983, the Commission adopted a revised Form BD and revised Form BDW, resulting from the continuing efforts of the NASAA Special Committee to Revise Form BD.[1] The purpose of the revisions was to reduce the regulatory burden of multiple registration requirements for broker-dealers by allowing them to use a single form to register with the states and self-regulatory organizations, as well as the Commission. In addition, the revisions made Form BD and Form BDW

[1] Form BD is the form used to register a broker-dealer pursuant to 15(b) of the Securities Exchange Act of 1934 ("Act").

compatible with the Central Registration Depository ("CRD") operated by the National Association of Securities Dealers, Inc. ("NASD"). The CRD provides a computer database that maintains current registration information for every broker-dealer that is a member of the NASD or registered with a state that participates in the CRD program. The CRD program allows a broker-dealer to file a single form with the CRD and a copy thereof with the Commission and participating states.

NASAA subsequently formed the Forms Committee to review Form U–4, the form used by the states and the self-regulatory organizations to register associated persons of broker-dealers.[2] The NASAA Forms Committee was advised by representatives of the NASD, the New York Stock Exchange, Inc., the American Stock Exchange, Inc., the Association of Registration Management, the Securities Industry Association, representatives from the insurance and commodities industries and the staff of the Commission. In the course of the Forms Committee's review of Form U–4, parallel improvements to Form BD were considered. The participants in the Forms Committee unanimously agreed to implement all of the Form BD changes. In September 1985, the Commission adopted the Form BD changes, effective January 1, 1986.[3]

As part of the continuing process of simplifying the forms used by broker-dealers, the Commission is proposing revisions to uniform Form BDW. These revisions are the result of further discussions with the NASAA Forms Revision Committee, and represent part of the Commission's ongoing efforts to improve our broker-dealer forms and to draft those forms in "plain English". As described more fully below, the changes are largely technical in nature and are intended to conform Form BDW to the recently enacted changes in Form BD.

The Commission believes that the proposed revisions will reduce the regulatory burden on broker-dealers by clarifying the information required by Form BDW. A summary of the revisions is set forth below:

1. Form BDW will be retitled "Uniform Request for Broker-Dealer Withdrawal". This will shorten the title and generally track the initials on the form.

2. The instructions to the form will be simplified, and the filing instructions clarified.

3. The direction to read the instructions and type the form will be removed and replaced with the language: "Warning: Intentional misstatements or omissions of fact may constitute criminal violations." This warning is the same as the one used on Form BD.

4. Items 1 through 5 will be reformatted to conform to Form BD. Form BD requests the name of a "contact employee" to answer questions concerning that form. For purposes of Form BDW, the person who executes the form will be responsible for answering questions.

5. Existing Item 6 will be split into three items. New Item 2 will specify whether the withdrawal is full or partial. If the withdrawal is partial, new Item 3 will specify the states and the self regulatory organizations where the withdrawal is occurring. New Item 4 will specify the dates on which the firm ceased business. New Item 3 has been reformatted to resemble Form BD.

6. Existing Item 7 will be changed to new Items 5A–D and 6C. Item 7 currently requests information concerning funds or securities owed to customers or other broker-dealers. Item 7(d) also requires a statement of financial condition to be filed with the form. The new items request a further clarification of the broker-dealer's remaining obligations. Specifically, a broker-dealer that seeks to withdraw from registration while still owing money or securities to customers or other broker-dealers must break down funds or securities owed between broker-dealers and customers. The firm must also indicate the number of customers owed funds or securities.

New Item 5(e) replaces the financial statements with the use of FOCUS reports as a standard accounting format. Since all broker-dealers (other than those registered only with state jurisdictions) have to file FOCUS reports, this change should simplify the financial information that must be submitted by requiring a standardization format. In addition, because very few BDWs filed each year indicate that the broker-dealer has any outstanding obligations to other firms or customers, the Commission believes that the additional detail required by new Items 5A–D and 6C will be a small reporting burden.[4]

7. Existing Item 8 will become Item 6 on the new form, and the language used will conform the information requested to that in Form BD. Item 6C is intended to solicit information concerning any outstanding contested claims.

8. Existing Item 9 will be renumbered as new Item 7.

9. Existing Item 10, the execution section, will become new Item 8. The language has been substantially simplified.

Costs and Benefits

The Commission believes that the proposed changes, if adopted, will not have a significant economic impact on broker-dealers. By simplifying the forms used, the proposed amendments to the form should benefit broker-dealers and the public. The amendments will result in comparability of terms used in Form BD and BDW. The amendments should facilitate the filing of the forms by standardizing the language and requiring disclosure of financial information in a format already familiar to broker-dealers. The additional information required by the form should enhance investor protection by enabling the regulatory authorities to determine if any further action is necessary. Costs may be incurred as a result of the new requirement that the withdrawing broker-dealer provide information concerning outstanding obligations to customers or other broker-dealers. Such information, however, should be readily available to the broker-dealers completing the form. While the Commission believes that the benefits of simplifying the form outweigh the costs for broker-dealers, the Commission solicits comments on the costs and benefits of the proposed amendments to Form BDW. The Commission is particularly interested in comments addressing the identification of other sources of costs and benefits and the quantification of costs and benefits to the proposed amendments.

Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act establishes procedural requirements applicable to agency rulemaking that has a "significant economic impact on a substantial number of small entities."[5] The Chairman of the Commission has certified pursuant to the Act that the proposed revision to Form BDW, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments may provide some cost savings to small broker-dealers in that they may update and provide a copy of the appropriate standardized FOCUS report that they currently file under the Act to meet the forum's financial reporting requirements. For the small

[2] Form U–4 is no longer a Commission form because the elimination of the SECO program ended the need for any associated persons of a broker-dealer to register with the Commission.

[3] Securities Exchange Act Release No. 22468 (September 26, 1985), 50 FR 41687.

[4] Less than 5% of the Form BDWs filed indicate an affirmative answer to current Item 7, requiring a statement of financial condition and a response to the specific questions in that Item.

[5] Although section 601(b) of the Regulatory Flexibility Act defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0–10, 17 CFR 240.0–10. *See* Securities Exchange Act Release No. 18452 (January 28, 1982). A broker or dealer generally is a "small business" or "small organization" if it had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d). *See* Rule 0–10(c).

number of broker-dealers that would have to provide additional information under the revisions because they owe money or securities to other firms or customers, the Commission believes that any additional burden would be minor and would not have a significant impact on a substantial number of small entities.

List of Subjects in 17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

Statutory Authority

The proposed changes to Form BDW, referenced in § 249.501a of the CFR, would be adopted pursuant to sections 15(b), 17(a) and 23(a) of the Act thereof (15 U.S.C. 78*o*(b), 78q(a) and 78w(a).

Dated: September 26, 1986.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

Uniform Request for Broker-Dealer Withdrawal

OMB Approval:
OMB Number: 3235–0018
Expires: August 31, 1989

General Instructions

- Each copy of this Form must be *manually signed* by the proper individual.
- Type all information.
- Use only the Form BDW or a reproduction of it.
- *Filing Requirements:*

Full Withdrawal: File Form BDW with the SEC and with the CRD. Check with states where registered for additional filing requirements.

Partial Withdrawal: File Form BDW with the CRD; file with SEC only if withdrawing from SEC registration. Check with states where registered for additional filing requirements. Amend Form BD and file with the SEC and the CRD.

BILLING CODE 8010-01-M

Form BDW	UNIFORM REQUEST FOR BROKER-DEALER WITHDRAWAL	Official Use

Warning: Intentional misstatements or ommissions of fact may constitute criminal violations.

1. (A) Full name of broker-dealer (If sole proprietor, give last, first, and middle name):

(B) IRS Emp. Ident No.:
(C) Name under which business is conducted, if different:

(D) Firm CRD No:
(E) Firm main address:

(F) Mailing address, if different:

(G) Area Code/Telephone No._____

2. Check one:

[ ] Full withdrawal (Skip item 3)

[ ] Partial withdrawal (Check boxes where withdrawing in item 3.)

3.

SEC: [ ] SECURITIES & EXCHANGE COMMISSION

[ ] ASE [ ] BSE [ ] CBOE [ ] CSE [ ] MSE [ ] NASD [ ] NYSE [ ] PHLX [ ] PSE [ ] OTHER (Specify)_____

JURISDICTION:

[ ] AL [ ] AK [ ] AZ [ ] AR [ ] CA [ ] CO [ ] CT [ ] DE [ ] DC [ ] FL [ ] GA [ ] HI [ ] ID
[ ] IL [ ] IN [ ] IA [ ] KS [ ] KY [ ] LA [ ] ME [ ] MD [ ] MA [ ] MI [ ] MN [ ] MS [ ] MO
[ ] MT [ ] NE [ ] NV [ ] NH [ ] NJ [ ] NM [ ] NY [ ] NC [ ] ND [ ] OH [ ] OK [ ] OR [ ] PA
[ ] RI [ ] SC [ ] SD [ ] TN [ ] TX [ ] UT [ ] VT [ ] VA [ ] WA [ ] WV [ ] WI [ ] WY [ ] PR

4. Date firm ceased business:
(for partial withdrawals, give the date ceased business in the jurisdictions checked in item 3)

5. Does the broker-dealer owe any money or securities to any customer or broker-dealer ? [ ] Yes [ ] No

If "yes":
(A) Number of customers owed funds or securities_____

(B) Amount of money owed to:
customers $_____ broker-dealers $_____

(C) Market value of securities owed to:
customers $_____ broker-dealers $_____

(D) Arrangements made for payment:

(E) Attach a copy of FOCUS Report Part II (or Part IIA for non-carrying or non-clearing firms) "Statement of Financial Condition" and "Computation of Net Capital" sections. For firms that do not file FOCUS Reports, attach a financial condition statement giving the type and amount of the firm's assets and liabilities and net worth. This information must reflect the finances of the firm no earlier than 10 days before this Form BDW is filed.

6. Is broker-dealer now the subject of any:

(A) proceeding not reported on Form BD or any complaint or investigation? [ ] Yes [ ] No

(B) unsatisfied judgments or liens not reported on Form BD?
[ ] Yes [ ] No

(C) unsatisfied customer claims for funds or securities not reported under item 5? [ ] Yes [ ] No

Furnish full details for all "yes" answers on an attachment sheet. For any court or regulatory action, give: (1) the broker-dealer and individual's names, (2) the title and date of the action, (3) the court or body taking the action, and (4) a description of the action.

7. (A) Name, address, and phone number of the person who will have custody of books and records.

(B) Address where books and records will be located, if different.

8. EXECUTION: I swear or affirm that all of the information I am filing is correct, that I am authorized to execute this form for the broker-dealer, and that the broker-dealer's books and records will be preserved and available for inspection as required by law.

Date _____ Name _____ Area Code/Telephone No.

by: _____
Signature and title

Subscribed and sworn before me this ___ day of _____ 19__ by _____.

My commission expires _____ County of _____ State of_____.

BILLING CODE 8010-01-C

Regulatory Flexibility Certification

I, John Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendments to Form BDW set forth in Securities Exchange Act Release No. 23646, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed amendments may provide some cost savings to small broker-dealers in that they may update and provide a copy of the appropriate standardized FOCUS report that they currently file under the Act to meet the Form's financial reporting requirements. For the small number of broker-dealers that would have to provide additional information under the revisions because they owe money or securities to other firms or customers, the Commission believes that any additional burdern would be minor and would not have a significant impact on a substantial number of small entities.

Dated: September 29, 1986.

John Shad,

Chairman.

[FR Doc. 86-22721 Filed 10-6-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-262-82]

Income Tax; Definition of S Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking.

SUMMARY: This document contains proposed Income Tax Regulations concerning the definition of the term "S corporation." Changes to the applicable tax law were made by the Subchapter S Revision Act of 1982 and the Tax Reform Act of 1984. The regulations would provide guidance on the qualifications of an S corporation.

DATES: Written comments and requests for a public hearning must be delivered or mailed by December 8, 1986. The amendments are proposed to be effective for taxable years beginning after December 31, 1982.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-262-82), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Robert H. Ginsburgh of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention; CC:LR:T). Telephone: 202-566-3297 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1361 of the Internal Revenue Code of 1954. These amendments are proposed to conform the Income Tax Regulations to section 2 and 6 of the Subchaper S Revision Act of 1982 (96 Stat. 1669) and to section 721 (c) and (f) of the Tax Reform Act of 1984 (98 Stat. 967).

In General

The propsed regulations provide that the term "S corporation" means, with respect to any taxable year, a small business corporation for which an election under section 1362 (a) is in effect for the taxable year. In addition, the proposed regulations provide that the term "small business corporation" means a domestic corporation that is not an ineligible corporation and that does not have: (1) More than 35 shareholders, (2) as a shareholder, a person (other than an estate and certain trusts) who is not an individual, (3) a nonresident alien as a shareholder, or (4) more than one class of stock.

Small Business Corporation Defined

Ineligible Corporation

Under the proposed regulations, an ineligible corporation is a corporation that is: (1) A member or an affiliated group (determined under section 1504 without regard to any exception contained in subsection (b) thereof), whether or not that affiliated group has ever filed a consolidated return, (2) a financial institution to which section 585 or 593 applies, whether or not that financial institution uses the reserve for bad debts method provided in section 166(c), (3) an insurance company subject to tax under Subchapter L, Chapter 1 of the Code, (4) a corporation to which an election under section 936 applies, or (5) a DISC or former DISC. Certain exceptions to these rules are provided in the proposed regulations, such as the exception for a qualified casualty insurance electing small business corporation.

Number of Shareholders

Under the Subchapter S Revision Act of 1982, the number of permissible shareholders of a small business corporation has been increased to thirty-five. For purposes of determining whether a corporation has more than thirty-five shareholders, the proposed regulations provide that stock owned by a husband and wife (or by either of or both of their estates) is treated as if owned by one shareholder, regardless of the form in which they own such stock.

Shareholders Must Be Individuals or Estates

In general, the proposed regulations provide that a corporation in which any shareholder is a corporation, partnership, or trust, or a corporation in which any shareholder's interest in the stock of the corporation is a legal life estate, usufruct interest, or an interest for a term of years, does not quailify as a small business corporation. However, a corporation having a shareholder who has an interest in the stock of the corporation that is a legal life estate or usufruct interest for life, which interest was created or came into existence before January 1, 1983, will not thereafter fail to qualify as a small business corporation by reason of that interest. Morever, a corporation having a shareholder who has an interest in the stock of the corporation that is a legal life estate or usufruct interest for life, which interest comes into existence after December 31, 1982 (excluding those interests that were created before January 1, 1983), will not thereafter fail to qualify as a small business corporation by reason of that interest if all of the following requirements are met: (1) That interest is owned by only one individual who is a citizen or resident of the United States, (2) the individual for whom that interest was created has not transferred that interest to any other person, and (3) that interest must terminate upon the death of the individual for whom that interest was created. If any requirement described in the preceding sentence ceases to be met, the corporation will cease to be a small business corporation.

Special Rules for Certain Trusts

A Subpart E trust, a voting trust, a certain type of testamentary trust, and a qualified Subchapter S trust that is treated as a Subpart E trust are permitted to be shareholders of a small business corporation. Under the proposed regulations, a Subpart E trust is a trust all of which (income and corpus) is treated (under Subpart E, Part I, Subchapter J, Chapter 1 of the Code) as owned by one individual (whether or not the grantor) who is a citizen or resident of the United States. Special rules apply in the case of a husband and wife. The deemed owner of a Subpart E trust (and not the trust) is treated as the shareholder for purposes of determining whether the corporation qualifies as a

small business corporation. If the trust ceases to be a Subpart E trust upon the death of the deemed owner, the estate of the deemed owner (and not the trust) is treated as the shareholder for a certain period provided the trust continues in existence after the death of the deemed owner.

The proposed regulations provide that a voting trust is a trust created primarily to exercise the voting power of stock transferred to it. In order to qualify as a voting trust for purposes of section 1361, such a trust must: (1) Delegate to one or more trustees the right to vote, (2) require all distributions with respect to the stock of the corporation held by the trust to be paid to, or on behalf of, the beneficial owners of that stock, (3) require title and possession of that stock to be delivered to those beneficial owners upon termination of the trust, and (4) terminate, under its terms or by state law, on or before a specific date or event. For purposes of determining whether the corporation qualifies as a small business corporation, each beneficial owner of the stock held by the trust (and not the trust) is treated as a shareholder.

A qualified subchapter S trust, as defined in the proposed regulations, is a trust that satisfies all of the following requirements: (1) All the income of the trust is distributed (or is required to be distributed) currently to one individual who is a citizen or resident of the United States, and (2) the terms of the trust require that: (A) During the life of the current income beneficiary, there shall be only one income beneficiary of the trust, (B) any corpus distributed during the life of the current income beneficiary may be distributed only to that income beneficiary, (C) the current income beneficiary's income interest in the trust shall terminate on the earlier of that income beneficiary's death or the termination of the trust, and (D) upon the termination of the trust during the life of the current income beneficiary, the trust shall distribute all its assets to that income beneficiary. If the current income beneficiary of a qualified Subchapter S trust makes the election under section 1361(d)(2), the trust is treated as a Subpart E trust. Accordingly, the current income beneficiary of the trust (and not the trust) is treated as the shareholder for purposes of determining whether the corporation qualifies as a small business corporation. If the trust ceases to be treated as a Subpart E trust upon the death of that income beneficiary, the estate of that income beneficiary (and not the trust) is treated as the shareholder for a certain period provided the trust continues in existence after the death of that income beneficiary.

Qualified Subchapter S Trust Election

In order to be an eligible shareholder of an S corporation, a qualified Subchapter S trust must have its beneficiary make the election provided in section 1361(d)(2), which permits a qualified Subchapter S trust to be treated as a Subpart E trust. The qualified Subchapter S trust election must be made separately with respect to each corporation whose stock is held by the trust. Generally, the qualified subchapter S trust election must be filed within the 16-day-and-2-month period beginning on the date on which the stock of the corporation is transferred to the trust or within the 16-day-and-2-month period beginning on the first day of the first taxable year for which the election to be an S corporation is effective, whichever period of time occurs later. However, if stock of the corporation has been transferred to the trust on or before the date on which the corporation makes the election to be an S corporation, and if that election and that transfer are made before the beginning of the first day of the first taxable year for which that election is effective, the qualified Subchapter S trust election must be filed within the 16-day-and-2-month period beginning on the date on which the corporation makes the election to be an S corporation. The qualified Subchapter S trust election may not be made by a beneficiary of a Subpart E trust (as described in section 1361(c)(2)(A)(i) without regard to section 1361(d)). In addition, the qualified subchapter S trust election may not be made by a beneficiary of a trust with respect to a corporation if a person (other than the beneficiary making that election or the spouse of that beneficiary) is treated under Subpart E, Part I, Subchapter J, Chapter 1 of the code as the owner as to any part of that portion of the trust which consists of the stock of that corporation.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be made available for public inspection and copying. A public hearing will be held upon written request of any person who has submitted written comments. If public hearing is held, notice of the time and place will be published in the **Federal Register**.

The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on those requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests that persons submitting comments on those requirements to OMB also send copies of those comments to the Service.

Special Analyses

The Commissioner of Internal Revenue has determined that a Regulatory Impact Analysis is not required because this proposed rule is not a major rule under Executive Order 12291.

The Commissioner of Internal Revenue has concluded that these proposed regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations is Robert H. Ginsburgh of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these proposed regulations, both on matters of substance and style.

List of Subjects in 26 CFR 1.1361–1—1.1388–1

Income taxes, Small business, S corporation, Electing small business corporation, Cooperatives.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Paragraph 1. The authority citation for Part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805; * * * § 1.1361–1A (i) (3) and (4) also issued under 26 U.S.C. 1361(d)(2)(B)(iii).

Par. 2. Section 1.1361–1A is added immediately after § 1.1361–0A to read as follows:

§ 1.1361–1A S corporation defined.

(a) *In general.* For purposes of this title, the term "S corporation" means, with respect to any taxable year, a small business corporation (as defined in paragraph (b) of this section) for which an election under section 1362(a) is in effect for that taxable year. In addition, the term "C corporation" means, with respect to any taxable year, a corporation that is not an S corporation for that taxable year.

(b) *Small business corporation defined.* For purposes of Subchapter S, Chapter 1 of the Code and the regulations thereunder, the term "small business corporation" means a domestic corporation that is not an ineligible corporation (as defined in paragraph (d) of this section) and that does not have—

(1) More than 35 shareholders,

(2) As a shareholder, a person (other than an estate and other than certain trusts described in paragraph (h)(1) of this section) who is not an individual,

(3) A nonresident alien as a shareholder, or

(4) More than one class of stock.

The term "estate," for purposes of this paragraph, includes the estate of an individual in a case under Title 11 of the United States Code.

(c) *Domestic corporation.* For purposes of paragraph (b) of this section, the term "domestic corporation" means a corporation as defined in section 7701(a)(3) created or organized in the United States or under the law of the United States or of any State or Territory.

(d) *Ineligible corporation*—(1) *General rule.* (i) Except as otherwise provided in this paragraph, the term "ineligible corporation" means a corporation that is—

(A) A member of an affiliated group (determined under section 1504 without regard to any exception contained in subsection (b) thereof), whether or not that affiliated group has ever filed a consolidated return,

(B) A financial institution to which section 585 or 593 applies, whether or not that financial institution uses the reserve for bad debts method provided in section 166(c),

(C) An insurance company (other than a qualified casualty insurance electing small business corporation, as defined in paragraph (d)(1)(ii) of this section) subject to tax under Subchapter L, Chapter 1 of the code,

(D) A corporation to which an election under section 936 applies, or

(E) A DISC or former DISC.

(ii) The term "qualified casualty insurance electing small business corporation" means any corporation described in section 831(a) if—

(A) As of July 12, 1982, the corporation was an electing small business corporation (within the meaning of section 1371 (a) and (b), as in effect on July 1, 1982) and was described in section 831(a),

(B) The corporation was formed before April 1, 1982, and proposed (through a written private offering first circulated to investors before April 1, 1982) to elect to be taxed as an electing small business corporation (within the meaning of section 1371 (a) and (b), as in effect on July 1, 1982) and to be operated on an established insurance exchange, or

(C) The corporation is approved for membership on an established insurance exchange pursuant to a written agreement entered into before December 31, 1982, and the corporation is described in section 831(a) as of December 31, 1984.

However, this paragraph (d)(1)(ii) shall not apply unless, as of July 12, 1982, the corporation is actively seeking investors or otherwise shows a present intent to enter into the casualty insurance business. A corporation shall not be treated as a qualified casualty insurance electing small business corporation unless an election made under section 1372(a) (as in effect on July 1, 1982) is in effect for the first taxable year of the corporation beginning after December 31, 1984. The provisions of Subchapter S of Chapter 1 of the Code as in effect on July 1, 1982, shall apply in the case of a qualified casualty insurance electing small business corporation except as provided in paragraph (d)(1)(iii) of this section.

(iii) The provisions of paragraph (d)(1)(ii) of this section shall cease to apply with respect to any corporation after—

(A) Any termination of the election of the corporation made under section 1372(a) (as in effect on July 1, 1982),

(B) The first date on which more than 50 percent of the stock of the corporation is newly owned stock (within the meaning of section 1378 (c)(2) and (3) as in effect for any taxable year beginning after December 31, 1982, applied by substituting "December 31, 1984," for "December 31, 1982," each place it appears therein), or

(C) The corporation ceases to be described in section 831(a).

(2) *Inactive corporation exception.* (i) For purposes of paragraph (d)(1)(i)(A) of this section, a corporation (hereinafter in this subparagraph referred to as the parent corporation) shall not be considered during a period within its taxable year to be a member of an affiliated group solely by reason of the ownership of stock in another corporation (hereinafter in this subparagraph sometimes referred to as the subsidiary corporation) if the subsidiary corporation—

(A) Has not begun business at any time on or before the close of that period, and

(B) Does not have gross income for that period.

(ii) The determination under paragraph (d)(2)(i)(A) of this section of the date on which a subsidiary corporation begins business shall be made by taking into account all the facts and circumstances of the particular case. A corporation has not "begun business," however, merely because it is "in existence." Ordinarily, a corporation begins business when it starts the business operations for which it was organized. Mere organizational activities, such as the obtaining of the corporate charter, are not alone sufficient to show the beginning of business. An example of a corporation that has not begun business is a corporation incorporated for the sole purpose of reserving a corporate name in a State or States in which the parent corporation is not doing business. If the activities of a corporation have advanced to the extent necessary to establish the nature of its business operations, however, the corporation will be deemed to have begun business. For example, a corporation that acquires operating assets necessary for the type of business contemplated may be deemed to have begun business.

(iii) If a subsidiary corporation ceases to meet any of the requirements of paragraph (d)(2)(i) of this section, then the parent corporation's election under section 1362(a) shall terminate effective on and after the earlier of the first day that the subsidiary corporation begins business or the first day, determined under the subsidiary corporation's method of accounting, that the subsidiary corporation realizes gross income.

(iv) The application of this subparagraph may be illustrated by the following example:

Example. Corporation P, which uses the calendar year as its taxable year, in 1983 owns all the stock of Corporation S, which uses the calendar year as its taxable year. For purposes of paragraph (d)(1)(i)(A) of this section, P would not be considered at any time during 1983 to be a member of an affiliated group solely by reason of its ownership of S's stock if S has not begun

business before January 1, 1984, and has no gross income for calendar year 1983. Thus, P could qualify as a small business corporation during 1983 if it meets the other requirements provided in section 1361(b). Assuming that P's ownership of S stock remains unchanged, P would cease to be a small business corporation on the day that S either begins business or realizes gross income (determined under S's method of accounting), whichever day occurs earlier.

(3) *Exception for foreign corporation or DISC.* (i) In the case of a corporation which on September 28, 1982, was an electing small business corporation (within the meaning of section 1371 (a) and (b), as in effect before enactment of the Subchapter S Revision Act of 1982), and which then owned at least 80 percent of the stock of a foreign corporation, a DISC, or a former DISC (within the meaning of section 1504 (b)(3) or (7)), the corporation shall not be treated as an ineligible corporation under paragraph (d)(1)(i)(A) of this section by reason of such ownership.

(ii) The provisions of paragraph (d)(3)(i) of this section shall cease to apply with respect to any S corporation after—

(A) Any termination of the election of the corporation made under section 1362(a),

(B) The first date on which more than 50 percent of the stock of the corporation is newly owned stock (within the meaning of section 1378 (c)(2) and (3)), or

(C) The first date after September 28, 1982, on which the corporation ceases to meet such 80 percent ownership requirement.

(e) *Number of shareholders*—(1) *General rule.* A corporation does not qualify as a small business corporation if it has more than 35 shareholders. Ordinarily, the persons who would have to include in gross income dividends distributed with respect to the stock of the corporation are considered to be the shareholders of the corporation. For example, if stock (owned other than by a husband and wife) is owned by tenants in common or joint tenants, each tenant in common or joint tenant is generally considered to be a shareholder of the corporation (For special rules relating to stock owned by husband and wife, see paragraph (e)(2) of this section.). Persons for whom stock of a corporation is held by a nominee, guardian, custodian, or an agent are generally considered to be shareholders of the corporation. But if stock is owned by a partnership, the partnership (and not its partners) is considered to be the shareholder and the corporation does not qualify as a small business corporation.

(2) *Special rules relating to stock owned by husband and wife.* For purposes of paragraph (e)(1) of this section, stock owned by a husband and wife (or by either or both of their estates) shall be treated as if owned by one shareholder, regardless of the form in which they own such stock. However, for purposes of paragraphs (f) and (g) of this section, each spouse (or his or her estate) shall be treated as a shareholder. The treatment described in this subparagraph shall cease upon dissolution of the marriage for any reason other than death.

(f) *Shareholders must be individuals or estates*—(1) *General rule.* Except as otherwise provided in this paragraph (f) and paragraph (h) of this section, a corporation in which any shareholder is a corporation, partnership, or trust, or a corporation in which any shareholder's interest in the stock of the corporation is a legal life estate, usufruct interest, or an interest for a term of years, does not qualify as a small business corporation.

(2) *Special rule for split interests created or coming into existence before January 1, 1983.* A corporation having a shareholder who has an interest in the stock of the corporation that is a legal life estate or usufruct interest for life, which interest was created or came into existence before January 1, 1983, will not thereafter fail to qualify as a small business corporation by reason of that interest. For purposes of this paragraph (f), an interest shall be considered to be created before January 1, 1983, if the interest is created under the terms of a will executed before that date, and if the decedent dies before January 1, 1986, without having republished the will after December 31, 1982, by codicil or otherwise. For special rules relating to certain trusts that are not considered to be shareholders, see paragraph (h) of this section.

(3) *Special rule for split interests coming into existence on or after January 1, 1983.* A corporation having a shareholder who has an interest in the stock of the corporation that is a legal life estate or usufruct interest for life, which interest comes into existence after December 31, 1982 (excluding those interests that were created before January 1, 1983), will not thereafter fail to qualify as a small business corporation by reason of that interest if all of the following requirements are met.

(i) That interest is owned by only one individual who is a citizen or resident of the United States,

(ii) The individual for whom that interest was created has not transferred that interest to any other person, and

(iii) That interest must terminate upon the death of the individual for whom that interest was created.

If any requirement in subdivision (i), (ii), or (iii) of this subparagraph ceases to be met, the provisions of this subparagraph shall cease to apply as of the first date on which that requirement ceases to be met.

(g) *No nonresident alien shareholder.* A corporation having a shareholder who is a nonresident alien does not qualify as a small business corporation.

(h) *Special rules relating to trusts—(1) General rule.* For purposes of paragraphs (e)(1), (f)(1), and (g) of this section, the following rules apply to determine who is treated as a shareholder if stock is held by a trust. Except as otherwise provided in this subparagraph, if stock is held by a trust, the trust is considered to be the shareholder. However, the trust is not considered to be the shareholder in the following cases:

(i) In the case where stock is held by a Subpart E trust (as defined in paragraph (h)(3)(i) of this section), the deemed owner of the trust (determined under Subpart E, Part I, Subchapter J, Chapter 1 of the Code) shall be treated as the shareholder. If the trust ceases to be a Subpart E trust upon the death of the deemed owner, the estate of the deemed owner shall be treated as the shareholder of stock held by the trust when the deemed owner dies, provided the trust continues in existence after the death of the deemed owner. The estate ordinarily shall cease to be treated as the shareholder of that stock upon the earlier of the transfer of that stock by the trust or the expiration of the 60-day period beginning on the date on which the deemed owner dies. However, if the entire corpus of the trust is includible in the gross estate of the deemed owner, the estate shall cease to be treated as the shareholder of that stock upon the earlier of the transfer of that stock by the trust or the expiration of the 2-year period beginning on the date on which the deemed owner dies. For the purpose of determining whether the entire trust corpus is includible in the gross estate of the deemed owner, any community property interest in the trust held by the deemed owner's spouse which arises by reason of applicable State law shall be disregarded.

(ii) In the case where stock is held by a voting trust (as defined in paragraph (h)(3)(ii) of this section), each beneficial owner of the stock shall be treated as a shareholder.

(iii) In the case where stock is transferred to a trust (other than a Subpart E trust, a voting trust, and a

qualified Subchapter S trust that is treated as a Subpart E trust) pursuant to the terms of a will, the estate of the testator shall be treated as the shareholder of that stock until the earlier of the disposition of that stock by the trust or the expiration of the 60-day period beginning on the date on which that stock is transferred to the trust.

(iv) In the case where stock is held by a qualified Subchapter S trust that is treated as a Subpart E trust, the income beneficiary who is treated (under section 678(a)) as the owner of the stock because of an election made under section 1361(d)(2) shall be treated as the shareholder. If the trust ceases to be treated as a Subpart E trust upon the death of that income beneficiary (*e.g.*, there is no successive income beneficiary nor is another person treated as the deemed owner of the trust as described in paragraph (h)(3)(i) of this section), the estate of that income beneficiary shall be treated as the shareholder of the stock with respect to which the income beneficiary made the election under section 1362(d)(2), provided the trust continues in existence after the death of that income beneficiary. The estate ordinarily shall cease to be treated as the shareholder of that stock upon the earlier of the transfer of that stock by the trust or the expiration of the 60-day period beginning on the date on which the deemed owner dies. However, if the entire corpus of the trust is includible in the gross estate of that income beneficiary, the estate shall cease to be treated as the shareholder of that stock upon the earlier of the transfer of that stock by the trust or the expiration of the 2-year period beginning on the date on which the deemed owner dies. For the purpose of determining whether the entire trust corpus is includible in the gross estate of the deemed owner, any community property interest in the trust held by the deemed owner's spouse which arises by reason of applicable State law shall be disregarded.

(2) *Foreign trusts.* For purposes of paragraph (h)(1) of this section, in any case where stock is held by a foreign trust, the trust is considered to be the shareholder. Thus, for example, if a foreign trust qualifies as a voting trust, any corporation in which the trust holds stock does not meet the qualifications of a small business corporation.

(3) *Certain trusts defined*—(i) *Subpart E. trust.* For purposes of this section, a subpart E trust is a trust all of which (income and corpus) is treated (under Subpart E, Part I, Subchapter J, Chapter 1 of the code) as owned by one individual (whether or not the grantor) who is a citizen or resident of the United States. For the purpose of determining whether the entire trust is treated as owned by one individual, a husband and wife who file a joint return, and each of whom is a citizen or resident of the United States, shall be treated as one individual.

(ii) *Voting trust.* A voting trust is a trust created primarily to exercise the voting power of stock transferred to it. In order to qualify as a voting trust for purposes of this section, such a trust must be represented by a written agreement, or written document (such as a will), that—

(A) Delegates to one or more trustees the right to vote,

(B) Requires all distributions with respect to the stock of the corporation held by the trust to be paid to, or on behalf of, the beneficial owners of that stock,

(C) Requires title and possession of that stock to be delivered to those beneficial owners upon termination of the trust, and

(D) Must terminate, under its terms or by state law, on or before a specific date or event.

(i) *Qualified Subchapter S trust*—(1) *Definition.* A qualified subchapter S trust is a trust (including a trust that is represented by a will) that satisfies all of the following requirements:

(i) All the income (within the meaning of § 1.643(b)–1 of the trust is distributed (or is required to be distributed) currently to one individual who is a citizen or resident of the United States, and

(ii) The terms of the trust meet all the requirements specified in paragaraph (i)(2) of this section.

If a qualified subchapter S trust for which an election under section 1361 (d)(2) has been made (as described in paragraph (i)(3) of this section) ceases to meet any requirement in paragraph (i)(2) of this section, the provisions of this paragraph (i) shall cease to apply as of the first day on which that requirement ceases to be met. If a qualified Subchapter S trust for which an election under section 1362(d)(2) has been made (as described in paragraph (i)(3) of this section) ceases to meet any requirement in paragraph (i)(1)(i) of this section but continues to meet all the requirements in paragraph (i)(2) of this section, the provisions of this paragraph (i) shall cease to apply as of the first day of the first taxable year beginning after the first taxable year for which it ceased to meet any requirement in paragraph (i)(1)(i) of this section. See §§ 1.651(a)–2(a) and 1.663(b)–1(a) for the rules relating to the determination of whether all income of a trust is distributed (or is required to be distributed) currently.

(2) *Terms of a qualified Subchapter S trust.* For purposes of paragraph (i)(1)(ii) of this section, the terms of the trust must require that—

(i) During the life of the current income beneficiary, there shall be only one income beneficiary of the trust,

(ii) Any corpus distributed during the life of the current income beneficiary may be distributed only to that income beneficiary,

(iii) The current income beneficiary's income interest in the trust shall terminate on the earlier of that income beneficiary's death or the termination of the trust, and

(iv) Upon termination of the trust during the life of the current income beneficiary, the trust shall distribute all its assets to that income beneficiary.

The determination of whether the terms of a trust meet all the aforementioned requirements depends upon the terms of the trust instrument and the applicable local law. For example, a trust whose governing instrument provides that A is the sole income beneficiary of the trust is considered to have two income beneficiaries if, under the applicable local law, A and B are considered to be the income beneficiaries of the trust. Except as otherwise provided in this subparagraph, if the terms of a trust do not preclude the possibility that any of the aforementioned requirements will not be met, the trust shall not qualify as a qualified Subchapter S trust. For example, if the terms of a trust are silent with respect to corpus distributions and distributions of corpus to a person other than the current income beneficiary are permitted under local law, the terms of the trust do not preclude the possibility that corpus will be distributed to a person other than the current income beneficiary. Any transferee of the current income beneficiary's income interest and any person treated as a beneficiary under § 1.643(c)–1 (a), (b), or (c) shall be treated as a current income beneficiary for purposes of this subparagraph. The fact that the terms of a trust do not preclude the current income beneficiary from transferring his or her interest in the trust or do not preclude a person other than the current income beneficiary named in the trust instrument from being treated as a beneficiary of the trust under § 1.643(c)–1 (a), (b), or (c) shall not preclude the trust from qualifying as a qualified Subchapter S. trust.

(3) *Qualified Subchapter S trust election.* This paragraph applies to the election provided in section 1361(d)(2) to treat a qualified Subchapter S trust (as

defined in paragraph (i)(1) and (2) of this section) as a Subpart E trust, and thus a qualifying shareholder. This election shall be made separately with respect to each corporation whose stock is held by the trust. The current income beneficiary of the trust or the legal representative of the current income beneficiary (or a natural or an adoptive parent of the current income beneficiary in the case where a legal representative has not been appointed, but only if the current income beneficiary is a minor) shall make this election by signing and filing with the service center with which the corporation files its income tax return a statement that—

(i) Contains the name, address, and taxpayer identification number of the current income beneficiary, the trust, and the corporation,

(ii) Identifies the election as an election made under section 1361(d)(2),

(iii) Specifies the date on which the election is to become effective (not earlier than 15 days and two months before the date on which the election is filed),

(iv) Specifies the date (or dates) on which the stock of the corporation has been transferred to the trust, and

(v) Provides all information necessary to show that the trust meets all the requirements set forth in paragraphs (i)(1) and (2) of this section.

In general, the election under section 1361(d)(2) ("the QSST election") must be filed within the 16-day-and-2-month period beginning on the date on which the stock of the corporation is initially transferred to the trust or within the 16-day-and-2-month period beginning on the first day of the first taxable year for which the election under section 1362(a) ("the S election") is effective, whichever period of time occurs later. If stock of the corporation has been transferred to the trust on or before the date on which the corporation makes the S election, and if that election and that transfer are made before the beginning of the first day of the first taxable year for which the S election is effective, the QSST election must be filed within the 16-day-and-2-month period beginning on the date on which the corporation makes the S election. In the case of a trust (other than a qualified Subchapter S trust) which ceases to be a Subpart E trust (as defined in paragraph (h)(3)(i) of this section), the QSST election must be filed within the 16-day-and-2-month period beginning on the date on which the trust ceases to be a Subpart E trust or, if applicable, the date on which the estate of the deemed owner ceases to be treated as a shareholder under paragraph (h)(1)(i) of this section. The QSST election may not be made by a beneficiary of a Subpart E trust (as described in paragraph (h)(1)(i) of this section without regard to this paragraph (i)).

In addition, the QSST election may not be made by a beneficiary of a trust with respect to a corporation if a person (other than such beneficiary or his or her spouse) is treated under Subpart E, Part I, Subchapter J, Chapter 1 of the code as the owner as to any part of that portion of the trust which consists of the stock of that corporation. The QSST election does not itself constitute an election as to the status of the corporation; the corporation must make the S election to be treated as an S corporation.

(4) *Coordination with grantor trust rules.* For purposes of Subpart E, Part I, Subchapter J, Chapter 1 of the code, if a valid QSST election is made, the beneficiary shall be treated under section 678(a) as the owner of that portion of the trust which consists of the stock with respect to which such election was made, contrary provisions of section 678 notwithstanding.

(5) *Successive income beneficiary.* If a prior income beneficiary of a qualified subchapter S trust has made an election under section 1361(d)(2), a successive income beneficiary of that trust shall be treated as consenting to the election unless the successive income beneficiary affirmatively refuses to consent to the election. For this purposes, the term "successive income beneficiary" does not include any beneficiary of a separate trust that is newly created upon the death of the income beneficiary of the qualified Subchapter S trust. A successive income beneficiary of the trust shall make the affirmative refusal to consent by signing and filing with the service center with which the corporation files its income tax return a statement that—

(i) Contains the name, address, and taxpayer identification number of the successive income beneficiary, the trust, and the corporation,

(ii) Identifies the refusal as an affirmative refusal to consent made under section 1361(d)(2), and

(iii) Sets forth the date on which the successive income beneficiary became the income beneficiary.

The affirmative refusal to consent must be filed within 15 days and 2 months after the date on which the successive income beneficiary became the income beneficiary. The affirmative refusal to consent shall be effective as of the date on which the successive income beneficiary became the income beneficiary.

(6) *Revocation of election under section 1361(d)(2).* An election made under section 1361(d)(2) may be revoked only with the consent of the Commissioner. An application for consent to revoke the election must be signed by the current income beneficiary and shall—

(i) Contain the name, address, and taxpayer identification number of the current income beneficiary, and of the trust and the corporation identified in connection with the election,

(ii) Identify the election being revoked as an election made under section 1361(d)(2), and

(iii) Explain why the current income beneficiary seeks to revoke the election.

The application for consent to revoke the election must be submitted to: Commissioner of Internal Revenue, Attention: CC:IND, 1111 Constitution Avenue, NW, Washington, DC 20224.

(j) *Examples.* The provisions of paragraphs (h) and (i) of this section may be illustrated by the following examples:

Example (1). (i) A, an individual who is a United States citizen, transfers in 1983 to a trust her shares of stock of Corporation M, a calendar year corporation with ten shareholders. Under the terms of the trust, A has the power to revest the entire corpus and the income therefrom in herself and B is the sole beneficiary. Moreover, the trust will continue in existence after A's death. Corporation M makes an election to be an S corporation that is effective for calendar year 1983. The trust qualifies as a Subpart E trust described in section 1361(c)(2)(A)(i), and thus A (and not the trust) is treated as the shareholder for purposes of section 1361(b)(1).

(ii) Assume the same facts as in example (1)(i) except that A dies without having exercised her power, and that upon A's death the trust ceases to be a Subpart E trust because no individual is deemed to be the owner of the entire trust (income and corpus). Since the trust ceases to be a Subpart E trust upon A's death, A's estate (and not the trust) is treated as the shareholder for purposes of section 1361(b)(1). Under section 2038, the entire corpus of the trust is includible in A's gross estate. Accordingly, A's estate shall cease to be treated as the shareholder of that stock upon the earlier of the transfer of that stock by the trust (other than to A's estate) or the expiration of the 2-year period beginning on the date on which A died.

(iii) Assume the same facts as in Example (1)(ii) except that the terms of the trust also provide that, if A does not exercise her power before her death, B will have the power exercisable solely by himself to vest the entire corpus and the income therefrom in himself. Although A has died, the trust continues to qualify as a Subpart E trust because, upon A's death, B is deemed to be the owner of the entire trust (income and corpus). Since the trust does not cease to be a Subpart E trust upon A's death, B (and not the

estate of A) is treated as the shareholder for purpose of section 1361(b)(1).

Example (2). C, the sole shareholder of an S corporation, established an irrevocable trust for the benefit of his son, D, and transfers shares of the corporation to the trust. The trust will terminate on the earlier of D's death or after 10 years and 1 day. Upon termination the trust corpus will revert to C and all accumulated but previously undistributed trust income will be distributed to D or his estate. During the term of the trust, D has a noncumulative power to withdraw all ordinary trust income, and all income allocable to trust corpus, earned during each taxable year. Under these facts, the trust does not qualify as a Subpart E trust under section 1361 because for purposes of that section the entire trust (corpus and income) is not treated as owned by one individual. Accordingly, the trust is an ineligible shareholder and the corporation ceases to be an S corporation as of the date of the stock transfer.

Example (3). F holds interests in two S corporations, Corporation O and Corporation P. F directly owns his shares of stock in Corporation P. F's shares of stock in Corporation O are held by a Subpart E trust with F as the deemed owner. F dies on July 1, 1983. The trust continues in existence after F's death but is no longer a Subpart E trust. The entire corpus of the trust is not includible in F's gross estate. On August 1, 1983, F's shares of stock in Corporation P are transferred to the trust pursuant to the terms of F's will. Under section 1361 (c)(2)(B)(iii), the last day on which F's estate could be treated as the shareholder of Corporation P would be September 29, 1983 (*i.e.*, the 59th day after the date of transfer). Since the stock of Corporation P was not held by the trust when F died, section 1361(c)(2)(B)(ii) does not apply with respect to that stock. With respect to the shares of stock in Corporation O held by the trust, section 1361(C)(2)(B)(ii) is applicable and the last day on which F's estate could be treated as a shareholder of Corporation P would be August 29, 1983 (*i.e.*, the 59th day after the date of death).

Example (4). (i) Corporation Q, a calendar year corporation with 15 shareholders, makes an election to be an S corporation that is effective for calendar year 1983. On July 1, 1983, G, a shareholder of Corporation Q, transfers his shares of Corporation Q stock to a trust with H as its current income beneficiary. The trust, which uses the calendar year as its taxable year, initially satisfies all the requirements to be a qualified Subchapter S trust, even though its terms do not require that all income of the trust be distributed currently. On August 1, 1984, H makes a qualified Subchapter S trust election (hereinafter in this paragraph referred to as QSST election) with respect to Corporation Q that becomes effective as of July 1, 1983. Accordingly, as of July 1, 1983, the trust is a qualified Subchapter S trust that is treated as a Subchapter E trust and H is treated as the shareholder for purposes of section 1361(b)(1).

(ii) Assume the same facts as in Example (4)(i), and further assume that, for the taxable year ending on December 31, 1983, the trust does not distribute all its income currently. As of January 1, 1984, the trust ceases to be a qualified Subchapter S trust and the trust is no longer treated as a Subpart E trust. Thus, the trust is considered to be the shareholder as of that date for purposes of Section 1361(C)(1), and Corporation Q ceases to be an S corporation as of that date because the trust is an ineligible shareholder.

(iii) Assume the same facts as in Example (4)(i) except that H dies on November 1, 1983, and that I and J become income beneficiaries of the trust after H's death. The trust ceases to be a qualified Subchapter S trust as of that date because it has more than one current income beneficiary. For the 60-day period beginning on November 1, 1983, H's estate (and not the trust) is considered to be the shareholder for purposes of Section 1361(b)(1) because the trust ceases to be treated as a Subpart E trust upon H's death. See section 1361(c)(2)(A)(ii).

Example (5). On January 1, 1983, stock of Corporation R, a calendar year S corporation, is transferred to a trust that satisfies all the requirements to be a qualified Subchapter S trust. The terms of the trust do not preclude the current income beneficiary, K, from assigning his income interest in the trust. K files in January 1983 a QSST election that is effective as of January 1, 1983. On July 1, 1983, K assigns his income interest in the trust to a person not named in the trust instrument. The assignee is treated as a current income beneficiary for purposes of determining whether the trust still qualifies as a qualified Subchapter S trust. Because the assignee's income interest will terminate on K's death (rather than the assignee's), the trust does not meet the requirement set forth in section 1361(d)(3)(A)((iii). Accordingly, the trust ceases as of the date of the assignment to be a qualified Subchapter S trust, and Corporation R ceases to be an S corporation as of the same date.

Example (6). Assume that the terms of a trust provide for termination of the trust only upon the death of the current income beneficiary. Although the terms of the trust fail to explicitly provide for the distribution of trust assets to the current income beneficiary upon termination of the trust during the life of the current income beneficiary, the requirement of a section 1361 (d)(3) (A) (A) is met because the trust agreement precludes the possibility that the trust will terminate during the life of the current income beneficiary.

Example (7). On January 10, 1983, C transfers to a trust his shares of stock in Corporation S, a C corporation. C is the holder of the remainder interest and D, who is 13 years old, is the sole income beneficiary of the trust. The trust instrument provides that they trust shall terminate when D is 21 years old. The terms of the trust satisfy all the requirements to be a qualified Subchapter S trust except the requirement of section 1361 (d) (3) (A) (iv) that, upon termination of the trust during the life of the current income beneficiary, the corpus must be distributed to that income beneficiary. On February 10, 1983, C makes a gift of his remainder interest to D. Accordingly, as of February 10, 1983, the terms of the trust satisfy the requirement specified in section 1361 (d) (3) (A) (iv) and the trust is a qualified Subchapter S trust.

Example (8).(i) On January 1, 1983, stock of Corporation T, a calendar year corporation with 10 shareholders, is transferred to a trust that satisfies all the requirements to be a qualified Subchapter S trust. On January 31, 1983, Corporation T files an election to be an S corporation that is to be effective for the taxable year beginning on January 1, 1983. In order for the election to be effective for that taxable year, the QSST election must be effective as of January 1, 1983, and must be filed within the period beginning on January 1, 1983, and ending on March 16, 1983 (*i.e.*, the 16-day-and-2-month period beginning on the first day of the first taxable year for which the election to be an S corporation is effective).

(ii) Assume the same facts as in example (9) (i) except that the election to be an S corporation is filed on April 1, 1983 (*i.e.*, it is filed after the 15th day of the 3rd month of the first taxable year for which its is to be effective but before the end of that taxable year). Although the election to be an S corporation is not timely filed for the 1983 taxable year, section 1362 (b) (3) provides that the election is to be treated as made for the taxable year beginning on January 1, 1984. In order for that election to be effective for the 1984 taxable year, it must be valid when made. Thus, the QSST election must be filed within the 16-day-and-2-month period beginning on April 1, 1983, and ending of June 16, 1983 (and the election must state that it is to be effective on April 1, 1983).

(iii) Assume the same facts as in example (9) (i) except that the QSST election is filed on April 15, 1983 (*i.e.*, the 15th day of the 3rd month after the date on which the corporation makes the election to be an S corporation). Because the QSST election is not effective as of the beginning of Corporation T's 1983 taxable year, the election to be an S corporation is not valid for 1983. In that case, section 1362 (b) (2) provides that the election to be an S corporation is to be treated as made for the taxable year beginning on January 1, 1984. Since the QSST election is filed within the 16-day-and-2-month period beginning on January 31, 1983, the date on which the corporation makes the election to be an S corporation, the election to be an S corporation is effective for the taxable year beginning on January 1, 1984 (provided the QSST election states that it is to be effective as of January 31, 1983, which is the date of the election to be an S corporation).

(k) *Application.* The rules contained in paragraphs (e) (2) and (h) (1) of this section apply solely for purposes of determining whether a corporation qualifies as a small business corporation. Thus, for example, the rule contained in paragraph (h) (1) of this section may not apply to determine who is a shareholder for purposes of section 1366 (*i.e.*, to whom the items of income, loss, deduction, or credit of the corporation are to be distributed).

(l) *Single class of stock.* [Reserved]

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 86-22703 Filed 10-6-86; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

Public Comment Period; Proposed Amendment to Utah Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and public hearing on the substantive adequacy of a proposed program amendment submitted by Utah to modify the Utah permanent regulatory program (hereinafter referred to as the Utah program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment concerns the program definitions for "coal processing" and "coal processing plant." This notice sets forth the times and locations that the Utah program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and the procedures for the hearing, if requested.

DATES: Written comments from members of the public not received by 4:30 p.m. on November 6, 1986 will not necessarily be considered in the Director's decision on whether the proposed amendments satisfy the criteria for approval.

A public hearing on the proposed amendments has been scheduled for November 3, 1986. Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address and telephone number listed below by October 22, 1986. If no person has contacted Mr. Hagen by this date to express an interest in participating in this hearing, the hearing will not be held.

ADDRESSES: The public hearing will be held between 1:00 p.m. and 4:00 p.m. at 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah. Written comments and requests for an opportunity to speak at the public hearing should be sent to Mr. Robert Hagen, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Albuquerque, New Mexico 87102.

Copies of the Utah program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSMRE Field Office above and the OSMRE Headquarters office 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 requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSMRE Albuquerque Field Office:

Utah Division of Oil Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84180-1203, Telephone: (810) 538-5340

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street NW., Room 5124, Washington, DC 20240, Telephone: (202) 343-5351.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program under SMCRA for the regulation of the surface coal mining operations in the State (46 FR 5890-5915).

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 Utah program can be found in the January 21, 1981 **Federal Register** (46 FR 5899-5915). Subsequent actions concerning the Utah program are listed under 30 CFR 944.15 and 944.16.

Proposed Amendment

On September 3, 1986, Utah submitted a proposed amendment to modify the definitions for "coal processing" and "coal processing plant" under the State regulations at SMC/UMC 700.5. As a result of a ruling of the District Court for the District of Columbia on July 6, 1984, the requirement to obtain a mining permit was extended to include processing facilities which in any way leach, chemically process, or physically process coal, even if they do not separate coal from its impurities. The Utah rules, which were adopted by the Utah Board of Oil, Gas and Mining on July 31, 1986, are intended to bring these facilities under jurisdiction of the Utah program in accordance with the court's decision.

The Director, OSMRE, is seeking public comment on the adequacy of the proposed program amendment in satisfying the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17. Comments should specifically address the issue of whether the proposed amendments are in accordance with SMCRA and no less effective than its implementing regulations.

Additional Determinations

1. Compliance with the National Environmental Policy Act

The Secretary had 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, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will 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 944

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

Dated: September 30, 1986.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 86-22646 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 3

Evidence Other Than Evidence of Service; Acceptability of Photocopies

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration (VA) is proposing to amend its adjudication regulations to permit the acceptance of photocopies of documentary evidence in certain cases. This amendment is necessary to alleviate the burden and reduce the cost to claimants and beneficiaries who are required to submit documentary evidence to establish birth, death, marriage or relationship in connection with claims for veterans' benefits. The effect of this amendment will be to increase the sources of acceptable photocopied evidence while clarifying the categories of individuals who will be authorized to perform this function.

DATES: Comments must be received on or before November 5, 1986. This amendment is proposed to be effective November 6, 1986.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding these regulations to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, at the above address and only between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until November 14, 1986.

FOR FURTHER INFORMATION CONTACT: Robert M. White, Chief, Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, (202) 233–3005.

SUPPLEMENTARY INFORMATION: Current regulations on the evidence necessary to establish birth, death, marriage and relationship generally require the submission of original documents or certified copies of official documents issued by the custodian of public records. Photocopies of those documents can then be made by VA employees with the originals being returned to claimants. This procedure is cumbersome for the VA and burdensome to a number of claimants who, fearing the loss of important documents in the mail, elect to bring their original documents to the nearest VA office for reproduction. In some cases, large Western States for example, such trips can exceed 100 miles.

This burden can be alleviated by expanding the sources of acceptable certification of photocopied documents. To maintain program integrity, however, such an expansion should be limited to individuals who are familiar with the wide variety of programs administered by the VA and who deal with retired or former military personnel or their dependents on a regular basis. It is also desirable to limit the group to those against whom administrative sanctions, such as adverse personnel actions or derecognition of their status as claims representatives, can be readily invoked.

Based on the above criteria we have identified four groups of individuals from whom certified photocopies of documentary evidence to establish birth, death, marriage and relationship would be acceptable. First, VA employees who are authorized to administer oaths. Second, representatives of veterans' service organizations who are accredited by the VA under 38 CFR Part 14. Third, military personnel appointed on orders for this purpose by the commander of a military installation. Fourth, any official of an approved educational institution or rehabilitation facility who is authorized to certify enrollments when such documentary evidence is submitted in connection with a claim for benefits under 38 U.S.C. Chapters 30, 31, or 34.

Under this proposed amendment the documentary evidence of birth, death, marriage or relationship that is required by 38 CFR 3.205 through 3.215 would still have to be obtained by the claimant for presentation to one of the cited individuals who, if satisified with the authenticity of the documents, would then certify true and exact copies for use by the VA. This would allow claimants to retain the originals which may be required for other purposes while providing the VA with acceptable evidence for adjudicating claims. These additional sources of acceptable certification will also provide claimants who reside at some distance from the nearest VA regional office with a greater selection of more convenient locations where documents can be photocopied.

We propose to implement this extension of certification authority by appropriately amending 38 CFR 3.204(c). In addition, cross-references have been added to 38 CFR 3.205 through 3.215 to reinforce the applicability of this new provision. We also propose to amend 38 CFR 3.202(c) to provide that photocopies of evidence from foreign countries are acceptable if the documents meet the requirements of § 3.202 and the copies are certified in accordance with § 3.204(c) as proposed.

Language has been revised in 38 CFR 3.205 through 3.215 to make the regulations gender neutral.

The Administrator hereby certifies that this proposed regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act 5 U.S.C. 601–612. Therefore, pursuant to 5 U.S.C. 605(b), this proposed regulation is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that this regulation imposes no regulatory burdens on small entities, and only claimants for VA benefits will be directly affected.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that this proposed regulation is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.109, 64.110, 64.116, 64.117 and 64.125)

Approved: September 16, 1986.

By direction of the Administrator.

Thomas E. Harvey,

Deputy Administrator.

PART 3—[AMENDED]

38 CFR Part 3, ADJUDICATION, is proposed to be amended as follows:

1. In § 3.202 paragraph (c) is revised to read as follows:

§ 3.202 Evidence from foreign countries.

* * * * *

(c) Photocopies of original documents meeting the requirements of this section will be accepted if certified in accordance with § 3.204(c) of this part. (38 U.S.C. 210(c))

2. In § 3.204 paragraph (c) is revised to read as follows:

§ 3.204 Evidence other than evidence of service.

* * * * *

(c) *Acceptability of photocopies.* (1) Photocopies of original documents necessary to establish birth, death, marriage or relationship under the provisions of §§ 3.205 through 3.215 of this part are acceptable as evidence if an individual described in paragraph (c)(2) of this section has viewed the original document to be copied, is satisfied as to the document's genuineness and freedom from alteration, and certifies that the photocopy submitted as evidence is a true and exact copy of the original document viewed.

(2) For purposes of this paragraph, individuals authorized to certify photocopies of original documents are limited to:

(i) Any VA employee who is authorized to administer oaths.

(ii) Any representative of a veterans' service organization who is accredited under the provisions of Part 14 of this title.

(iii) Military personnel appointed on orders for this purpose by the commander of a military installation.

(iv) Any official of an approved educational institution or rehabilitation facility who is authorized to certify enrollments when such documentary evidence is submitted in connection with a claim for benefits under 38 U.S.C. chapters 30, 31 or 34. (38 U.S.C. 210(c))

§§ 3.205, 3.208 and 3.214 [Amended]

3. In §§ 3.205(c), 3.208 and 3.214 remove the words "widow or widower," "widows," or "widow" wherever they appear and add, in their place, the words "surviving spouse".

§ 3.209 [Amended]

4. In § 3.209 remove the words "Secondary evidence" in the cross reference at the end of the section and add, in their place, the words "Evidence other than evidence of service."

5. In § 3.210 paragraph (c)(2) is revised to read as follows:

§ 3.210 Child's relationship.

* * * * *

(c) * * *

(2) As to a child adopted by the veteran's surviving spouse after the veteran's death, the statement of the adoptive parent or custodian of the child will be accepted in absence of information to the contrary, to show that the child was a member of the veteran's household at the date of the veteran's death and that recurring contributions were not being received for the child's maintenance sufficient to provide for the major portion of the child's support, from any person other than the veteran or surviving spouse or from any public or private welfare organizations which furnished services or assistance to children. (Pub. L. 86–195)

* * * * *

§ 3.212 [Amended]

6. In § 3.212(a) remove the word "his" wherever it appears and add, in its place, the words "his or her".

7. In § 3.213, paragraphs (a)(1), (a)(2) and (a)(3) are revised to read as follows:

§ 3.213 Change of status affecting entitlement.

(a) * * *

(1) *Veteran.* A statement by the veteran setting forth the month and year of death of a spouse, child, or dependent parent.

(2) *Surviving spouse.* A statement by the surviving spouse or remarried surviving spouse setting forth the month and year of remarriage and any change of name. (An award for a child or children who are otherwise entitled may be made to commence the day following the date of discontinuance of any payments to the surviving spouse.)

(3) *Child.* A statement by the veteran or surviving spouse (where an additional allowance is being paid to the veteran or surviving spouse for a child), or fiduciary, setting forth the month and year of the child's death, marriage, or discontinuance of school attendance. A similar statement by a child who is receiving payments direct will be accepted to establish the child's marriage or the discontinuance of school attendance. Where appropriate, the month and year of discontinuance of school attendance will be required in addition to the month and year of death or marriage of a child. (38 U.S.C. 210(c))

* * * * *

(8) Section 3.215 is revised to read as follows:

§ 3.15 Termination of marital relationship or conduct.

On or after January 1, 1971, benefits may be resumed to an unmarried surviving spouse upon filing of an application and submission of satisfactory evidence that the surviving spouse has ceased living with another person and holding herself or himself out openly to the public as that person's spouse, or that the surviving spouse has terminated a relationship or conduct which had created an inference or presumption or remarriage of related to open or notorious adulterous cohabitation or similar conduct. Such evidence may consist of, but is not limited to, the surviving spouse's certified statement of the fact. (38 U.S.C. 103(d); sec. 5, Pub. L. 91–376)

§§ 3.205 through 3.208, and 3.210 through 3.215 [Amended]

9. In §§ 3.205, 3.206, 3.207, 3.208, 3.210, 3.211, 3.212, 3.213, 3.214, and 3.215 add the following cross reference after the section:

Cross Reference: Evidence other than evidence of service. See § 3.204.

[FR Doc. 86–22680 Filed 10–6–86; 8:45 am]
BILLING CODE 8320–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Residency Training in the General Practice of Dentistry

AGENCY: Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation would amend the regulations governing the program of "Grants for Residency Training in the General Practice of Dentistry" to include a definition of an "approved advanced educational program in the general practice of dentistry." The proposal would also revise the regulations to incorporate amendments made to section 786(b) of the Public Health Service Act (the Act) by Pub. L. 99–129, the Health Professions Training Assistance Act of 1985, enacted on October 22, 1985.

DATE: Comments on this proposed rule are invited. To be considered, comments must be received by December 8, 1986.

ADDRESSES: Respondents should address written comments to the Director, Bureau of Health Professions (BHPr), room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. All comments received will be available for public inspection and copying at the Office of Program Support, BHPr, Room 7–74, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Richard G. Weaver, D.D.S., Chief, Dental Health Branch, Division of Associated and Dental Heath Professions, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–15, 5600 Fishers Lane, Rockville, Maryland 20857; telephone: 301–443–6837.

SUPPLEMENTARY INFORMATION: Section 786(b) of the Act authorizes the award of grants to public nonprofit private schools of dentistry or accredited postgraduate dental training institutions (e.g., hospital and medical centers) to plan, develop, and operate an approved residency training program in the general practice of dentistry and to provide financial assistance to residents participating in a program who are in need of financial assistance and who plan to specialize in the practice of general dentistry.

Public Law 99–129 extends support under section 786(b) to include as an additional program an "approved advanced educational program in the general practice of dentistry." In accordance with the new provision, the Department is proposing to establish and include in the regulations a definition for an "approved advanced educational program in the general practice of dentistry," as follows: An "approved advanced educational program in the general practice of dentistry" means an advanced educational program in general dentistry which has received an accreditation by the Commission on Dental Accreditation. The proposed definition will assure that programs of advanced education in general dentistry receiving grant support under section 786(b) of the Act will meet guidelines recognized and established by dental educators for content, structure, operation, staff and resources that are essential to program quality and achievement of objectives. These program objectives are designed to better develop skilled general dentists to provide a broader range of clinical services and make fewer referrals to specialists.

The proposed definition also uses the same criteria which define an "approved residency training program" under the existing regulation. This will assure that all general dentistry grant awards made under section 786(b), whether for residency training or advanced education, will be consistent in purpose, scope and quality.

In addition to the proposed definition, the following clarifying and ministerial revisions are necessary for the existing regulations.

1. Revise the title of 42 CFR Part 57, Subpart L, from "Grants for Residency Training in the General Practice of Dentistry" to "Grants for Residency Training and Advanced Education in General Dentistry," and delete the word "resident(s)" and insert in lieu thereof the word "participant(s)" wherever it appears in the text.

2. Revise § 57.1102, "*Definitions.*", to reference the accrediting body by its new name and accreditation classifications, listed in two definitions within this section of the regulation, and add "Commonwealth of the" to the "Northern Mariana Islands" to the definition of "State."

3. Revise § 57.1104, *"How must an entity apply for a grant?"*, to substitute the word "stipend" for "salaries" in order to have consistency of terms in referencing the type of support of participants in the two types of programs which can now receive grant support.

4. Revise § 57.1107, *"How will grant awards be made?"*, to clarify that stipends for participants in an advanced educational program in general dentistry will be paid in accordance with Public Health Service postdoctoral stipend rates.

5. Revise the authority citation to correct a misprint in the *Code of Federal Regulations*, and add the statutory citation from Pub. L. 99–129.

Regulatory Flexibility Act and Executive Order 12291

These regulations govern a financial assistance program in which particiaption is voluntary. The rule will not exceed the threshold level of $100 million established in section (b) of Executive Order 12291. For these reasons, the Secretary has determined that this rule is not a major rule Executive Order 12291 and a regulatory impact analysis is not required. Further, because the rule does not have a signficant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

Paperwork Reduction Act of 1980

Section 57.1104 contains information collection requirements which are subject to review by the Office of Management and Budget (OMB) under section 3507 of the Paperwork Reduction Act of 1980. We have submitted a copy of these information collection requirements to OMB for approval.

Other organizations and individuals desiring to submit comments on the information collections should direct them to the agency official designated for this purpose whose name appears in this preamble, and to theOffice of Information and Regulatory Affairs, OMB, New Executive Office Building (Room 3208), Washington, DC 20505, ATTN: Desk Officer of HHS.

List of Subjects in 42 CFR Part 57

Dental health, Education of the disadvantaged, Educational facilities, Educational study programs, Emergency medical services, Grant programs-education, Grant Programs-health, Health facilities, Health professions, Loan programs-health, Medical and dental schools, Student aid.

(*Catalog of Federal Domestic Assistance*, No. 13.897, Grants for Residency Training in the General Practice of Dentistry)

Dated: July 28, 1986.

Robert E. Windom,

Assistant Secretary for Health.

Approved: August 22, 1986.

Otis R. Bowen,

Secretary

Accordingly, Subpart L of 42 CFR Part 57 is proposed to be revised as follows:

PART 57—[AMENDED]

1. The title of 42 CFR Part 57, Subpart L is revised to read as follows:

Subpart L—Grants for Residency Training and Advanced Education in Dentistry

2. The authority citation for Part 57, subpart L is revised

Authority: Sec. 215 of the Public Health Service Act, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 786(b) of the Public Health Service Act, 90 Stat. 2317, as amended by 99 Stat. 540–541 (42 U.S.C. 295g–6(b)).

3. Section 57.1101 is amended to read as follows:

§ 57.1101 To what projects do these regulations apply?

These regulations apply to the award of grants under section 786(b) of the Public Health Service Act to schools of dentistry and to accredited postgraduate dental training institutions to meet the cost of projects to: (a) Plan, develop and operate an approved residency training program in the general practice of dentistry or an approved advanced educational program in the general practice of dentistry; and (b) Provided financial assistance (in the form of traineeships and fellowships) to praticipants in such a program who are in need of financial assistance and who plan to practice general dentistry.

4. Section 57.1102 is amended by revising the following definitions:

§ 57.1102 Definitions.

* * * * *

"Accredited postgraduate dental training institution" means a public or private nonprofit institution which operates a postgraduate dental training program that has received an accreditation classification of "preliminary provisional approval," "accreditation eligible," "provisional approval," "conditional approval," or

"approval" by the Commission on Dental Accreditation.

* * * * *

"Approved residency training program," "approved advanced educational program," or "program" means a general practice residency program or an advanced educational program in dentistry which has received an accreditation classification of "preliminary provisional approval," "accreditation eligible," "provisional approval," "conditional approval," or "approval" by the Commission on Dental Accreditation.

* * * * *

"State" means, in addition to the several States, the District of Columbia, Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

5. Section 57.1104 is amended by revising paragraph (c) to read as follows:

§ 57.1104 How must an entity apply for a grant?

* * * * *

(c) In addition to other pertinent information that the Secretary may require, an application for a grant under this subpart must contain: (1) A full and adequate description of the proposed project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, in particular the requirements of § 57.1105, and (2) A budget justification for the funds requested. If the applicant requests funds for stipend support of participants, the applicant must provide evidence showing that income available from other sources, including income derived from services of the participants in the program, will be insufficient to pay their stipends and that grant funds will not be used to supplant other available funds.

6. Section 57.1105 is amended by revising paragraphs (a), (b), (e), and (f) to read as follows:

§ 57.1105 What requirements must a project meet?

* * * * *

(a) The project staff must plan, develop, and/or operate an approved residency or advanced educational program in the general practice of dentistry.

(b) Each project must have at least two participants enrolled in the training program.

* * * * *

(e) Each participant who receives stipend support must sign a statement of intent to work in the practice of general dentistry

(f) The training program, the performance of each participant, and the quality of patient care must be evaluated.

7. Section 57.1106 is amended by revising paragraphs (d) and (e) and adding paragraph (f) to read as follows:

§ 57.1106 What are the criteria for deciding which applications are to be funded?

* * * * *

(d) The qualifications of proposed staff and faculty;

(e) The potential of the project to continue on a self-sustaining basis after the period of grant support; and

(f) The degree to which the proposed project proposes to attract, maintain and graduate minority and disadvantaged students.

8. Section 57.1107 is amended by revising paragraph (b) to read as follows:

§ 57.1107 How will grant awards be made?

* * * * *

(b) *Determination of grant amount.* The Secretary will determine the amount of any award under this subpart on the basis of his or her estimate of the sum necessary for the direct costs of the project plus an additional amount for indirect costs, if any, which the Secretary will calculate either: (1) On the basis of his or her estimate of the actual indirect costs of the project, or (2) on the basis of a percentage of all, or a portion of the estimated direct costs of the project when there are reasonable assurances that the use of the precentage will not exceed the approximate actual indirect costs. This award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the Secretary has determined the amount properly expended by the grantee for provisional items. In addition, determining the amount of stipend support to be made available for the general practice residency program, the amount of any stipend must be limited to that portion of the annual amount normally paid to other residents by the applicant which the Secretary determines, on the basis of the documentation required in the application, cannot reasonably be paid from other available funds, including the incomes derived from the residents' services. For the Advanced educational program in general dentistry, stipends for participants (who are postdoctoral students) must be paid in accordance with established Public Health Service postdoctoral stipend rates.

[FR Doc. 86-22606 Filed 10-6-86; 8:45 am]
BILLING CODE 4160-15-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

ACTION: Notice of public hearings and request for comments.

SUMMARY: The South Atlantic Fishery Management Council will hold public hearings to review Amendment 2 to the Coastal Migratory Pelagic Resources (Mackerel) FMP. Copies of Amendment 2 are available through the South Atlantic Fishery Management Council.

DATES: See **"SUPPLEMENTARY INFORMATION"** for dates and locations of the hearings. All hearings will begin at 7:00 p.m., and will adjourn at 10:00 p.m. Public comments are invited through October 27, 1986.

ADDRESSES: See **"SUPPLEMENTARY INFORMATION"** for locations of the hearings. Written comments should be sent to the South Atlantic Fishery Management Council, 1 Southpark Circle, South park Building, Suite 306, Charleston, SC 29407.

FOR FURTHER INFORMATION CONTACT: Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, 803-571-4366.

SUPPLEMENTARY INFORMATION: The hearings are scheduled as follows:

October 6, 1986—Teen Center, 2465 South Roosevelt Boulevard, Key West, FL

October 7, 1986—Holiday Inn, Oceanfront, 2600 North A1A, Ft. Pierce, FL

October 8, 1986—Holiday Inn, Surfside, 2700 North Atlantic Avenue, Daytona Beach, FL

October 9, 1986—Hilton Head Island High School, The Chorus Room, 1983 School Road, Hilton Head Island, SC

October 10, 1986—The Beach Cove Inn, 4800 South Ocean Boulevard, North Myrtle Beach, SC

October 14, 1986—North Carolina Marine Resources Center, Ft. Fisher, Kure Beach, NC

October 15, 1986—North Carolina Marine Resources Center, Salter Path Road, Atlantic Beach, NC

October 16, 1986—North Carolina Marine Resources Center, Manteo, NC

October 27, 1986—King and Prince Hotel, St. Simons Island, GA

Dated: October 2, 1986.

Richard B. Roe,

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

[FR Doc. 86-22274 Filed 10-2-86; 4:26 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 194
Tuesday, October 7, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Public hearing Regarding the Hazlehurst and Baxley, GA, Tobacco Markets

Notice is hereby given of a public hearing regarding the Hazlehurst and Baxley, Georgia, tobacco markets.

Date: October 28, 1986.

Time: 10 a.m., local time

Place: Appling County Courtroom, Appling County Courthouse, North Main street, Baxley, Georgia.

Purpose: To hear testimony and to receive other evidence regarding an application for tobacco inspection and price support services to a new market, which would be a consolidation of the currently designated markets of Hazlehurst and Baxley, Georgia. The application was made by Mr. Barnie O'Quinn, Jr., Mr. Larry Contos, Mr. Jimmie Ryles, Mr. Luther Taylor and Mr. Verle Thigpen of Hazlehurst, Georgia; Mr. Barnie O'Quinn, Sr., Mr. David Vowell, Mr. William Terry Turner, Mr. Russell Crosby, Mr. Lanier Browning and Mr. Valene Bennett of Baxley, Georgia. This public hearing will conducted pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR § 29.1 through 29.3).

Dated: October 2, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection services.

[FR Doc. 86-22655 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-02-M

Public Hearing Regarding the Williamston and Robersonville, NC, Tobacco Markets

Notice is hereby given of a public hearing regarding the Williamston and Robersonville, North Carolina, tobacco markets.

Date: October 30, 1986.

Time: 10 a.m., local time.

Place: District Courtroom, Martin County Governmental Center, East Main Street, Williamston, North Carolina.

Purpose: To hear testimony and to receive other evidence regarding an application for tobacco inspection and price support services to a new market, which would be consolidation of the currently designated markets of Williamston and Robersonville, North Carolina. The application was made by Mr. John M. Rogers and Mr. William C. Lilley of Williamston, North Carolina; Mr. J.A. Sharp and Mr. Edwin Lee, Robersonville, North Carolina. This public hearing will be conducted pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated market (7 CFR 29.1 through 29.3).

Dated: October 2, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-22657 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-02-M

Public Hearing Regarding the Darlington and Timmonsville, SC; Tobacco Markets

Notice is hereby given of a public hearing regarding the Darlington and Timmonsville, South Carolina, tobacco markets.

Date: October 29, 1986.

Time: 10 a.m., local time.

Place: District Courtroom, Darlington City Hall, Pearl Street (Highway 34 West), Darlington, South Carolina.

Purpose: To hear testimony and to receive other evidence regarding an application for tobacco inspection and price support services to a new market, which would be a consolidation of the currently designated markets of Darlington and Timmonsville, South Carolina. The application was made by Mr. George W. Abbott, Mr. James A. Galloway, Ms. Gail B. Metropol and Mr. J.E. Mozingo, Jr. of Darlington, South Carolina; Mr. Bishop Chilton and Mr. Willard Dorriety of Timmonsville, South Carolina. This public hearing will be conducted pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR 29.1 through 29.3).

Dated: October 2, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-22656 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

Temporary Program to Encourage Use of Grain for Fuel Ethanol

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: On May 2, 1986, the Secretary of Agriculture, on behalf of the Commodity Credit Corporation (CCC), announced a temporary program to encourage the purchase and use of grain in the production of fuel ethanol. The program was undertaken to encourage grain-based ethanol producers to continue in operation, thereby removing surplus grain from the market and assisting in the maintenance of grain prices. The CCC published a notice with respect to this temporary program in the **Federal Register** on June 17, 1986 (51 FR 21940), and requested comments from interested parties.

In addition, ethanol producers using non-grain based feedstocks who sought participation in the temporary program filed an action in the United States District Court for the Western District of Louisiana (*Alpebo* v. *Lyng*, Case No. 86-1431 Section 0). Subsequently, a notice was published in the **Federal Register** on July 23, 1986 (51 FR 26452), and a public hearing was held on July 29, 1986 concerning the possible inclusion of non-grain based ethanol producers in the temporary program. In response, CCC received 28 comments. This notice sets out the decisions made after consideration of evidence presented at the informal hearing, additional materials submitted by parties of *Alpebo* v. *Lyng*, and comments received in response to the June 17 and July 23, 1986 notices.

The CCC has determined to expand its temporary program to include ethanol producers who use not only

whole grains, but also dry milling and wet milling products and syrups derived from such grains. Ethanol producers using only feedstocks derived from surgarcane or sugar beets, or other commodities which are not in the inventory of the CCC, will still not be eligible to participate in the program.

FOR FURTHER INFORMATION CONTACT: Ronald K. Burgess, Deputy Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service (ASCS), USDA, Washington, DC 20250 (202–447–4966).

SUPPLEMENTARY INFORMATION: The CCC established the temporary program at issue, which provides for the issuance of CCC commodity certificates to grain-based ethanol producers at the market value of one bushel of CCC-owned grain for every 2.5 bushels of grain removed from the market and converted to fuel ethanol by the producers under section 423(a) of the Agricultural Act of 1949 (the 1949 Act), as amended by section 1024 of the Food Security Act of 1985 (Pub. L. 99–198). Section 423(a) provides that the CCC may make its accumulated stocks of agricultural commodities available, at no cost or reduced cost, to encourage the purchase of such commodities for the production of liquid fuels and agricultural commodity by-products. Such a program must ensure, insofar as possible, that any agricultural commodities made available encourages increased use of those commodities and avoids displacing their usual marketing.

The CCC initiated its temporary program based upon the determination that financial difficulties faced by grain-based fuel ethanol producers threatened grain prices. Grain-based ethanol producers, who use some 275 million bushels of grain per year, were caught between rapidly falling gasoline prices and relatively stable grain prices. This financial situation endangered the existence of the grain-based ethanol industry. The failure of the industry would eliminate a significant market for grain, resulting in future grain price declines. This in turn would lead to the accumulation in CCC inventory of excessive stocks of grains acquired under CCC's price support programs. The current grain price stability results from the CCC price support program, which established a price support level of $2.55 per bushel for corn. On May 2, 1986, the day the temporary program was announced, the Chicago corn price was $2.4175—$2.4375. Corn prices are declining and lower corn prices are expected when the price support level falls to $1.92 per bushel under the 1986–87 farm program.

In response to the notice published on June 17, 1986 (51 FR 21940), the CCC received various oral and written comments concerning its program. These comments generally concerned the limitation of the program to grain-based ethanol producers, the length of the program and the amount of assistance provided to grain-based ethanol producers. These comments are substantially similar to the 28 comments received in response to the July 23, 1986 notice (51 FR 26452).

Fourteen of these 28 comments suggested that the program be expanded to include ethanol producers who use feedstocks other than grain. These commenters contend that the exclusion of non-grain based ethanol producers places grain-based ethanol producers at a competitive advantage. Six of these comments were from entities that use sugar or molasses in Louisiana ethanol plants. The remaining comments were from three sugar associations; a potato based ethanol producer; an ethanol producer that uses brewery wastes; an ethanol producer that uses organic wastes from food processing plants such as corn wet milling facilities and candy facilities; one entity with a processing facility suitable for using non-grain based feedstocks; and one producer who uses triticale as a feedstock.

The temporary program was intended to further the purposes of the Food Security Act of 1985 by encouraging the use of grain in ethanol production. Extending the program to sugar-based ethanol producers would obviously do nothing to encourage the use of grain in ethanol production and would not otherwise further the purposes of the Act to the same extent.

The CCC's temporary program was intended only to bridge the gap between grain prices in effect at its initiation and lower prices expected this fall, in order to insure the maintenance of grain demand until the new farm program, with its lower grain prices, takes effect. Thus, the temporary program will end on September 30, 1986. Although market prices for corn have declined from May prices, corn is not available at prices which will enable some ethanol producers using corn as feedstocks to remain in business. This condition exists due to the CCC price support programs which, in essence, "guarantee" eligible producers a price for their 1985 crop of corn of $2.55 per bushel. Therefore, producers will deliver corn to CCC at this price through purchases made by CCC or through the forfeiture of grain pledged as collateral for nonrecourse loans, instead of selling corn in the marketplace. Sugar prices, on the other hand, are not subject to the same factors. Although the 1986 crop sugar program has not been announced, section 201 of the 1949 Act provides that the 1986 crop price support level cannot be less than $0.18 per pound, raw value, for sugarcane, which is the support level established for the 1985 crop. Such a situation does not exist with respect to grains. The temporary program for grain-based ethanol producers was intended to provide relief from market dislocations resulting from the price support programs authorized by the Agriculture and Food Act of 1981 until new programs with reduced levels of price support take effect in accordance with the provisions of the Food Security Act of 1985.

Further, ethanol producers who use sugar-based feedstocks are able to purchase molasses, a residue of sugarcane processing, on the world market. The price of molasses is established competitively in the marketplace, unlike that of corn and other grains which are affected by the level of price support in effect for the commodity. Inclusion of sugar-based ethanol producers in the temporary program is not warranted because molasses feedstock costs are not affected by the CCC's program and will not be reduced by an imminent change in price support levels, as in the situation with grain.

CCC has carefully reviewed the assertions and comments made by the six sugar and molasses-based ethanol producers with production facilities located in Louisiana. These comments maintain, basically, that CCC should provide for the inclusion of such producers in the program because CCC maintains an inventory of sugar and that section 423 of the 1949 Act would therefore allow such an expansion of the program. These commenters maintain that their costs for feedstocks exceed those of grain-based ethanol producers. They submitted varying data on these costs. The data generally present a feedstock cost range for sugar and molasses-based plants of $1.08 to $1.18 per gallon and a feedstock cost range of $.49 to $.92 per gallon for corn based plants. Those commenters also maintain that a subsidy rate of $.30 to $.37 per gallon for grain-based ethanol producers exists as the result of CCC's temporary program. The commenters also maintain that 10 percent of Louisiana ethanol production is made from grain and that the one grain-based producer in Louisiana is able to compete at a significant advantage due to CCC's temporary program.

There were no comments by sugar and molasses-based ethanol plants outside the State of Louisiana.

The data presented by one Louisiana commenter who appeared at the informal hearing is illustrative of the ethanol market in which these producers operate. This producer stated stated that "the average [feedstock] cost of ethanol per gallon equals $.7833" based upon a mixture of 20% blackstrap molasses at $90 per ton and sugar at $.04735 per pound. Current market prices for sugar, however, are approximately $.20 per pound and cost data from material submitted by other commenters state that the feedstock cost per gallon is $1.08 for molasses, based upon a molasses price of $73.75 per ton. Further, according to one commenter, in order to receive a state-supported subsidy of $1.60 per gallon ($1.40 per gallon effective September 1, 1986), an additional cost of $.40 per gallon is incurred through the statutorily required purchase of corn "at $1.00 over the current market price." The commenter further stated that based upon a corn market price of $2.00 per bushel less a $.765 "distillers dry grain credit" (i.e., the sale of by-products), the feedstock cost per gallon for a grain-based ethanol producer in $.494. The commenter also noted that based upon CCC assistance, the effective price to a corn-based ethanol producer for feedstocks was $.194 per gallon.

To date, CCC has received one request for assistance from a grain-based ethanol producer in Louisiana to participate in the program. Based on the above stated assumptions, a Louisiana non-grain based ethanol producer with a feedstock cost per gallon of ethanol of $1.1833 and a subsidy of $1.60 per gallon would have a net feedstock cost of −$.4166; and a Louisiana grain-based ethanol producer would have a feedstock cost per gallon of ethanol of $.194 and a subsidy of $1.60 gallon for a net feedstock cost of −$1.406. Based upon a $1.40 per gallon subsidy, such costs increase $.20 per gallon. CCC recognizes that, within Louisiana, grain-based ethanol producers, which comprise approximately 10 percent of Louisiana ethanol production, may have a feedstock price advantage due to the temporary program; however, a price advantage existed prior to this program and will continue to exist without such assistance. No substantial data was submitted which indicated that, as a result of this temporary program, existing grain-based ethanol plants in Louisiana threatened the long-term market share of non-grain based plants in Louisiana. Comments also were received stating that the CCC program will encourage the building of grain-based plants. Such plants, however, do not qualify for participation in the program, as noted in the June 17, 1986 notice, because only producers who produced fuel ethanol during March or April 1986 are eligible for participation in the program.

Based upon the assumption of a $1.18 feedstock cost per gallon for a non-grain based producer and a $.19 feedstock cost per gallon for a grain-based ethanol producer, due to the Louisiana State subsidy, non-Louisiana based producers who use grain as a feedstock and participate in the CCC program realize a feedstock price disadvantage for ethanol produced in Louisiana of approximately $.61 ($.41 after September 1, 1986) as compared to Louisiana non-grain ethanol producers.

One commenter also stated that sugar-based ethanol producers should be included in the temporary program because commodity certificates issued to grain-based ethanol producers may be exchanged for sugar owned by CCC. This is not correct. CCC has not made available, in accordance with 7 CFR 770.4(d), CCC-owned sugar for the exchange of commodity certificates under any program.

Accordingly, sugar and molasses are not eligible feedstocks under this program.

In addition to sugar, ethanol producers use a variety of feedstocks. Ethanol producers who use potatoes and triticale also have sought to participate in the program. There are no price support programs for triticale or potatoes, nor does CCC have stocks of triticale or potatoes. Therefore, providing assistance based on purchases of triticale or potatoes is not consistent with section 423(a) of the 1949 Act.

Other producers use corn starch or wheat flour as feedstocks. Previously, producers purchasing feedstocks other than whole grains have not qualified for assistance. This initial decision was made in order to comply with the statutory requirement that the temporary program "encourage the purchase of such commodities for the production of liquid fuels . . ." Consistent with this requirement, the temporary program is structured so that only producers who remove grain from the market for ethanol production are eligible for assistance.

After reviewing comments received from producers using such products, the CCC has determined that producers acquiring the products of wet and dry milling and syrups as ethanol feedstocks should qualify to receive assistance because such producers aid in the disposition of grain from the market. Purchasers of milling products and syrups will be eligible under the temporary program pursuant to existing program requirements only to the extent that producers can show that the products were derived from grain of a type which CCC has in inventory and can provide evidence of a number of bushels of grain which can be accounted for by the claimed quantity of milled products or syrup. The producer will receive a commodity certificate for the value of that fraction of bushel represented by the milled products or syrup converted to ethanol. Documentation required to fulfill this requirement will be detailed in the amended Announcement and Offer which may be requested from the Agricultural Stabilization and Conservation Service, P.O. Box 2415, Washington, DC 20013. The ethanol producer purchasing and converting the products, not the miller or syrup manufacturer, may qualify for participation in this program.

Ethanol producers using brewery waste also sought to have their purchases of these commodities declared eligible for the temporary program. As outlined above, section 423 of the 1949 Act requires the temporary-program to encourage the use of commodities for fuel ethanol production. Because, in the case of brewery waste, the grain has been removed from the market for the production of the primary product, and not ethanol production, there is no indication that increased use of such by-products production would result in an increase in purchases of grain. Therefore, the by-products from fermentation processes or other processing operations are excluded from the temporary program.

Eleven commenters stated that the program should not be expanded. These commenters consisted of the Federal Highway Administration, one oil company, two grain-based ethanol producers and highway user associations from seven states. One grain-based ethanol producer merely stated that participation should not be extended to non-grain based producers. The other grain based producer stated that there is no competition "between the producers of ethanol for fuel in Louisiana and ethanol produced and/or sold in other states" and tnat, therefore, there was no "competitive reason for including non-grain ethanol producers in Louisiana" in the program. The remainder of the comments stressed that due to the exemptions for ethanol from

State and Federal highway user taxes, significant losses are incurred in the revenue base used to maintain the Nation's highways. These comments suggested that CCC should not conduct this program until such exemptions are repealed.

As noted above, CCC has determined that a significant competitive advantage has not been created for grain-based ethanol producers at the expense of sugar and molasses-based ethanol producers in Louisiana. CCC is also cognizant of the impact on highway trust funds which exists due to Federal and State exemptions for ethanol. CCC, however, does not believe that the implementation of a program authorized by section 423 of the 1949 Act should be contingent upon repeal of other existing statutory authority. Because the current program is designed to permit participation of existing producers, and not to encourage increased building of new plants, the tax consequences are lessened.

Two commenters endorsed the program with one of these commenters suggesting that the program be targeted to ethanol manufacturers through agricultural producers. In order to assure that market displacements do not occur and that grain is removed from the market through the production of ethanol in accordance with section 423 of the 1949 Act, CCC has determined that, at the current time, the existing program is the most efficient and least disruptive means available to meet the objective of maintaining an established demand for grain until the provisions of the Food Security Act of 1985 become fully operative.

One comment from a State farm organization requested a change in the conversion rate in order to provide more grain to grain-based ethanol producers per bushel of grain removed from the market and converted to fuel ethanol. Based upon current projections of fall corn prices and the need to provide an orderly market for grain, such a change in the conversion rate is not needed. Therefore, the current conversion rate will be maintained until the termination of the program.

Conclusion

Based on the comments received, the CCC has determined that its temporary program to encourage the purchase and use of grain in the production of fuel ethanol pursuant to the notice published in the **Federal Register** on June 17, 1986 (51 FR 21940), will continue until September 30, 1986 under the terms and conditions previously announced, with one minor modification as noted previously. Therefore, producers of ethanol who use products derived from the wet or dry milling of grain and corn syrups will be included in the program. Such participation is limited to the extent that the ethanol producer can establish to the satisfaction of CCC the quantity of grain equivalent used to produce such ethanol.

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

Richard F. Lyng,

Secretary of Agriculture.

[FR Doc. 86-22716 Filed 10-6-86; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collecitonof information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Seafood Inspector License Application
Form Number: Agency—NOAA-84-854; OMB—0648-0139
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 20 respondents; 10 reporting hours
Needs and Uses: This collection is used to obtain information about the education, work experience, fitness, and character of state food inspectors who wish to be licensed by the National Marine Fisheries Service to perform inspections of fishery products.
Affected Public: Individuals
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW. Washington, DC 20230.

Written comments and recommendations for the proposed informtion collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: September 30, 1986.

Ed Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-22667 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1986 Company Organization Survey
Form number: Agency—NC-9910; OMB—0607-0507
Type of Request: Revision of a currently approved collection
Burden: 50,000 respondents; 8,333 reporting hours
Needs and Uses: The information obtained will be used to maintain Census' file of company and establishment records and will be used for the continuing updating of the Standard Statistical Establishment List.
Affected Public: Businesses or other for-profit institutions
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Timothy Sprehe, 395-4814.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: September 30, 1986.

Ed Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86-22668 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-07-M

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for

collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Professional Skill Agriculture Demonstration Survey
Form Number: Agency—PS–AG; OMB—0607–0504
Type of Request: Revision of a currently approved collection
Burden: 5,200 respondents; 516 reporting hours
Needs and Uses: This survey will be used to train new employees in survey development forms design and enumeration skills. Data will be used internally to demonstrate the processing, development, analysis, and presentation of tables.
Affected Public: Individuals or households
Frequency: Four times a year
Respondents's Obligation: Voluntary
OMS Desk Officer: Timothy Sprehe 395–4814

Agency: Office of Procurement and Administrative Services
Title: Commerce Acquisition Regulation Amendment 85–2—Women-Owned Small Business Sources Clause
Form Number: Agency—NA; OMB—0690–0002
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 45 respondents; 540 reporting hours
Needs and Uses: This clause should increase opportunities for women-owned businesses by requiring contractors to provide information on opportunities to women-owned businesses and by requiring contractors to include women-owned businesses in their subcontracting plan where the contract cost is over $500,000.
Affected Public: Businesses or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Timothy Sprehe, 395–4814

Agency: Office of Procurement and Administrative Services
Title: Commerce Acquisition Regulation Amendment 85–2–Preward Surveys for Ship Construction, Ship Alteration, and Ship Repair
Form Number: Agency—NA; OMB—0605–0018
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 12 respondents; 192 reporting hours
Needs and Uses: This regulation establishes procedures for surveying a prospective ship repair contractor when the contract is over $100,000 and the contracting officer is unable to make an affirmative determination of responsibility.
Affected Public: Businesses or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Timothy Sprehe, 395–4814

Agency: Office of Procurement and Administrative Services
Title: Solicitation Request for Proposal or Invitation for Bids
Form Number: Agency—NA; OMB—0605–0010
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 14,000 respondents; 591,500 reporting hours
Needs and Uses: These solicitations are used to obtain proposals or bids from potential contractors.
Affected Public: Businesses or other for-profit institutions, non-profit institutions, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Timothy Sprehe, 395–4814.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Timothy Sprehe, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: September 30, 1986.

Edward Michals,

Department Clearance Office, Information Management Division, Mangement.

[FR Doc. 86–22669 Filed 10–6–86; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration
Title: NATO Intlernational Competitive Bidding Opportunities (ICB) Bidders List Application
Form Number: Agency—ITA–4023P; OMB–0625–0055
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 60 respondents; 60 reporting hours
Needs and Uses: NATO international competitive bidding opportunities for project contracts are only open to NATO countries' companies which have had their eligibility to bid certified by their respective governments. Commerce is the certifying agency for the U.S. Through the information collected Commerce determines the eligibility of a company on financial, technical, and security-clearance grounds.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a beneift
OMB Desk Officer: Sheri Fox, 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

Dated: September 30, 1986.

Ed Michals,

Departmental Clearance Officer, Information Management Division, Office of Information Resources Management.

[FR Doc. 86–22670 Filed 10–6–86; 8:45 am]

BILLING CODE 3510-CW-M

International Trade Administration

NOTICES

Certain Iron-Metal Castings From India; Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the

countervailing duty order on certain iron-metal castings from India. The review covers the period January 1, 1984 through December 31, 1984 and ten programs.

As a result of the review, the Department has preliminarily determined the net subsidy to be 6.99 percent *ad valorem* during the period of review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT: Susan Silver or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On October 18, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 40943) the final results of its last administrative review of the countervailing duty order on certain iron-metal castings from India (October 16, 1980, 46 FR 16921). On October 15, 1985, the petitioner, Pinkerton Foundry, Inc., requested in accordance with § 355.10 of the Commerce Regulations an administrative review of the order. We published the initiation of the administrative review on November 12, 1985 (50 FR 46689). The Department has now conducted that administrative review in acordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by the review are shipments of Indian manhole covers and frames, clean-out covers and frames, and catch basin grates and frames. Such merchandise is currently classifiable under items 657.0950 and 657.0990 of the Tariff Schedules of the United States Annotated.

The review covers the period January 1, 1984 through December 31, 1984 and ten programs: (1) The International Price Reimbursement Scheme ("IPRS"); (2) A rebate upon export of indirect taxes under the Cash Compensatory Support program ("CCS"); (3) Pre-shipment export loans; (4) Income tax deductions; (5) Grants through the Market Development Assistance program; (6) The sale of Import Replenishment Licenses; (7) Extension of the free trade zones; (8) Supply of raw materials at preferential prices; (9) Preferential freight rates; and (10) Import duty exemptions available to 100 percent export-oriented units.

Analysis of Programs

(1) IPRS Program

On February 9, 1981, the Government of India introduced the International Price Reimbursement Scheme ("IPRS") for exporters of products with steel inputs. The purpose of the program is to rebate the difference between higher domestic and lower international prices of steel. On September 28, 1983, the Indian government extended the IPRS to include pig iron inputs. The funds for the rebate come from a levy on domestic steel and pig iron that is paid by all purchasers of those products. The Joint Plant Committee ("JPC"), a government-directed organization comprised largely of pig iron and steel producers, sets domestic pig iron and steel prices and determines that specific levy for each pig iron and steel product based on the anticipated need for each of those inputs in exported products. The rebate is based on the differential between domestic and international prices and a standard factor for the consumption of each of those inputs in the final product. Castings exporters obtained IPRS rebates for pig iron during the period of review.

We consider the entire rebate payment to be a countervailable benefit because it is available only to exporters. We allocated the total amount of rebate received by each company during the period of review over each company's total exports of the merchandise and weight-averaged the *ad valorem* benefit by each company's share of exports of the merchandise to the United States. On this basis, we preliminarily determine the net subsidy to be 6.34 percent *ad valorem* during the period of review.

(2) CCS Program

The Government of India introduced the CCS program in 1966 with the primary purpose of rebating upon exportation indirect taxes on merchandise. The rebates are paid as a percentage of the f.o.b. invoice price. In the final results of a previous administrative review, we found that the Indian government had satisfactorily demonstrated the requisite linkage between the tax incidence on the merchandise and the CCS payment.

Although the Indian government rebates upon export various indirect taxes through the CCS program, the Tariff Act and the Commerce Regulations allow the rebate of only the following: (1) Indirect taxes borne by inputs that are physically incorporated in the exported product (see Annex 1.1 of Part 355 of the Commerce Regulations); and (2) Indirect taxes at the final stage (see Annex 1.2 of Part 355 of the Commerce Regulations). If the payment upon export exceeds the total amount of allowable indirect taxes described above, the Department considers the difference to be an overrebate of indirect taxes and, therefore, a subsidy.

Since our last review, we have allowed two additional indirect taxes paid by castings producers. These are the freight equalization levy of Rs. 320 per metric ton, which is levied on pig iron in order to equalize the difference in freight costs among castings producers located in different parts of the country, and the turnover tax of one percent, which is levied on all purchases of raw materials.

Because of these additional indirect taxes, the average indirect tax incidence on the merchandise for calendar year 1984 exceeded the 5 percent CCS payment. We preliminarily determine that there is no overrebate of indirect taxes to castings producers and therefore no benefit from this program.

(3) Pre-Shipment Export Loans

The Reserve Bank of India, through commercial banks, provides pre-shipment or "packing" credit to exporters, allowing them to purchase raw materials and packing materials based on presentation of a confirmed order or letter of credit. In general, the loans are granted for a period of 90 to 180 days, with penalty charges for late interest payments. During the review period, the rate of interest under this program was 12 percent for 90-day loans and 14.5 percent for 135-day loans. However, we verified that one firm received 135-day loans at 14 percent. The maximum comparable commercial interest rate during the 1984–1985 fiscal year was 18 percent, as quoted by the Reserve Bank of India in its bulletin entitled "Report on Trend and Progress of Banking in India" for fiscal year 1984–1985. The interest differential for these loans ranged from 4 to 6 percent during the period of review. We allocated the interest benefit for each company over the total value of the firm's exports of the subject merchandise to all markets. We then weight-averaged the resulting *ad valorem* benefits by each company's proportion of the value of Indian exports to the United States of this merchandise. On this basis, we preliminarily determine the net subsidy from this program to be 0.62 percent *ad valorem*.

(4) Income Tax Deductions

Under section 80HHC of the Finance Act of 1983, the Government of India allowed exporters to deduct 50 percent

of taxes on export sales. During fiscal year 1984, the Indian government modified the program to allow exporters to deduct one percent of taxes paid on export sales during the fiscal year and five percent of taxes paid on the increment of export sales over the previous fiscal year. Because this tax deduction is contingent upon export performance and available only to exporters, we preliminarily determine that it is countervailable.

After reviewing the tax claims of the castings exporters during the period of review, we multiplied the income tax deductions claimed by each company by the corporate income tax rate and allocated the resulting benefit over the total value of that firm's exports to all markets during the period of review. We then weight-averaged the resulting *ad valorem* benefits by each company's proportion of the value of Indian castings exports to the United States. On this basis, we preliminarily determine the net subsidy from this program to be 0.02 percent *ad valorem*.

Under Article 35B of the Finance Act, the Government of India allowed exporters to deduct 133 percent of certain expenses related to market development. Effective April 1, 1983, no income tax benefits were available for expenditures incurred after March 1, 1983. One company claimed an Article 33B income tax deduction in its tax return covering fiscal year 1983 filed during 1984.

Because the Indian government allowed deductions for 100 percent for expenses relating to domestic sales, we focused on the remaining 33 percent. We allocated one-third of the deduction over total exports and weight-averaged the resulting *ad valorem* benefit by the company's share of total Indian exports of the merchandise to the United States. On this basis, we preliminarily determine the net subsidy to be 0.005 percent *ad valorem*.

(5) Other Programs

We also examined the following programs, which we preliminarily find exporters of certain iron-metal castings did not use during the review period;

A. Market Development Assistance grants;
B. Sale of Import Replenishment Licenses;
C. Extension of the Free Trade Zones;
D. Supply of raw materials at preferential prices;
E. Preferential freight rates; and
F. Import duty exemptions available to 100 percent export-oriented units.

Preliminary Results of Review

As a result of the review, we preliminarily determine the net subsidy to be 6.99 percent *ad valorem* for the period January 1, 1984 through December 31, 1984. The Department intends to instruct the Customs Service to assess countervailing duties of 6.99 percent of the f.o.b. invoice price on any shipments of this merchandise exported on or after January 1, 1984, and on or before December 31, 1984.

The Department intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties, as provided for by section 751(a)(1) of the Tariff Act, of 6.99 percent of the f.o.b. invoice price on shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

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 30 days after the date of publication or the first workday afterward. Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (50 FR 32556; August 13, 1985).

Dated: October 2, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-22699 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-DS-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held October 28 and 29, 1986, in the Herbert C. Hoover Building, 14th Street and Constitution Avenue, NW., Washington, DC. On October 28 the meeting will be held in Room 4830 from 9:30 a.m. to 5:00 p.m. and will be open to the public. The Executive session of the meeting will be held on October 29, 9:30 a.m. to 5:00 p.m. in Room 6029.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to electronics and related equipment and technology.

Agenda

General Session

October 28, 1986—Open EITAC Meeting 9:30 a.m. to 5:00 p.m.

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3 Industry presentation and discussion concerning controls on ECCN 1521A (broadband amplifiers).
4. Industry presentation and discussion concerning controls of ECCN 1548A (oscilloscopes).
5. Public comments are invited on the following entries on the Commodity Control List (CCL):

CCL 1522A Lasers and Laser Systems
CCL 1529A Electronic Test Equipment—particularly subitem b(5)
CCL 1531A Frequency Synthesizers
CCL 1541A Cathode Ray Tubes
CCL 1572A Recording and Reproducing Equipment.

Comments should consider the need for revision (strengthening, relaxation or decontrol) of the current regulations based on technological trends, foreign availability and national security. The committee is also interested in proposals for revision to the People's Republic of China guidelines and GCOM regulations relating to these CCL numbers.

Exeutive Session

October 29, 9:30 a.m.—5:00 p.m.

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the

Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce. Telephone: 202–377–4217. For further information or copies of the minutes contact Betty A. Ferrell, 202/377–2583.

Dated: October 2, 1986.

Betty A. Ferrell,

Actig Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86–22686 Filed 10–6–86; 8:45 am]

BILLING CODE 3510–DT–M

[C–507–601]

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Roasted In-Shell Pistachios From Iran

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to growers, processor-roasters, or exporters in Iran of roasted in-shell pistachios. The estimated net bounty or grant is 317.89 percent *ad valorem.*

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of roasted in-shell pistachios from Iran that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, and to require a cash deposit on entries of these products in the amount equal to the estimated net bounty or grant.

EFFECTIVE DATE: October 7, 1986.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Gary Taverman, Office of Investigations, or Dick Moreland, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–0186 (Letort), 377–0161 (Taverman), or 377–2786 (Moreland).

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning or section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to growers, processor-roasters, or exporters in Iran of in-shell pistachios which are roasted and imported into the United States. For purposes of this final determination, the following programs are found to confer bounties or grants:

- Foreign Exchange Benefits for Exporters.
- Price Supports and/or Guaranteed Purchase of All Production.
- Preferential Provision of Fertilizer and Machinery.
- Preferential Credit.
- Tax Exemptions.
- Provision of Water and Irrigation at Preferential Rates.
- Technical Support.

We determine the estimated net bounty or grant for roasted in-shell pistachios to be 317.89 percent *ad valorem.*

Case History

On June 24, 1986, we received a petition in proper form filed by the California Pistachio Commission, Keenan Farms Inc., Kern Pistachio Hulling and Drying Co-op, and T.M. Duche Nut Company, Inc. on behalf of growers and processor-roasters in the U.S. industry producing roasted in-shell pistachios. In compliance with the filing requirements of §355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that growers, processor-roasters, and exporters in Iran of roasted pistachios receive bounties or grants within the meaning of section 303 of the Act.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on June 30, 1986, we initiated such an investigation (51 FR 25084—July 10, 1986).

Since Iran is not a "country under the Agreement" within the meaning of section 701(b) of the Act, sections 303 (a)(1) and (b) of the Act apply to this investigation. Accordingly, the petitioners are not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product materially injure, or threaten material injury to, a U.S. industry.

On July 2, 1986, we presented a questionnaire to the government of Algeria in Washington, DC and requested that it forward the questionnaire to the Iranian authorities in its capacity as the protecting power for Iran in the United States. We requested a response to our questionnaire by August 1, 1986. We did not receive a response from either the government of Iran or the growers, processor-roasters, or exporters of the subject merchandise in Iran.

On August 15, 1986, we made our preliminary affirmative determination, based on the best information available, stating that benefits which constitute bounties or grants are being provided to growers, processor-roasters, or exporters in Iran of roasted in-shell pistachios (51 FR 29956—August 21, 1986).

Since no response has been received in this investigation, our final determination is based upon the best information available, as required by § 355.39 of the Department's regulations (19 CFR 355.39).

Scope of Investigation

The product covered by this investigation is all roasted in-shell pistachio nuts, whether roasted in Iran or elsewhere, from which the hull has been removed, leaving the inner hard shells and the edible meat, currently provided for under item 145.53 of the *Tariff Schedules of the United States* (TSUS).

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These general principles are described in the *Subsidies Appendix* attached to the notice of the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina; Final Affirmative Countervailing Duty Determination and Countervailing Duty Order" (49 FR 18006—April 26, 1984).

Because we did not receive a response to our questionnaire, we are using the best information available as required under § 355.39 of our regulations (19 U.S.C. 355.39), adversely inferring receipt and countervailability of benefits based on the absence of a response.

For purposes of this final determination, the period for which we are measuring bounties or grants ("the review period") is calendar year 1985. Based upon our analysis of the petition and the best information available, we determine the following:

Programs Determined to Confer Bounties or Grants

We determine that bounties or grants are being provided to growers, processor-roasters, or exporters in Iran of in-shell pistachios which are roasted and imported into the United States under the following programs:

A. Foreign Exchange Benefits for Exporters

Petitioners allege that exporters of pistachios in Iran are entitled to exchange foreign currency earned from export sales at a premium of 11 percent above the official exchange rate and that this preferential rate is limited to exporters. According to information submitted in the petition, exporters of pistachios in Iran may retain this additional 11 percent as foreign exchange and then may benefit from this retained foreign currency in one of two ways.

First, an exporter can use the additional foreign currency to import goods for resale in Iran at whatever price the market will bear. According to the petition, the free market price of imported goods is often five to six times higher than the price set by the government of Iran. Second, a pistachio exporter may sell retained foreign currency at the free-market rate to any person in Iran with a need for foreign currency. During the period of investigation, the average official exchange rate was 89.248 rials/dollar, derived from International Monetary Fund statistics, and, according to petitioners, the average free-market exchange rate was approximately 650 rials/dollar. Petitioners estimate the net bounty or grant from the preferential exchange rate and foreign currency retention schemes to be 56.65 percent *ad valorem*.

Petitioners further allege that when Iranian exporters surrender their foreign exchange to the Iranian Central Bank, they receive a *wariznameh*, or a foreign exchange certificate. This certificate, given in addition to the rial value of the foreign currency surrendered, is an acknowledgement by the Central Bank of receipt of foreign exchange and authorizes the holder to receive foreign currency equal to the amount indicated on the *wariznameh* to use for the payment of imports. The *wariznameh* has a face value equal to the full value of the foreign currency earned from exports. The *wariznameh* is transferable to importers needing foreign currency to pay their bills and, according to petitioners, has a market value of 240–360 rials/dollar. Therefore, the *wariznameh* potentially confers a benefit on the exporters of 240–360 rials for each dollar earned from exports.

We have been unable to ascertain from available information whether the preferential exchange rate/currency retention schemes and the *wariznameh* program coexist in Iran or, as the petitioners suggest, the former program has been superseded by the latter. As best information available, we determine that exporters of Iranian pistachios benefit from the *wariznameh* program. This is the program for which the petition provides the most recent information and, of the two, has the highest rate.

To calculate the benefits, we assumed an average value for the *wariznameh* of 300 rials for each dollar delivered to the Central Bank. Using the official exchange rate for 1985 of 69.248 rials we calculated that the exporter received a benefit of $3.3614 of each dollar of exports, or 336.14 percent.

The petitioners allege that all roasted pistachios from Iran are exported as raw pistachios and are then roasted in a third country before importation into the United States. Therefore, we have adjusted the benefit from this program to reflect that any benefit earned in Iran is actually earned on the lower value of raw pistachios. We compared the average unit value of raw pistachios imported into the United States to the value of roasted pistachios imported into the United States. This comparison showed the value of raw pistachios imported into the United States to be 82.7 percent of the value of imported roasted pistachios. Therefore, we adjusted the benefit from this program using this 82.7 percent ratio and obtained an estimated net bounty or grant of 277.99 percent *ad valorem*.

B. Price Supports and/or Guaranteed Purchase of All Production

Petitioners allege that pistachio growers in Iran may benefit from a government policy of guaranteeing purchase of, and subsidizing prices for, certain major food commodities. Petitioners state that the government of Iran gave the Rafsanjan Cooperative, the country's principal pistachio cooperative, a $100 million loan on terms consistent with commercial considerations to purchase and stockpile pistachios.

Because we not receive a response to our questionnaire in this investigation, we are assuming, as best information available, that this type of financing is limited to a specific enterprise or industry, or group of enterprises or industries, and that the loan was extended on terms inconsistent with commercial considerations.

We treated the loan under this program as a long-term, cost-free loan and calculated the benefit consistent with the Department's methodology as outlined in the *Subsidies Appendix* for long-term loans. We have assumed that the loan was given in 1983, when, according to information supplied by the petitioners, the Iranian banks still operated under a system of charging interest on loans. To determine a benchmark interest rate for loans in Iran, we are relying on information contained in the *Middle East Economic Digest*. This publication indicates that interest rates on bank loans in 1983 ranged from 12 to 18 percent. To quantify the benefit from this loan, we assumed the loan was given interest free and used 18 percent as our commercial benchmark rate. Because information in the record of this investigation indicates that the Rafsanjan Pistachio Producers Cooperative is the only pistachio cooperative in Iran, we divided the benefit received during the review period by the total value of 1985 pistachio production. This benefit of 8.05 percent was then applied to the adjustment factor for roasted pistachios of 82.7 percent. On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

C. Preferential Provision of Fertilizer and Machinery

Petitioners allege that agricultural cooperatives, such as the Rafsanjan Cooperative, can obtain fertilizer and machinery from the government at preferential prices. According to the petition, the extent of the benefit varies with the crop produced. Petitioners further allege that these cooperatives, in turn, provide both fertilizer and machinery to their members on terms inconsistent with commercial considerations.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case, On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem*.

D. Preferential Credit

Petitioners allege that agricultural cooperatives in Iran make preferential credit available from funds provided by the government to their members. Petitioners argue that the Rafsanjan Cooperative is the principal cooperative for pistachios in Iran and that this organization may provide loans on terms inconsistent with commercial considerations to its members.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem.*

E. Tax Exemptions

Petitioners allege that pistachio farmers may benefit from legislation exempting farmers and livestock breeders from paying taxes, provided they follow government agricultural guidelines.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem.*

F. Provision of Water and Irrigation

Petitioners allege that pistachio growers in Iran may benefit from the construction of soil dams, flood barriers, canals, and other irrigation projects undertaken by the government to increase agricultural production.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem.*

G. Technical Support

Petitioners allege that pistachio growers in Iran may receive technical support as part of the government's program to support agricultural development. Petitioners argue that technical support has included research projects to improve cultivation techniques, and assistance in harvesting, marketing, and use of fertilizer.

Because the respondents did not provide a response in this case and the petitioners were unable to provide information as to whether and to what degree the pistachio industry receives countervailable benefits under this program, we are applying, as best information available, the highest benefit rate for a domestic bounty or grant program found in this case. On this basis, we determine an estimated net bounty or grant of 6.65 percent *ad valorem.*

Best Information Available

In accordance with section 776(b) of the Act, we used the best information available in making our final determination.

Suspension of Liquidation

The suspension of liquidation ordered in our preliminary affirmative determination shall remain in effect until further notice. The estimated net bounty or grant is 317.89 percent *ad valorem.* In accordance with section 706(a)(4) of the Act, we are directing the U.S. Customs Service to require a cash deposit in the amount indicated above for each entry of roasted in-shell pistachios from Iran which is entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to assess countervailing duties in accordance with sections 706(a)(1) and 751 of the Act.

Administration Procedures

We afforded interested parties an opportunity to submit written views in accordance with § 355.34 of our regulations (19 CFR 355.34). We also afforded the parties to the proceeding an opportunity to present views orally before the Department at a public hearing in accordance with § 355.35 of our regulations (19 CFR 355.35). No hearing was requested.

This determination is published pursuant to section 705(d) of the Act [19 U.S.C. 1671d(d)].

Paul Freedenberg,

Assistant Secretary for Trade Administration.

October 1, 1986.

[FR Doc. 86-22700 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-DS-M

National Bureau of Standards

Membership of General Performance Review Board

In a notice published in the **Federal Register** on February 7, 1986 (51 FR 4780–4781), the National Bureau of Standards (NBS) announced the membership, terms, and purpose of the General Performance Review Board (GPRB). This notice annonuces a change in the membership of the GPRB. Helen M. Wood; Chief, Information Systems Engineering Division, replaces Thomas N. Pyke, Jr. Ms. Wood's appointment is effective immediately and expires December 31, 1988.

Persons desiring further information about the GPRB or its membership may contact Mrs. Elizabeth W. Stroud, Personnel Officer, A123 Administration Building, National Bureau of Standards, Gaithersburg, Maryland, 20899, telephone (301) 921–3555.

Dated: October 1, 1986.

Ernest Ambler,

Director.

[FR Doc. 86-22640 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The dates for the joint public meeting as published in the **Federal Register** (September 26, 1986, page 34239), for the Gulf of Mexico Fishery Management Council's Red Drum Advisory Panel, its Scientific and Statistical and its Special Red Drum Committees, have been changed from September 29–30, 1986 to October 6–7, 1986. All other information remains unchanged. For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228–2815.

Dated: October 2, 1986.

Richard B. Roe,

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

[FR Doc. 86-22665 Filed 10-6-86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Macau

October 1, 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 1, 1986. For further information contact Ann Fields, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

A CITA directive dated December 10, 1985 (50 FR 50934) established limits for certain specified categories of cotton, wool and man-made fiber textile products, including the aggregate, group and individual category limits for Categories 338, 339, 340, 341, 445/446 and 645/646, produced or manufactured in Macau and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984 between the Governments of the United States and Macau, the restraint limits for the foregoing aggregate, group and category limits are being increased, variously, by the application of swing, carryover and carryforward for the 1986 agreement year. In the letter which follows this notice the CITA Chairman directs the Commissioner of Customs to implement the adjusted limits. To the extent used, the carryforward applied will be deducted from the affected category limits in the 1987 agreement year.

A description of the cotton, wool and man-made fiber 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 Textiles Agreements.

October 1, 1986.

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

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 10, 1985 from the Chairman, Committee for the Implementation of Textile Agreements, which established restraint limits for certain cotton, wool, and man-made fiber textile products, produced or manufactured in Macau and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986.

Effective on October 1, 1986, the directive of December 10, 1985 is hereby further amended to adjust the previously established restraint limits for the following categories under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 29, 1983 and January 9, 1984, as amended:[1]

Category	Adjusted 12-mo. limit[1]
300–369, 400–469 and 600–669.	72,593,194 square yards equivalent.
300–369, 600–669	74,624,626 square yards equivalent.
400–469	1,816,394 square yards equivalent.
338	186,562 dozen.
339	815,589 dozen.
340	178,830 dozen.
341	115,269 dozen.
445/446	80,023 dozen.
645/646	168,438 dozen.

[1] The limits have not been adjusted to reflect any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553 (a)(1).

Sincerely,

William H. Houston III,

Chairman, Committee for the Implementation of Textiles Agreements.

[FR Doc. 86–22666 Filed 10–6–86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that: (1) Within the aggregate limit specific restraint limits may be exceeded by designated percentages; (2) specific limits may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implemention of the agreement.

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange Proposed Amendment Relating to Extension of the Delivery Period for Crude Oil Futures Delivery Due to Force Majeure

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The New York Mercantile Exchange ("NYMEX" or "Exchange") has submitted a proposal to amend NYMEX Rule 200.21, "*Force Majeure*, Late Performance, and Failure to Perform," regarding the amount of time the delivery period can be extended by the Petroleum Delivery Committee when crude oil futures delivery cannot be made due to *force majeure*. Under the proposed amendment, if the Petroleum Delivery Committee finds that crude oil delivery could not be made because of *force majeure*, the Petroleum Delivery Committee could extend the delivery period up to a maximum of two months. Currently, when crude oil cannot be delivered due to *force majeure*, the Petroleum Delivery Committee can extend the delivery period only up to a maximum of five days.

In accordance with section 5a(12) of the Commodity Exchange Act and acting purusant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be recieved on or before November 6, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to changes to NYMEX Rule 200.21.

FOR FURTHER INFORMATION CONTACT: Joseph B. Storer, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7303.

Additional Information

According to the Exchange, the proposed amendments take into account the fact that extending the delivery period up to a maximum of five days, as currently provided in rules regarding *force majeure*, is impractical, since crude oil deliveries at Cushing, Oklahoma, the delivery point, are not measured in terms of days of delivery but in terms of daily product flows over the course of a month. Additionally, under current pipeline accounting procedures, a delivery in one month is not confined until the middle of the following month; therefore, the possibility exists that a delivery which has not been completed in the scheduled month because of *force majeure* may not be discovered by the parties involved and the Exchange until the month following the scheduled delivery month. In these circumstances, where *force majeure* has prevented a party from completing its future delivery obligations, a remedy under the Exchange's *force majeure* provisions would not be possible until the following month.

The NYMEX states that the proposed amendments will be made effective following Commission approval for both existing and newly listed contracts.

Other materials submitted by the NYMEX in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts, Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, Dc 20581 by November 6, 1986.

Issued in Washinton, DC, on October 2, 1986.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 86-22677 Filed 10-6-86; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Special Systems Subgroup, Pacific Command Air Defense; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Pacific Command Air Defense, Special Systems Subgroup will meet in closed session on December 10, 1986 in the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will examine systems related to defense capabilities for shore installations in the Pacific Command and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Panel meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 2, 1986.

[FR Doc. 86-22742 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-01-M

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, Office of the Secretary, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 135. This bulletin lists changes in per diem prescribed for U.S Government employees for official travel in Alaska, Hawaii, Puerto Rico and possessions of the United States. Bulletin Number 135 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: October 1, 1986.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constititute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

[Civilian Personnel Per Diem Bulletin Number 135]

To the Heads of the Executive Departments and Establishments

Subject: Maximum per diem rates and actual expense reimbursement ceilings for official travel in Alaska, Hawaii, the Commonwealth of Puerto Rico and possessions of the United States by Federal Government civilian employees.

1. This bulletin is issued in accordance with Executive Order 12561, dated July 1, 1986, which delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702(a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletins Number 133 and 134 except for the cases identified by asterisks which rates are effective on the date of this Bulletin except where otherwise noted.

3. Each Department or establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$19
Anaktuvuk Pass	140
Anchorage	122
Atqasuk	215
Barrow	144
Bethel	124
Cold Bay	120
Coldfoot	122
College	105
Cordova	113
Deadhorse	113
Dillingham	114
*Dutch Harbor-Unalaska	127
Eielson AFB	105
Elmendorf	122
Fairbanks	105
Ft. Richardson	122
Ft. Wainwright	105
Juneau	109
Katmai National Park	148
Kenai	119
Ketchikan	113
King Salmon [1]	134
Kodiak	110

Locality	Maximum rate
Kotzebue [3]	126
Murphy Dome [3]	105
Noatak	126
Nome	136
Noorvik	126
Petersburg	113
Point Hope	160
Point Lay	179
Prudhoe Bay	113
Sand Point	103
Shemya AFB [3]	30
Shungnak	126
Sitka-Mt. Edgecombe	113
Skagway	113
Spruce Cape	110
St. Mary's	100
Tanana	136
Valdez	136
Wainwright	165
Wrangell	113
Yakutat	100
All Other Localities [3]	91
American Samoa	81
Guam M.I.	93
Hawaii:	
Hawaii, Island of:	
Hilo	59
Other	84
Oahu	98
All Other Islands	84
Johnston Atoll [2]	23
Midway Islands [1]	13
Puerto Rico:	
Bayamon:	
12-16-5-15	132
5-16-12-15	105
Carolina:	
12-16-5-15	132
5-16-12-15	105
Fajardo (Including Luquillo):	
12-16-5-15	132
5-16-12-15	105
Ft. Buchanan (Incl GSA Service Center, Guaynabo):	
12-16-5-15	132
5-16-12-15	105
Ponce (Incl. Ft. Allen NCS)	99
Roosevelt Roads:	
12-16-5-15	132
5-16-12-15	105
Sabana Seca:	
12-16-5-15	132
5-16-12-15	105
San Juan (Including San Juan Coast Guard Units):	
12-16-5-15	132
5-16-12-15	105
All Other Localities	111
Virgin Islands of U.S.:	
12-1-4-30	126
5-1-11-30	112
Wake Island [2]	20
All Other Localities	20

[1] Commercial facilities are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler. For Adak, Alaska—when Government quarters are not utilized, and quarters are obtained at the Simone Construction, Inc. camp, a daily travel per diem allowance of $71.50 is prescribed to cover the cost of lodging, meals and incidental expenses at this facility.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when US Government or contractor quarters and US Government or contractor messing facilities are used, a per diem rate of $13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Cold Bay, Fort Yukon, Galena, Indian Mountain, King Salmon, Kotzebue, Murphy Dome, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

October 2, 1986.

[FR Doc. 86-22713 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 3, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee Reviewing B-1B Defenseive Electronics, will conduct a closed meeting at Ft. McNair, Washington, DC on October 22-23, and The Pentagon, Rm 5D-982 on October 24, from 8:00 am to 5:00 pm.

The purpose of the meeting will be to review B-1B Defensive Electronics.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8404.

Norita C. Koritko,

Air Force Federal Register Liaison Officer.

[FR Doc. 86-22756 Filed 10-6-86; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Board of Visitors; United States Naval Academy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Board of Visitors to the United States Naval Academy will meet 17 October 1986, at the Naval Academy, Annapolis, Maryland. The session, which is open to the public, will commence at 8:30 a.m. and terminate at 11:50 a.m., 17 October 1986, in Room 301, Rickover Hall.

The purpose of the meeting is to make such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic method of the Naval Academy.

For further information concerning this meeting contact: Captain John W. Renard, U.S. Navy, Retired, Secretary to the Board of Visitors, Dean of Admissions, United States Naval Academy, Annapolis, Maryland 21402-5017, (301) 267-4361.

Dated: October 1, 1986.

Harold L. Stoller, Jr.,

Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 86-22623 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-01-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on U.S. Marine Corps Command and Control Systems Interoperability will meet on October 24, 1986, at Headquarters, U.S. Marine Corps, Room G503, Washington, DC. The meeting will commence at 9:00 a.m. and terminate at 4:00 p.m. on October 24, 1986. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to review interservice command and control systems requirements for naval forces in the near and mid-term, and identify future communications and command and control systems architecture features with a view toward improving interoperability. The agenda will include technical briefings and discussions addressing warfighting and interoperability procedures. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting contact: Commander T. C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Dated: October 1, 1986.

Harold R. Stoller, Jr.,

Commander, JACC, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 86-22620 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-AE-M

Navy Resale Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Navy Resale System Advisory Committee will meet on November 8, 1986, in the White and Gold Suite, The Plaza Hotel, 5th Avenue at 59th Street, New York, New York 10019. The meeting will consist of two sessions: the first from 8:00 a.m. to 9:00 a.m.; and the second from 9:10 a.m. until 3:45 p.m. The purpose of the meeting is to examine policies, operations, and organization of the Navy Resale System and to submit recommendations to the Secretary of the Navy. The agenda will include discussions of the organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussions of information pertaining solely to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in subsections 552b(c)(2)(4), and (9)(B) of WR 18 April 86 Title 5, United States Code. Therefore, the second session will be closed to the public.

For further information concerning this meeting, contact: Commander R.F. Hendricks, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall, Building No. 3, Arlington, VA 22202. Telephone number: (202) 695-5457.

Dated: October 1, 1986.

H.L. Stoller,

Commander, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 86-22621 Filed 10-6-86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

National Advisory Coordinating Council on Bilingual Education; Meeting

AGENCY: National Advisory and Coordinating Council on Bilingual Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory and Coordinating Council on Bilingual Education. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: October 20, 1986 and October 21, 1986 9:15 a.m. until 5:00 p.m.

ADDRESS: The meeting will be conducted at the Holiday Inn, 500 "C" Street SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Anna Maria Farias, Designated Federal Official, Office of Bilingual Education and Minority Languages Affairs, Reporter's Building, Room 421, 400 Maryland Avenue SW., Washington, DC 20202, (202) 245-2600.

SUPPLEMENTARY INFORMATION: The National Advisory and Coordinating Council on Bilingual Education is established under section 752(a) of the Bilingual Education Act (20 U.S.C. 3262). NACCBE is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations. The meeting of the Council is open to the public.

The proposed agenda includes the following:

October 20, 1986

I. Roll Call
II. Minutes of Last Meeting
III. Welcoming Remarks and Introduction of New Members, Carol Pendas Whitten, Director
IV. Update on OBEMLA Activities, Anna Maria Farias, Deputy Director
V. Site Visits—Interim Report—Dr. Porter
VI. Subcommittee Report—Dr. Anderson
VII. Intergovernmental Cooperation Report—Dr. Leo Lopez
VIII. Subcommittee Assignments

October 21, 1986

IX. Reconvene
X. Reports from Subcommittee
XI. Discussion of Annual Report—1987 Adjournment

Records are kept of all Council proceedings and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Reporter's Building, Room 421, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday from 9:00 a.m.—5:30 p.m.

Dated: September 30, 1986.

Carol Pendas Whitten,

Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 86-22619 Filed 10-6-86; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Women's Educational Programs

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Amendment of notice.

SUMMARY: This document is intended to notify the general public of a change to a notice of a meeting of the National Advisory Council on Women's Educational Programs as published on October 1, 1986 on page 35025, Vol. 51, #190 of the **Federal Register.** The time, location and agenda remain the same except that the Executive Committee will meet in closed session on October 15, 1986, from 8:00 a.m. to 9:30 p.m. The Executive Committee will meet in closed session to discuss personnel matters related to staff evaluations. These discussions will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of Title 5 U.S.C. of the Government in the Sunchine Act.

The public is being given less than fifteen days notice of this closed meeting because it was discovered that staff evaluations had not been completed for fiscal year 1986.

A summary of the activities of the closed session and related matters which would be informative to the public consistent with the policy of section 552b(c) of Title 5 U.S.C. will be available to the public within 14 days of the meeting at the Council's office at 2000 "L" Street NW., Suite 568, Washington, DC 20036.

Signed at Washington, DC on October 1, 1986.

Patricia A. Weber,

Deputy Director.

[FR Doc. 86-22661 Filed 10-6-86; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings; Industry Advisory Board

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notices are provided:

I. A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on October 14, 1986, at the offices of UNESCO, 9

Place de Fontenoy, 75007, Paris, France, beginning at 10:00 a.m. The agenda for the meeting is as follows:

1. Opening remarks.
2. Approval of record note of IAB meeting of July 9, 1986.
3. Correspondence and communications with IEA and Reporting Companies.
4. Emergency preparedness.
A. Issues arising from the IEA's Fifth Allocation Systems Test (AST-5):
—Indigenous production increases in an emergency.
B. 1987 program of work:
—Conference on the Practical Issues of Oil Consumption Reduction Measures.
5. Stocks and other measures.
A. Overview on the current situation and policy development.
B. Procedures for consultations on stockdraw and other measures.
C. Member Countries' legislation/ administrative procedures for stockdraw.
6. A. Status of U.S Plan of Action.
B. Extended Voluntary Offer Process.
7. Other topics.
A. End September Oil Market Report.
B. Base Period Final Consumption (3Q86–2Q86).
8. IAB organization, leadership and succession.
9. Date of next meeting and future business.

II. A meeting of the IAB will he held on October 15, 1986, at the offices of UNESCO, 9 Place de Fontenoy, 75007, Paris, France, beginning at 10:00 a.m. This meeting is being held in order to permit attendance by representatives of U.S. company members of the IAB at a meeting of the IEA's Standing Group on Emergency Questions (SEQ) which is scheduled to be held at the aforesaid location on that date. The agenda for the meeting is under the control of the SEQ. It is expected that the following draft agenda will be followed:

1. Adoption of the agenda.
2. Summary record of the 53rd meeting.
3. Emergency preparedness.
A. Issues arising from AST-5:
i. Indigenous production increases in an emergency.
ii. Extended Voluntary Offer Process.
B. Review of Member Countries' emergency response programs:
i. Belgium.
ii. Ireland.
iii. New Zealand.,
iv. Spain.
C. 1987 program or work.
D. Next cycle of emergency response program reviews.
E. Conference on the Practical Issues of Oil Consumption Reduction Measures.
4. Stocks and other measures.
A. Overview on the current situation and policy development.
B. Procedures for consultations on coordinated stock draw and other measures.
C. Member Countries' legislation/ administrative procedures for stockdraw.
5. Other topics.
A. End September Oil Market Report.
B. BPFC (3Q85–2Q86).
6. Any other business.
7. Date of next meeting.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, the IAB meeting is open only to representatives of members of the IAB, their counsel, employees of the Departments of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of committees of Congress, employees of the DEA, representatives of the Commission of the European Communities, and invitees of the IAB or the IEA. The SEQ meeting is open only to the aforesaid persons, representatives of members of the SEQ, and invitees of the SEQ.

Issued in Washington, DC, October 2, 1986.

J. Michael Farrell,

General Counsel.

[FR Doc. 86–22793 Filed 10–6–86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Coal Survey Forms; Cancellation of Public Hearing on Proposed Changes

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Cancellation of public hearing on October 15, 1986, concerning proposed changes to the coal survey forms.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicited comments concerning proposed changes to the coal survey forms in the **Federal Register** on September 12, 1986 (51 FR 32520) and announced plans for a public hearing on October 15, 1986.

No requests to speak at the public hearing were received by the due date of September 24, 1986. Therefore, the public hearing has been cancelled.

DATE: Written comments must be received on or before October 27, 1986.

ADDRESS: Send comments to: Ann M. Ducca, Coal Division, Energy Information Administration, EI-521, Department of Energy, Mail Stop 2G-090, 100 Independence Avenue SW., Washington, DC 20585, (202) 252-6868.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the proposed forms and instructions write or phone Harriet M. Tarver, Coal Divsion, Energy Information Administration, EI-521, Mail Stop 2G-090, 1000 Independence Avenue SW., Washington DC 20585 (202) 252-6868.

STATUTORY AUTHORITY

(Sec. 13(b), 5(b), 5(a), and 52, Pub. L. 93-275, 15 U.S.C. 772(a), 764(b), 764(a), and 790(a))

Issued in Washington, DC, on October 1, 1986.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 86-22673 Filed 10-6-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP86-127-003]

Colorado Interstate Gas Co.; Proposed Change in FERC Gas Tariff

October 1, 1986.

Take notice that on September 25, 1986, Colorado Interstate Gas Company ("CIG") tendered for filing Second Substitute Original Sheet Nos. 61D1 and 61D2 in compliance with Ordering Paragraph A of the Commission's Order issued September 10, 1986, in Docket No. RP86-127-002.

The above-mentioned tariff sheets are intended to (1) provide for the waiver of CIG's rights to guaranteed pass-through of those actual costs exceeding 103 percent of the projected average cost of gas for the period; and (2) provide for notice of an interim adjustment to all affected customers and state commissions concurrent with the notice of such an adjustment to the Commission.

CIG respectfully requests the Commission to grant any waivers of the Commission's Regulations as may be necessary to accept this filing.

Copies of the filing have been served upon CIG's jurisdictional customers, other interested public bodies, and parties of record in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a proest with the Federal 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 9, 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. 86-22697 Filed 10-6-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-1048-000, etc.]

Pual D. Quinn et al.; Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

October 1, 1986.

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

1. Paul D. Quinn

[Docket No. QF86-1048-000]

On September 8, 1986, Paul D. Quinn (Applicant), of 444 Washington Street, Woburn, Massachusetts 01801, 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 in Peabody, Massachusetts. The facility will consist of (2) two combustion turbine generators and heat recovery steam generators and (1) one condensing steam turbine-generator. Steam recovered from the facility will be used for winter heating and summer cooling of condominiums and apartments. The electric power production of the facility will be 7,200 kilowatts. The primary energy source will be natural gas. Installation will begin in February, 1987.

2. Cogenic Energy Systems, Inc. (Orangewood Retirement Home)

[Docket No. QF86-1011-000]

On September 10, 1986, Cogenic Energy Systems, Inc. (Applicant), of 9924 Hibert Street, Suite A, San Diego, California 92131, 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 in Phoenix, Arizona. The facility will consists of (1) one internal combustion engine-generator equipped with necessary heat recovery system. Thermal energy recovered from both jacket water and exhaust gases, will be used for domestic hot water heating. The electric power production capacity will be 140 kilowatts. The primary energy source will be natural gas. Installation for the facility will begin October 1, 1986.

3. Cogenic Energy Systems, Inc. (Cal Lutheran Home/Alhambra)

[Docket No. QF86-1017-000]

On September 10, 1986, Cogenic Energy Systems, Inc. (Applicant), of 9924 Hibert Street, Suite A, San Diego, California 92131, 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 in Alhambra, California. The facility will consists of (1) one internal combustion engine-generator equipped with necessary heat recovery system. Thermal energy recovered from both jacket water and exhaust gases, will be used for domestic hot water heating. The electric power production capacity will be 99 kilowatts. The primary energy source will be natural gas. Installation for the facility will begin November 1, 1986.

4. Cogenic Energy Systems, Inc. (Plaza International Hotel)

[Docket No. QF86-1018-000]

On September 10, 1986, Cogenic Energy Systems, Inc. (Applicant), of 9924 Hibert Street, Suite A, San Diego, California 92131, 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 in San Diego, California. The facility will consists of (1) one internal combustion engine-generator equipped with necessary heat recovery system. Thermal energy recovered from both jacket water and exhaust gases, will be used for domestic hot water heating. The electric power production capacity will be 99 kilowatts. The primary energy source will be natural gas. Installation for the facility will begin November 1, 1986.

5. Cogentrix, Inc.

[Docket No. QF86-1039-000]

On September 2, 1986, Cogentrix, Inc. (Applicant), of 4828 Parkway Plaza Boulevard, Two Parkway Plaza, Suite 290, Charlotte, North Carolina 28210, 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 in Parlin, New Jersey and will consist of six steam generators and two extraction/condensing steam turbine generators. Steam from the facility will be used in plant operations for the production of industrial chemicals. The electric power production capacity of the facility will be 88,000 kW. The primary source of energy will be coal. The facility is expected to commence operation in December 1988.

6. Eagle Point Cogeneration Partnership

[Docket No. QF86-1061-000]

On September 12, 1986, Eagle Point Cogeneration Partnership (Applicant), c/o ANR Venture Management Company, 500 Renaissance Center, Detroit, Michigan 48243, 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 inside the Coastal Eagle Point Oil Company's refinery in Westville, New Jersey. The facility will consist of four combustion turbine-generators, supplementary fired two levels heat recovery steam generators (HRSGs) and an extraction steam turbine-generator. The extracted steam together with the steam from HRSGs will be used at the Eagle Point Refinery for mechanical drives and for refinery process applications. The maximum net electric power production capacity of the facility will be 199.9 MW. The primary energy source will be natural gas and refinery fuel gas. The construction of the facility is expected to commence in the third quarter of 1987.

7. Foster Wheeler Passaic, Inc.

[Docket No. QF86-1073-000]

On September 17, 1986, Foster Wheeler Passaic, Inc. (Applicant), of 110 South Orange Avenue, Livingston, New Jersey 07039 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Pasaic, New Jersey. The facility will consist of a waterwall steam generator and a single turbine generator. The net electric power production capacity will be 40 megawatts. The primary energy source will be biomass in the form of municipal solid waste. The use of natural gas and oil will be for purposes of ignition, start-up, testing, flame stabilization, control uses and other uses permitted under section 3(17)(B) of the Federal Power Act.

8. Landfill and Development Co.

[Docket No. QF86-1064-000]

On September 15, 1986, Landfill and Development Company (Applicant), of 3003 Butterfield Road, Oak Brook Illinois 60521, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Mt. Holly, New Jersey. The facility will consist of either a gas reciprocating engine-generator set or a gas turbine powered engine generator. The net electric power production capacity will be 4 megawatts. The primary energy source will be methane gas extracted from a sanitary landfill. There is no planned usage of natural gas, oil or coal.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determing 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. 86-22696 Filed 10-6-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

Advanced Indentification of Disposal Areas (AIDA); Faulkner Lake Area Wetland Complex, Arkansas

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Advanced Indentification of Disposal Areas (AIDA), Faulkner Lake Area Wetland Complex, Arkansas.

SUMMARY: The advanced identification process is initiated under the 404(b)(1) Guidelines, section 404 of the Clean Water Act, 40 CFR 230.80. One of the initial processes of the study is to conduct a scoping meeting. This meeting will afford the public an opportunity to provide comments and input to the study effort. The meeting is open to anyone interested in the Faulkner Lake Area Wetland Complex. The geographical limits of the study have been suggested to include the Faulkner Lake Drainage District. However, at this time the study boundary is expandable. The suggested geographic area includes several oxbow lakes and bayous, such as Protho Swamp, Faulkner Lake, Stark Bend, Ashley Bayou, Hill Lake, Flag Pond and their associated drainages.

The main purposes of our meeting are to inform the public of the initiation of the study and to explain the advanced identification analysis. We hope to receive public and agency comments concerning the study boundary, proposed analyses, offers to gather or supply certain types of information or participation, future (contemplated) discharge pressures and their specific locations, and landowner concerns.

DATE: The public meeting wil be held on November 6, 1986, at 7:00 p.m., in the Northeast High School Auditorium at North Little Rock, Pulaski County, Arkansas.

ADDRESS: The Northeast High School is located at 3600 Jacksonville Boulevard near State Highway 67/167.

For further information and to be placed on the project mailing list contact: Environmental Protection Agency, Federal Activities Branch, Technical Assistance Section, Mr. Norm Thomas, 1201 Elm Street, Renaissance Tower, Dallas, Texas 75270, (214) 767-2716, or Mr. Louie Cockmon, Corps of Engineers, Regulatory Functions Branch, P.O. Box 867, Little Rock, Arkansas 72203, (501) 378-5296. Recipients of this notice are requested to pass on information to all interested parties.

SUPPLEMENTARY INFORMATION: The advanced identification is a joint undertaking by the Environmental Protection Agency and the U.S. Army Corps of Engineers in consultation with various Federal and State agencies. By merging the technical expertise of these agencies, areas that may be considered for deposit of dredged or fill materials will be identified. Most importantly environmentally sensitive areas are to be highlighted as areas of specific concern or areas which should not be made available for disposal site specification. Sites are generally categorized as areas of critical ecological concern, areas of environmental concern and nonsensitive areas. The specification of any given site as either suitable or unsuitable for discharges of dredged or fill material neither constitutes a permit nor prohibits application for a permit to discharge dredged or fill material at that site.

Dated: September 26, 1986.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 86-22685 Filed 10-6-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing East Las Vegas Broadcasting, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM Docket No.
A. East Las Vegas Broadcasting, Inc.; East Las Vegas, NV.	BPH-820526AK	86-363
B. Women's Coalition for Better Broadcasting; Las Vegas, NV.	BPH-820811AJ	.....
C. Theresa Terrell Zick d/b/a Terrell Broadcasting; Las Vegas, NV.	BPH-820902AO	.....
D. Marvin and Rosetta Logan, d/b/a Great Scott Music Enterprises; East Las Vegas, NV.	BPH-821020AO	.....
E. Martin Intermart, Inc.; Las Vegas, NV.	BPH-821020AP	.....
F. Gary E. Wilson; Paradise, Nevada.	BPH-821021AI	.....
G. Fremont Broadcasting Corporation; Las Vegas, Nevada.	BPH-821021AP	.....

Applicant and city/state	File No.	MM Docket No.
Summit Broadcasting, Inc.; Las Vegas, NV.	BPH-821021AS	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Main Studio, E
2. 307(b), All Applicants
3. Contingent Comparative, All Applicants
4. Ultimate, All Applicants

3. If there is any non-standardized issue(s) in this proceeding, the full test of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The compete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86–22692 Filed 10–6–86; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Robert Lee Rabon et al.

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant and city/state	File No.	MM Docket No.
A. Robert Lee Rabon, Aynor, SC.	BP-851015AB	86-366
B. David H. Moran, d/b/a Gulfstream Radio; Carolina Beach, NC.	BP-851223AD	.....
C. David H. Moran, d/b/a Timmonsville Radio; Timmonsville, SC.	BP-851223AE	.....
D. Michael B. Glinter; Atlantic Beach, SC.	BP-851223AG	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

307(b), All applicants
Contingent Comparative, All applicants
Ultimate, All applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86–22693 Filed 10–6–86; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Timothy Paul Woodward, et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM docket No.
A. Timothy Paul Woodward; Medford, OR.	BPH-841015IA	86-369
B. Foundation for Human Understanding; Medford; OR.	BPH-841231MA	
C. Gina R. O'Quinn; Medford, OR.	BPH-841231MB	
D. Los Banos Broadcasting, a California limited partnership; Medford, OR.	BPH-841231ME	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Air Hazard; A, B
2. Comparative; A, B, C, D
3. Ultimate; A, B, C, D

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86–22694 Filed 10–6–86; 8:45 am]

BILLING CODE 6712–01–M

[Report No. 1621]

FM Broadcast Stations, Perryville, MO; Applications for Review of Actions in Rulemaking Proceedings

September 26, 1986.

Applications for review have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC, or may be purchased from the Commission's copy contractor, International Transcription Service (202–857–3800). Oppositions to these applications must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject

Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Perryville, Missouri) Number of applications received: 1

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–22691 Filed 10–6–86; 8:45 am]

BILLING CODE 6712–01–M

[CC Docket 86-364]

Conestoga Telephone and Telegraph Co. et al.; Order Designating Applications for Hearing

AGENCY: Federal Communications Commission (FCC).

ACTION: Order designating applications for hearing.

SUMMARY: This order designates two applications in the Public Land Mobile Radio Service for comparative hearing pursuant to § 22.33(c)(i) of the Federal Communications Commission's Rules, 47 CFR 22.33(c)(i). Conestoga Telephone and Telegraph Company, File No. 22942-CD-P/L-1-85, proposes to construct an additional one-way facility for Station KWT850 to operate on frequency 158.10 MHz at Topton, Pennsylvania. Schuyekill Mobile Fone, Inc., File No. 21616-CD-P/L-1-85, proposes to construct a new one-way facility to operate on frequency 158.10 MHz at Park Place, Pennsylvania. The Commission finds that it is in the public interest to allow Conestoga Telephone and Telegraph Company the opportunity to prove that an additional location on its existing system will benefit the public more than will service proposed by Schuyekill Mobile Fone, Inc.

DATES: Within 20 days of the release date of this order, applicants must file a written notice of their intention to appear on the day of the hearing and to present evidence on the specified issues.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Abraham Leib, (202) 632-6450.

SUPPLEMENTARY INFORMATION: This is a summary of the Common Carrier Bureau's designation order, pursuant to delegated authority; adopted September 5, 1986, and released September 26, 1986.

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

Kevin J. Kelley,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 86-22688 Filed 10-6-86; 8:45 am]

BILLING CODE 6712-01-M

Federal Advisory Committee for the 1987 ITU Administrative Radio Conference for the Mobile Services; Meeting

The tenth meeting of the Federal Advisory Committee for the 1987 Mobile World Administrative Radio Conference will be held on Wednesday, October 22, 1986, at 9:30 A.M. in the Commission Meeting Room 856, 1919 M Street, NW., Washington, DC

The meeting agenda is:

1. Approval of meeting agenda.
2. Approval of the summary record of the June 24, 1986, meeting.
3. Report on administrative matters from designated federal employee.
4. Consideration of response to Commission on recommendations for amending U.S. proposals for the 1987 WARC to reflect revised spectrum allocations for the L Band.

The Commission has been participating in two parallel processes to prepare proposals to be put forth by the Department of State at the 1987 Mobile WARC. One is the Commission's proceeding in Docket No. 84-607, in its capacity of regulating nongovernment radio users. The Federal Advisory Committee was established as part of that proceeding to develop comprehensive comments and recommendations. The Commission has also been participating in a parallel process under the auspices of the National Telecommunications and Information Administration ("NTIA"), which has responsibility for U.S. Government radio users and which will make recommended proposals from their viewpoint. There has been extensive coordination between the two processes.

On June 6, 1986, the Federal Advisory Committee filed Comments to the *Third Notice of Inquiry* in Docket No. 84-607 which were in the form of recommended proposals for most items on the Mobile WARC's agenda. However, it did not make any recommendations concerning spectrum which might be allocated to a new Mobile Satellite Service ("MSS") since the Commission had not at that time announced its decision in Docket No. 84-1234, which concerned this issue. On July 24 the Commission adopted a *Report and Order* in that proceeding which allocated frequencies—1545-1558.5 MHz and 1646.5-1660 MHz—in the "L Band" on a co-primary basis in 18 MHz of this spectrum and on a secondary basis in 9 MHz of this spectrum with the Aeronautical Mobile Satellite (R) Service. More recently, the NTIA has been considering a proposal for an MSS allocation in a wider frequency bank—1530-1559 MHz and 1626-1660.5 MHz. Because of these developments the Commission staff has invited the Federal Advisory Committee to make any recommendations it might have concerning the L Bank spectrum which should be allocated to an MSS.

5. Progress reports from Ad Hoc Group Chairman including future work plans.
6. Other business.
7. Selection of next meeting date.

Anyone desiring further information should contact Robert McIntyre, FCC/PRB at (202) 632-7175. These meetings are open to the public.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-22690 Filed 10-6-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Michigan; Amendment to Notice of a Major-Disaster Declaration

[FEMA-774-DR]

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Michigan (FEMA-774-DR), dated September 18, 1986, and related determinations.

DATED: September 30, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3616.

Notice

The notice of a major disaster for the State of Michigan, dated September 18, 1986, in hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 18, 1986.

The Kent County municipalities of Cedar Springs City, Kent City Village, Rockford City, and Sparta Village for Public Assistance.

Lapeer County for Public Assistance.

Van Buren County for Individual Assistance.

Manistee, Shiawasee, and Lapeer Counties as adjacent areas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86-22674 Filed 10-6-86; 8:45 am]

BILLING CODE 6718-01-M

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: New Information Collection
Title: State/Local Exercise Data

Abstract: The State and local Exercise Annex of the State Comprehensive Cooperative Agreement contains requirements for reporting certain field exercises as projected on the State Five Year Exercise Plan. This form serves to confirm the projected exercise activity and to document valuable evaluation data on each exercise to serve as an indicator to local, State and Federal Emergency Program Managers for remedial actions. The form will also indicate the country's state of national preparedness.

Type of Respondents: State or local governments
No. of Respondents: 52
Burden Hours: 936

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C. Street, SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Dated: September 26, 1986.

Wesley C. Moore,

Acting Director, Office of Administrative Support.

[FR Doc. 86-22687 Filed 10-6-86; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Tampa Terminal Agreement et. al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-002810-001.
Title: Tampa Terminal Agreement.
Parties:

Tampa Port Authority
Harborside Refrigerated Services, Inc. (HRS)

Synopsis: The proposed amendment would permit HRS (formerly Uiterwyk Cold Storage Corp.) to exercise its option to extend the original lease agreement for an additional fifteen year period to expire on April 30, 2013.

Agreement No.: 203-010678-003.
Title: Med-U.S.A. Westbound Stabilization Agreement.
Parties:

Mediterranean-U.S.A. Freight Conference
A.P. Moller-Maersk Line
Trans Freight Lines

Synopsis: The proposed amendment would delete Puerto Rico from the scope of the agreement and would permit parties to withdraw on 30 days' notice. It would also change language regarding quorum requirements, neutral body policing and agreement expense allocation to reflect the current number of parties to the agreement and would reduce the notice period required for a party taking independent action to 48 hours.

Agreement No.: 206-010694-004.
Title: Trans-Atlantic Conferences Agreement.
Parties:

North Europe-U.S. Atlantic Conference
U.S. Atlantic-North Europe Conference

Synopsis: The proposed amendment would authorize joint activities regarding tariff and service contract subscription, publication and filing and the sharing of electronic data processing and communications facilities.

Dated: October 2, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86-22695 Filed 10-6-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 1, 1986.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Bo .rd of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)
OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880)

Proposal to approve under OMB delegated authority the implementation of the following report:

1. *Report title:* Survey of Machinery Dealers
Agency form number: FR 3039
OMB Docket number: 7100-0222
Frequency: One-time
Reporters: Machine-dealers
Small businesses are affected.
General description of report:

This information collection is voluntary [12 CFR 225a, 263, 353 *et seq.*, and 461] and is given confidential treatment [5 U.S.C. 552(b)4].

Survey of machine dealers that collects general information on the market for used machine tools, the sources of used machinery, and estimates of useful lives of the equipment traded. Information on specific transactions, such as, the transaction price and transaction date, is also collected.

Board of Governors of the Federal Reserve System, October 1, 1986.

William W. Wiles,

Secretry of the Board.

[FR Doc. 86-22642 Filed 10-6-86; 8:45 am]

BILLING CODE 6210-01-M

Alabama National Bancorp., et al.; Formation 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 applicaton 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 28, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Alabama National Bancorporation,* Ashland, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of First United Corporation, Ashland, Alabama, and thereby indirectly acquire The First National Bank, Ashland, Alabama; Headland Capital Corporation, Headland, Alabama, and thereby indirectly acquire Wiregrass Bank and Trust Co., Headland, Alabama; Tallapossa Capital Corporation, Dadeville, Alabama, and thereby indirectly acquire Bank of Dadeville, Dadeville, Alabama; Taylor Capital Corporation, Ashland, Alabama, and thereby indirectly acquire Camp Hill Bank, Camp Hill, Alabama; and Macon Capital Corporation, Ashland, Alabama, and thereby indirectly acquire Alabama Exchange Bank, Tuskegee, Alabama. Comments on this application must be received by October 24, 1986.

2. *First Alabama Banchshares, Inc.,* Montgomery, Alabama; to acquire 100 percent of the voting shares of The Choctaw Bank of Butler, Alabama. Comments on this application must be received by October 24, 1986.

3. *International City Bancorp, Inc.,* Warner Robins Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of International City Bank, Warner Robins, Georgia.

4. *Southeast Banking Corporation,* Miami, Florida; to acquire 100 percent of the voting shares of Florida State Bank, Destin, Florida.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Charter 17 Bancorp, Inc.,* Richmond, Indiana; to acquire at least 50 percent of the voting shares of First National Bancorp, New Castle, Indiana, and thereby indirectly acquire Security National Bank, New Castle, Indiana.

C. **Federal Reserve Bank of St. Louis** (Randall C. Summer, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First City Bancshares, Incorporated of Springfield,* Springfield Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of First City National Bank, Springfield, Missouri. Comments on this application must be received by October 23, 1986.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Imperial Bancorp,* Inglewood, California; to acquire 100 percent of the voting shares of Naitonal Bank of Arizona, Scottsdale, Arizona. Comments on this application must be received by October 24, 1986.

2. *Southwest Bancorp,* Vista, California; to acquire 100 percent of the voting shares of Pacific Western National Bank, Pico Rivera, California.

Board of Governors of the Federal Reserve System, October 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-22643 Filed 10-6-86; 8:45 am]

BILLING CODE 6210-01-M

New Century Bank Corp., 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)) of the board's Regulations Y (12 CFR 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 Reg ulation Y (12 CFR 225.21(a)) to commence or the 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 outweight 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 27, 1986.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *New Century Bank corporation,* Bay City, Michigan; to engage *de novo* in providing data processing services to First of America BanK-Mid Michigan, Gladwin Michigan pursuant to § 225.25()b)(7) of the Board's Regulation Y. These activities will be conducted in the state of Michigan.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Citizens State Bankshares of Bald Knob, Inc.,* Bald Knob, Arkansas; to engage directly in providing credit related insurance policies or certificates on extension of credit by Citizens State Bank, Bald Knob, Arkansas, pursuant to § 225.25(b)(8)(i)(A) of the Board's Regulation Y. These activities will be conducted in the State of Arkansas.

Board of Governors of the Federal Reserve System, October 1, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-22644 Filed 10-6-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 75N-0184; DESI 597]

Oxyphencyclimine Hydrochloride With Phenobarbital Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 86-21783, beginning on page 34253, in the issue of Friday, September 26, 1986, in the third column, in the "Effective Date" caption, "October 27, 1987" should read "October 27, 1986".

BILLING CODE 1505-01-M

Meticortelone® Aqueous Suspension and Tablets; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) providing for use of Meticortelone® Aqueous Suspension and Tablets (prednisolone acetate) as anti-inflammatory agents in dogs, cats, and horses. The sponsor requested the withdrawal of approval.

EFFECTIVE DATE: October 17, 1986.

FOR FURTHER INFORMATION CONTACT: John K. Augsburg, Center for Veterinary Medicine (HFV-216), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: Schering Corp., 1011 Morris Ave., Union, NJ 07083, is sponsor of NADA 10-312 providing for use of Meticortelone® Aqueous Suspension and Tablets (prednisolone acetate) as anti-inflammatory agents in dogs, cats,and horses. The NADA was originally approved March 14, 1956. The regulation reflecting approval of the aqueous suspension is codified in § 522.1881 (21 CFR 522.1881). However, approval of the tablet was never codified. In a letter dated May 18, 1984, the firm requested withdrawal of approval of the NADA because the drug products are no longer being marketed and waived an opportunity for hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 10-312 and all supplements thereto for Meticortelone® Aqueous Suspension and Tablets is hereby withdrawn, effective October 17, 1986.

In a final rule published elsewhere in this issue of the **Federal Register**, the regulation reflecting approval of the aqueous suspension is removed.

Dated: September 30, 1986.

Gerald B. Guest,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 86-22638 Filed 10-6-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86F-0383]

The NutraSweet Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the NutraSweet Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of aspartame as a sweetener in fruit spreads, toppings, and syrups where standards of identity do not preclude its use.

FOR FURTHER INFORMATION CONTACT: Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3963) has been filed by the NutraSweet Co., Box 1111, 4711 Golf Rd., Skokie, IL 60076, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in fruit spreads, toppings, and syrups where standards of identity do not preclude its use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: September 24, 1986

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-22636 Filed 10-6-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[BDM-038-CN]

Changes to the International Classification of Diseases, Ninth Revision, Clinical Modification (ICD-9-CM)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: This notice corrects technical errors that appeared in the notice published in the **Federal Register** on August 29, 1986 (51 FR 30914).

FOR FURTHER INFORMATION CONTACT: Janis Niessing, HCFA, (301) 594-8945.

SUPPLEMENTARY INFORMATION: In **Federal Register** Document 86-19586, on page 30915, make the following corrections:

1. In column 1, between the diagnoses codes "043.2" and "043.9", insert the diagnosis code "043.3 HTLV-III/LAV infection causing other specified conditions".

2. In column 3, under procedure code 96.6, the first word "External" should read "Enteral".

Dated: October 2, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 86-22717 Filed 10-6-86; 8:45 am]

BILLING CODE 4120-03-M

[BERC-383-FN]

Medicare Program, Reasonable Charge Payment Limits for Anesthesia Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final notice.

SUMMARY: In this notice, we are establishing special reasonable charge payment limits for anesthesia services furnished by physicians during cataract surgery and iridectomies. This policy is

intended to prevent excessive payment for these services. In addition, in order to discourage physicians from supervising more than a maximum acceptable number of procedures, we are reducing the amount of payment made in those cases in which an anesthesiologist directs more than four concurrent anesthesia procedures.

EFFECTIVE DATE: The provisions of this notice are effective beginning with services furnished on or after January 1, 1987.

FOR FURTHER INFORMATION CONTACT: James Menas (301) 594–1154.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statute and Regulations

Section 1842(b)(3) of the Social Security Act (the Act) requires that all payments under Part B of the Medicare program (Supplementary Medical Insurance) must be reasonable. Reasonable charge determinations under Part B are generally based on customary and prevailing charges derived from historic charge data. The reasonable charge for a service is generally set at the lowest of the following three factors:

- The actual charge.
- The customary charge for similar services generally made by a physician or supplier furnishing the service.
- The prevailing charge in the locality for similar services. (The prevailing charge may not exceed the 75th percentile of the customary charges of physicians and suppliers in the locality.)

An economic index limits the annual increases in prevailing charges for physician services. The Medicare economic index measures changes that occur in general earnings levels of workers that are attributable to factors other than increases in their productivity and in expenses of the kind incurred by physicians in office practice.

This standard method of determining the reasonable charge for a service can, in some instances, result in payments that we believe may not be reasonable. This may occur, for example, when the marketplace is not competitive because of limited suppliers, when the Medicare program is the primary source of payment for a service, when there has been a change in technology or increased facility with that technology, or changes in acquisition or supplier costs.

In order to ensure that Medicare payments are reasonable, we published a final rule with comment period on August 11, 1986 in the **Federal Register** (51 FR 28710) that amended 42 CFR 405.502 to set forth factors to be considered and procedures to be followed in establishing special reasonable charge limits. The rule specifies that we may set a limit if we determine that the standard rules for calculating reasonable charges result in grossly deficient or excessive charges. The limits would be in the form of either a specific dollar amount or a special method to be used in determining maximum reasonable charges to be allowed for a particular service or category of service.

More specifically, § 405.502(g)(1)(i) provides the following examples of circumstances that may result in excessive charges:

- The marketplace is not competitive.
- Medicare is the primary source for payment.
- The charges involve the use of new technology for which an extensive charge history does not exist.
- The charges do not reflect changing technology, increased facility with that technology, or changes in acquisition or supplier costs.
- Prevailing charges in a locality are grossly in excess of prevailing charges in other localities.
- Charges are grossly in excess of acquisition or production costs.

The regulations specify, at § 405.502(g)(3), that we are to propose any limit in a notice to be published in the **Federal Register** and provide an opportunity for comment. When all timely comments have been fully considered, we are to publish in the **Federal Register** our final determination and our response to the comments. Section 405.502(g)(3) also provides that the proposed and final notices must set forth the criteria and circumstances, if any, under which a specific exceptions process to the special limit would be established.

B. Payment for Anesthesia Services

Under our current regulations (§§ 405.552 and 405.553), anesthesiology services personally furnished by a physician are paid on a reasonable charge basis. In addition, payment may also be made on a reasonable charge basis for the personal medical direction that a physician furnishes to a qualified anesthetist (for example, a certified registered nurse anesthetist (CRNA)).

As a condition for reasonable charge payment, the physician may not direct more than four concurrent anesthesia procedures at a time, must be physically present in the operating suite, and may not perform any other services during the same period of time. In addition to these requirements and prohibitions, the physician is required to perform several personal services to the patient before, during, and after the procedure such as examining the patient and personally participating in the most demanding parts of the procedure. If a physician does not fulfill these requirements or directs more than four procedures at one time, the concurrent anesthesia services are considered physician services furnished to the provider and, thus, are not paid as physician services on a reasonable charge basis.

Carriers calculate the reasonable charge for anesthesia services based on the following:

- Base value units assigned to the specific procedure performed that represent the value of all anesthesia services except the value of the actual time spent administering the anesthesia.
- Time units that represent the elasped period of time from when the anesthesiologist prepares the patient for induction and ending when the anesthesiologist is no longer in personal attendance to the patient. The carrier allows no more than one time unit for each 15 minute interval.
- The carrier may also use modifier units that take into account special factors such as the age or physical condition of the patient.

The sum of these units is multiplied by the lesser of the individual physician's customary charge conversion factor or the prevailing charge conversion factor and compared with the billed charge to arrive at the reasonable charge for the physician's anesthesia service. The individual physician's customary charge conversion factor is derived from the physician's billed charges and underlying base, time, and, if appropriate, modifier units. The prevailing charge conversion factor is computed by arraying the anesthesia customary charge conversion factors in ascending order and weighting each by the frequency of services on which it was based. An actual amount in the array that is high enough to include the customary charge conversion factors of the anesthesiologists who perform at least 75 percent of the cumulative services determines the prevailing charge conversion factor.

Anesthesia services may be personally performed by the anesthesiologist or the anesthesiologist may medically direct concurrent anesthesia services in which the anesthesia is administered by an anesthetist. The amount of reasonable charge payment differs depending on whether the anesthetist is or is not the employee of the anesthesiologist.

The reasonable charge for a physician's medical direction of no more than four concurrent services is

determined on the same basis as that of the physician's personal services to a patient; that is, procedure-specific relative value base units plus time units. However, under § 405.553(c), if the anesthetist is not employed by the anesthesiologist, the carrier allows no more than one time unit for each 30 minute interval rather than one unit for each 15 minutes.

In cases in which a physician directs more than four concurrent procedures, all the reasonable and necessary preanesthesia services personally furnished by the physician up to and including induction of the patient qualify for reasonable charge payment. Those services furnished subsequent to induction of the patient are considered physician services to the provider and are payable to the provider on a prospective payment basis (if the services are furnished to an inpatient of a hospital that is subject to the prospective payment system) or on a reasonable cost basis. Section 8312.1G of the Medicare Carriers Manual (HFCA Pub. 14–3) further specifies that payment for these preanesthesia services is based on relative value base units plus one time unit for induction if the induction was personally performed by the physician. No further time units are recognized for any of the concurrent procedures.

C. Anesthesia Services Related to Cataract Surgery

In processing anesthesia claims, carriers have the authority to use an appropriate relative value guide. The principal relative value guides currently use by the carriers include the 1964 and the 1969 California Relative Value Studies (CRVS) and various versions of the American Society of Anesthesiologist's (ASA) Relative Value Guide. Some carriers use a combination of these guides or other guides, such as a State Relative Value Guide, to establish relative value units.

Anesthesia claims are processed using the HCFA common procedure coding system (HCPCS) surgical procedure code with an appropriate modifier for anesthesia services. The HCPCS surgical codes are based on the Current Procedural Terminology, Fourth Edition (CPT–4), which identifies codes and descriptions for services furnished, including physician services. The 1985 version of CPT–4 includes 12 procedure codes to describe cataract surgery. However, the CRVS and ASA Guides commonly used by the carrier to process claims do not contain the same number of codes. Generally, carriers are assigning a relative value of eight base units to the anesthesia services associated with cataract surgery procedures.

Cataract surgery is ordinarily performed under an eye-nerve block, such as a retrobulbar block, that is administered by an ophthalmologist. Before the administration of the block and during the surgical procedure, an anesthesiologist or other qualified individual (for example, a CRNA) who is under an anesthesiologist's medical direction usually administers a drug or combination of drugs intravenously to sedate the patient. In addition, the anesthesiologist or other qualified individual monitors the patient's condition during the surgical procedure.

Historically, cataract surgery was performed on an inpatient basis with the patient placed under general anesthesia and it involved an inpatient hospital stay of three to six days. This surgery is now frequently performed in ambulatory surgical centers (ASCs) and, in some cases, in physicians' offices. A number of factors have contributed to this trend. A major influence is the policy of the Utilization Quality Control Peer Review Organization that requires prior authorization for hospital stays associated with cataract surgery. Other factors contributing to the trend include the reduced risk associated with the surgical procedure, technological advances in the procedure, and the implementation of the Medicare inpatient hospital prospective payment system.

While a patient with severe coronary or pulmonary disease or other life threatening condition may need inpatient hospitalization, ophthalmologists agree that most cataract surgery can be safely performed in the outpatient department of a hospital or in an ASC. In fact, we estimate that at least 90 percent of all cataract surgery is now performed on an outpatient basis, either in a hospital outpatient department, an ASC, or a physician's office.

It should be noted that cataract surgery is the most common and rapidly growing surgical procedure covered by Medicare. The total number of cataract operations increased from 415,000 in 1980 to 1.1 million in 1985,[1] an increase of 165 percent. The procedure is primarily performed on the elderly and Medicare pays for about 80 percent of all cataract operations. Medicare payments under Part B for cataract surgery, including payments to anesthesiologists and surgeons, were over $1 billion in 1985.

Under the procedures described in § 405.502(g), on August 15, 1986, we published a proposed notice in the **Federal Register** (51 FR 29316) to establish limits on the amount of payment we make for certain physician anesthesia services, based on the fact that the current charges do not reflect changing technology.

II. Provisions of the Proposed Notice

We proposed to allow no more than four base units as well as appropriate time units and, if appropriate, modifier units for anesthesia services connected to cataract surgery. This proposal was based on the fact that almost all cataract surgery is now being performed on an ambulatory basis, and general anesthesia is not ordinarily used. Most surgery is done under an eye-nerve block administered by the ophthalmologist while the anesthesiologist is responsible for monitoring the patient's condition, including monitoring any intraveneous agent furnished to supplement the anesthetic block.

In addition, we proposed to allow no more than four base units as well as appropriate time and modifier units for anesthesia services connected to iridectomies. This procedure is no more complex than cataract surgery, and, therefore, it would be inconsistent, from the standpoint of relative values, to continue to recognize a greater number of base units for iridectomies than for cataract surgery.

Under any of the various commonly used relative value guides, the number of anesthesia base units assigned to most surgical procedures performed on an ambulatory basis is three units. We allowed an additional unit for cataract procedures and iridectomies on the premise that the service is complicated by the location of the surgery, which restricts access to the patient's airway and requires surgical field avoidance.

The proposed notice also stated that the Medicare carriers would continue to have the authority under § 405.502(a)(7) to initiate or continue policies that recognize fewer than four base units for anesthesia services associated with cataract surgery or iridectomies, if those policies are based on facts beyond those relied on in the proposal.

While we did not provide any special exceptions policy for our proposed reasonable charge limits, carriers do have the authority under § 405.506 to reimburse additional amounts if there are unusual circumstances or medical complications requiring additional time,

[1] "Medicare Reimbursement for Cataract Surgery Hearing Before the Subcomm. on Health of the House Comm. on Ways and Means", 99th Cong., 1st Sess. 29 (1985).

effort, or expense that support an additional charge, and it is acceptable medical practice in the locality to make an extra charge in these cases.

In addition to the special limits, we proposed to change our practice of allowing the full number of base units associated with a procedure when an anesthesiologist supervises more than four concurrent procedures. We believe that, in these cases, the anesthesiologist is not available to perform the full scope of activities during the anesthesia administration interval that are encompassed by the base unit value. Therefore, it is not reasonable to recognize the full number of base units assigned to the procedure because of the anesthesiologist's limited involvement in each concurrent procedure. Thus, we propose to allow no more than three base units for each procedure if the physician is medically directing more than four concurrent procedures.

III. Discussion of Comments

In response to the August 15, 1986 proposed notice, we receive approximately 300 timely items of correspondence from surgeons, anesthesiologists, professional medical associations, health care consulting firms, law firms, and Medicare beneficiaries. We received a range of responses to our proposed reduction in base unit values for anesthesia associated with cataract surgery and iridectomies. A few commenters supported our proposal. However, a majority of commenters favored the retention of the current unit value and opposed any reduction. Several commenters agreed that the current base value should be adjusted downward because of technological advances, but they recommended a reduction from eight to six units rather than to four. We received only three comments on our proposal to allow no more than three base units for each procedure in those cases in which the anesthesiologist supervises more than four concurrent procedures. These comments and our responses are discussed below.

Comment: Several commenters believe that the reduction from eight base units to four base units for anesthesia services associated with cataract surgery and iridectomies is not warranted. Instead, these commenters recommend that the number of base units be reduced from eight to six. The commenters believe that six units appropriately reflects the relative complexity and risk of these procedures.

Response: We have not accepted this recommendation since the commenters did not furnish any evidence or data to support their position. As we noted above, we have determined that the majority of anesthesia services associated with surgical procedures performed in ASCs are assigned three units. Cataract surgery and iridectomies are included on the ASC procedure list. Three units are also the minimum number of base units assigned to an anesthesia procedure. We will allow an additional unit on the premise that, under the relative value systems commonly used by carriers, one additional modifier unit may be recognized for anesthesia procedures with a base value of three units that become complicated by requiring surgical field avoidance, as is the case in cataract and iridectomy surgery. Thus, we will allow four base units, in total, for anesthesia services associated with cataract and iridectomy surgery. This total unit value is consistent with the base unit value assigned to the majority of anesthesia services associated with ASC eye surgical procedures under the relative value systems commonly used by carriers.

To allow a higher number of overall base units (such as five or six base units) for the anesthesia services associated with these two surgeries would require us to recognize two or three modifier units in addition to the minimum base unit values. There is no support under the relative value systems commonly used by carriers for routinely recognizing two or three modifier units for basic surgical procedures that become complicated by requiring surgical field avoidance.

Comment: Some commenters indicated that the reduction in anesthesia base units for cataract surgery and iridectomies will lower the anesthesiologists' rates of participation and acceptance of assignment. This will result in beneficiaries incurring increased financial liability.

Response: As we discussed in the regulatory impact analysis presented in the proposed notice (51 FR 29320), the number of anesthesiologists who accept assignment or are "participating physicians" in the Medicare program may decrease as a result of our policy on payment for anesthesia services. (A "participating physician" agrees to accept the beneficiary's assignment of his or her Medicare claim in every case.) However, as we stated in the proposed notice, the decision on the part of each anesthesiologist to be a "participating physician" in the program or to accept assignment depends on a number of variables. For example, we believe that an estimation of the physician's income needs and a patient's perceived ability to pay is prominent in an anesthesiologist's deliberations. To the extent that our policy affects an anesthesiologist's income, this will become a factor in the decision to either participate in the program or accept assignment. Nevertheless, it is true that beneficiaries who receive services from physicians who do not accept assignment are exposed to greater financial liability than those who receive assigned services.

Comment: A few commenters stated that, in their practices, between 20 and 50 percent of all cataract surgeries are performed under general anesthesia. These commenters indicated that in those cases in which cataract surgery is performed under general anesthesia, the practice of allowing eight base units for the anesthesia service should be continued.

Some commenters, particularly anesthesiologists practicing at eye hospitals or eye centers, indicated that the reduction to four base units is too severe because they, not the surgeon, perform the retrobulbar block. One commenter recommended an increase of two units to the proposed four units if the anesthesiologist personally performs the anesthesia block.

Response: The system for coding and reporting anesthesia services does not differentiate between monitored anesthesia care and general anesthesia. Rather, the coding systems in place reflect varying relative values based on the surgical procedure furnished or the body system involved. Anesthesiologists have consistently disagreed with the Office of the Inspector General (OIG) recommendation that monitored anesthesia care is a reduced service in comparison with general anesthesia. (This recommendation is included in the study entitled "Medicare Reimbursement for Anesthesia Services" (OAI–85–2–010), which was discussed in detail in the proposed notice (51 FR 29318).) It would, therefore, be inconsistent for Medicare to allow higher amounts for general than for monitored anesthesia for cataract surgery and not to make a conforming change for other procedures in which monitored anesthesia care has been substituted for general anesthesia over time.

With respect to payment of an additional allowance for the administration of the retrobulbar block by the anesthesiologist, it is our understanding that the standard medical practice is for the surgeon to administer the block. Under these circumstances, the service may be included in the surgeon's global charge or may be separately identified. We understand

that the usual practice is for the service to be included in the global charge.

We are not including any additional adjustment in the number of base value units in those cases in which the anesthesiologists administer the retrobulbar block. As we noted in the proposed notice, base value units assigned to the specific anesthesia procedure represent the value of all anesthesia services except the value of the actual time spent administering the anesthesia (51 FR 29317). The activities involved in the base unit, by their nature, include the preanesthetic examination, prescription of the anesthesia plan, the administration of the anesthetic agent, monitoring of the patient's vital signs, and the provision of indicated postanesthesia care. However, if it becomes the common practice of anesthesiologists to begin to perform the block, we will study the issue of additional payment to the anesthesiologist with a corresponding reduction in payment for the ophthalmologist's service.

Comment: Several commenters pointed out that the proposal to reduce payment for anesthesia services could result in poor quality care and could limit beneficiary access to anesthesia services.

Response: These commenters presented no evidence to demonstrate that a reduced payment level would result in poor quality care or reduced access to anesthesia services for Medicare beneficiaries. We believe that it is more likely that most physicians will continue to furnish anesthesia services to Medicare beneficiaries although some physicians may be less willing to accept assignment.

Comment: One anesthesiologist whose practice is to charge five base units for cataract anesthesia services believes that the reduction from eight to four units is too severe. The commenter recommended that a system of variable base units that depends on the number of concurrent anesthesia services be used. For example, if the anesthesiologist personally performed the cataract anesthesia service, five base units would be allowed. If two concurrent procedures were directed, the anesthesiologists would be allowed four base units for each procedure. Similarly, three base units would be allowed for each procedure for three concurrent procedures and two base units for each procedure when four concurrent procedures are directed.

Response: Our proposal to reduce base unit values pertains only to anesthesia services connected to cataract surgery and iridectomies. The implementation of the commenter's proposal would require a fundamental change in our payment policy for concurrent anesthesia procedures and revisions to our regulations (§§ 405.552 and 405.553). Therefore, we have not accepted the commenter's suggestion as beyond the scope of this proposal.

Comment: Several commenters were confused by our discussion in the proposed notice and believe that the proposed reduction in base units is from eight units to three units.

Response: We will allow four base units for anesthesia services connected with cataract surgery and iridectomies. As we stated in the proposed notice (51 FR 29319), we determined that the number of anesthesia base units assigned to most surgical procedures performed on an ambulatory basis is three units. We allowed one additional unit for cataract procedures and iridectomies on the premise that the service is complicated by the location of the surgery, which restricts access to the patient's airway and requires surgical field avoidance.

Comment: Two anesthesia groups recommended that the reduction in anesthesia base units be phased in over a three-year period comparable to the procedure that was presented in the proposed notice concerning the special reasonable charge payment limits for cataract extractions with intraocular lens implants (51 FR 29321, August 15, 1986).

Response: We do not believe that it is appropriate to provide a three-year transition period for cataract anesthesia limits as we did for the cataract surgery limits because the impact of the former limits on anesthesiologists' gross incomes is not of the same magnitude as the impact of the latter limits is on ophthalmologists' gross incomes. The impact analysis presented in the cataract surgery limits proposed notice indicated that the direct impact on ophthalmologists' median gross income is, on average, expected to be about 5.3 percent for Federal fiscal year (FY) 1987 (51 FR 29324). We conducted the same analysis for the anesthesiologists and estimate that the direct impact on anesthesiologists' median gross income is, on average, expected to be about 2.0 percent for FY 1987.

Comment: Some commenters believe that it is not appropriate to compare anesthesia services associated with cataract surgery with anesthesia services associated with other ASC surgical services for purposes of determining a base unit value of three units. These commenters pointed out that cataract surgery entails a risk not found in other ambulatory procedures, that is, the risk of blindness if the patient is not kept immobile and sedated although no data or evidence was presented to show that it is inappropriate to compare cataract anesthesia to anesthesia associated with other ASC surgical procedures.

Response: We did not accept this comment. We note the risk factor cited and while we did not make an adjustment specifically for this element, we did allow an extra base unit for the patient's position during the surgical procedure.

We reviewed the number of base units assigned to the ASC surgical procedures under two of the California Relative Value Schedules commonly used by carriers. We found that, in each case, more than 70 percent of ASC procedures are assigned the minimum base value of three units. We also note that a base unit value of four units for cataract anesthesia is consistent with the base unit value assigned to the majority of anesthesia services associated with ASC eye surgical procedures under the relative value systems commonly used by carriers.

Comment: One commenter indicated that we have no authority under the law to publish national limits and that only the carriers have the authority to adjust reasonable charge levels as warranted by local conditions.

Response: Section 9304(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) added section 1842(b)(8) to the Act to require that the Secretary describe in regulations the factors to be used in determining the cases in which the application of the usual reasonable charge rules results in the determination of a reasonable charge that is grossly excessive or grossly deficient and thereby inherently unreasonable. It also requires that the Secretary provide in regulations the factors to be considered in those cases in establishing a reasonable charge that is realistic and equitable. As noted above, we published a final rule with comment period on August 11, 1986 (51 FR 28710) that added a new § 405.502(g) to implement the requirements of section 1842(b)(8) of the Act. An explanation of our legal authority for national limits was included in the preamble to that rule (51 FR 28712). This exercise of authority was twice upheld by the Federal courts. (See *Schupak v. Califano,* 454 F. Supp. 105 (E.D.N.Y. 1979) and *Schupak v. Mathews,* No. 75–1109 (D.D.C. Sept. 17, 1976), *aff'd in unpublished order* D.C. Civ. 1977).)

If the provisions of section 1842(b)(8) of the Act are interpreted as invalidating our authority to make inherent

reasonableness determinations, then HCFA is left powerless to address grossly excessive charges that require a national application of the factors used to determine realistic and equitable payment. There is nothing to indicate that Congress intended this result.

Comment: The proposed notice stated that Medicare carriers would continue to have the authority under § 405.502(a)(7) to initiate or continue policies that recognize fewer than four base units for anesthesia services associated with cataract surgery or iridectomies, if those policies are based on factors beyond those relied on in the proposal (51 FR 29319). Commenters were concerned that this policy does not sufficiently or appropriately restrain carrier discretion. They recommended that the reference to additional carrier discretion be deleted from the final notice.

Response: The August 11, 1986 final rule with comment period that set forth in regulations the requirements to be followed in establishing special reasonable charge limits stated that ". . . individual carriers retain their existing authority (under § 405.502(a)(7)) to make inherent reasonableness determinations so that they can control unreasonable payments peculiar to their service area." (51 FR 28714) That final rule further specified that the factors used in determining the cases in which the reasonable charge methodology may result in grossly excessive or deficient charges and the factors to be considered in establishing a limit are the same for HCFA and the carriers.

Our national limit for anesthesia services associated with cataract surgery and iridectomies is intended to be only an upper limit. We will permit carriers that have established and implemented policies prior to the effective date of this notice to allow fewer than four base units for these anesthesia services to continue these policies as long as the policies were established consistently with the requirements of the August 11, 1986 final rule, or can be conformed to those policies.

Comment: One commenter indicated that the proposed reasonable charge payment limits for anesthesia services should be a baseline and Medicare carriers should not be allowed to establish lower limits on the same services. The commenter pointed out that the procedure for generally applicable special reasonable charge limits is specifically identified as a new element in the August 11, 1986 final rule and, as such, is subject to public comment and possible modification.

Response: The August 11, 1986 final rule did indicate that we will accept comments on the provisions of the regulations relating to special reasonable charge limits set by carriers (§ 405.402(g)(4)) since these provisions were not subject to comment in the proposed rule (51 FR 5726, February 18, 1986). However, we believe that the August 11, 1986 final rule clearly indicates that the specific areas on which we are soliciting comments are the procedures carriers will follow in implementing special reasonable charge limits. These procedures relate to the factors to be used in determining cases in which the usual reasonable charge methodology may result in grossly excessive or deficient charges, the factors to be considered in establishing the limit, and the opportunity for the public to comment on the carrier's reasonable charge limit.

The carriers have always had the authority under § 405.502(a)(7) to make inherent reasonableness determination, and they retain this authority under the provisions of the August 11, 1986 final rule. Thus, the issue of whether or not the carrier has the authority to establish a limit that is lower than the limit set by HCFA is not the issue on which we are soliciting comments. Rather, it is only the procedures and factors the carrier uses to establish the limit for which we will consider additional comments and make changes to the rule if necessary. It is consistent with the provisions of the August 11, 1986 final rule for a carrier to implement a more restrictive limit as long as the carrier has established these limits consistently with the circumstances and factors described in § 405.502(g)(4).

Comment: One commenter was pleased that the proposed notice used the term "monitored anesthesia" rather than "standby anesthesia" in describing the activities that the anesthesiologist performs during cataract and other surgery. The commenter proposed a definition of monitored anesthesia care and recommended that both the final notice and Medicare program instructions include this definition.

Response: The proposed notice was concerned with anesthesia service connected with cataract surgery and iridectomy surgery. Thus, we have accepted, in substance, the definition of monitored anesthesia care offered by the commenter with regard to the services described in our notice. The definition is as follows:

> Monitored anesthesia care involves the intraoperative monitoring by a physician, or by a qualified individual under the medical direction of a physician, of the patient's vital physiological signs, in anticipation of the need for administration of general anesthesia or of the development of adverse physiological patient reaction to the surgical procedure. It also includes the performance of a preanesthetic examination and evaluation and prescription of the anesthesia care required, and provision of indicated postoperative anesthesia care.

We emphasize that monitored anesthesia services will be covered only if it is medically necessary for the anesthesiologist to furnish medical direction to a qualified individual. We will also include this definition in our Medicare program instructions.

Comment: Some commenters indicated that it is inappropriate to refer to the anesthesia administered to the cataract surgery patient as "local" anesthesia. The commenters pointed out that the facial and retrobulbar blocks are different from local anesthetics and carry a higher incidence of complication than do local anesthetics.

Response: We agree with the commenter and we have used the term eye-nerve blocks or retrobulbar block in this notice instead of the term local anesthetic.

Comment: One commenter favored our proposal to allow no more than three base units in those cases in which the physician directs more than four concurrent anesthesia procedures and noted that in his anesthesia practice no more than two concurrent procedures were medically directed. Another commenter indicated that it is inappropriate to adjust the base units of the concurrent medical procedures if more than four concurrent procedures are furnished. This commenter believes that the base units should remain unchanged based on the complexity and risk of the specific procedure.

Response: We did not accept the latter comment. As discussed in the proposed notice, anesthesia base units for various surgical procedures range from a low of three base units to a value of 25 units for certain complex cardiovascular procedures (51 FR 29319). (The proposed notice incorrectly indicated a value of 15 units for these complex cardiovascular procedures.) The significant difference in base unit values for anesthesia services across certain surgical procedures is related not just to the preanesthesia and postanesthesia services included in the base unit value but also the other anesthesia activities that the anesthesiologist may be called upon to perform during the surgical procedure itself.

We continue to believe that if the anesthesiologist medically supervises more than four concurrent procedures,

the anesthesiologist is not furnishing a level of medical involvement that justifies the payment of time units nor is he or she available to perform the full scope of activities during the anesthesia administration interval that are encompassed by the base unit value. In these situations, it is reasonable to structure a reasonable charge payment only for the anesthesiologist's preanesthesia and postanesthesia services. It is not reasonable to recognize the full number of base units otherwise assigned to the procedure because of the anesthesiologist's limited involvement in each concurrent procedure.

Comment: One commenter pointed out that our proposal to limit to three the number of base units assigned to each procedure in those cases in which more than four concurrent procedues are supervised did not refer to the specific circumstances set forth in § 405.502(g)(1)(i) inder which the payment limit is proposed. The commenter recommended that this revision be accomplished through an amendment to the regulations and not through a proposed and final notice.

Response: The list of circumstances set forth in § 405.502(g)(1)(i) that result in a need to establish reasonable charge limits is not an all-inclusive but rather an illustrative list. We believe that the rationale presented in the proposed notice and reiterated in the previous response sufficiently describes the circumstances that have created the need for a special reasonable charge payment limit.

We agree that this revision could have been accomplished through a change to § 405.552(b) or § 405.553. We believe that a revision of the regulations would have been necessary if the current regulations required a different base unit payment policy than the one we proposed. However, the regulations are silent on the issue of base unit values in those cases in which more than four concurrent procedures are supervised. We chose to use the notice procedure to accomplish our objective because of the nature of the special payment rate in those cases in which more than four concurrent procedures are directed. This procedure differs from the usual procedure that applies in those cases in which the anesthesia services are personally furnished by the anesthesiologist or the anesthesiologist directs no more than four concurrent procedures. Although we are not amending the text of the regulations at this time, we have given the public the same opportunity to comment that we would have with respect to an amendment to the regulations. This is the procedure we established by regulations at § 405.502(g)(3).

IV. Provisions of the Final Notice

After consideration of the comments we received, we are making no changes to the proposed notice. However, although we did not receive a specific comment on this issue, we have identified a problem that results from reducing the number of base units for anesthesia services associated with cataract surgery and iridectomies from eight to four for all service areas. There are some isolated cases in which a carrier uses a relative value schedule that is a multiplier of the basic carrier relative value system. For example, in Mississippi, the carrier currently assigns 20–22 base units to cataract anesthesia. (Although this carrier's relative value units per procedure are significantly higher than other carriers relative value units, its prevailing charge conversion factor is correspondingly significantly lower.) A reduction to four units in this service area would have a much greater impact on the payment for these services than in other service areas. We believe that this result would not be equitable and cannot be justified. Therefore, in service areas in which the Medicare carrier currently recognizes more than eight base units for the anesthesia services affected by this notice, the carrier will be required to identify the average relative base units for the common ASC procedures that are ordinarily valued at three units in other service areas. This will approximate the minimum base unit value for an anesthesia procedure. This minimum number would be increased by the number of units that are equivalent to the ratio of average base units for the minimum anesthesia service to three base units. The total will then serve as the maximum number of base units allowed by that carrier.

V. Regulatory Impact Analysis

A. Introduction

Executive Order 12291 (E.O. 12291) requires us to prepare and publish an initial regulatory impact analysis for any proposed notices that are likely to meet criteria for a "major rule". A major rule is one that would result in—

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or any geographical 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.

We also prepare and publish an initial regulatory flexibility analysis, consistently with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), for proposed notices unless the Secretary certifies that the notice would not have a significant impact on a substantial number of small entities. For purposes of the RFA, we consider all anesthesiologists to be small entities.

In the August 15, 1986 proposed notice, we wrote a combined regulatory impact analysis and regulatory flexibility analysis. We received no comments on that combined analysis. The following discussion, in combination with the rest of this notice, constitutes a final combined regulatory impact analysis and regulatory flexibility analysis meeting the requirements of E.O. 12291 and the RFA.

We estimate that, as a result of reducing payments to anesthesiologists for anesthesia services provided to patients undergoing cataract surgery, the Medicare program will eventually realize annual savings of $100 million or more. While the available data do not permit us to determine which anesthesiologists would be most affected by this notice, according to *Physician Characteristics and Distribution in the U.S., 1984 Edition*, published by the American Medical Association, there were 18,495 non-Federally employed anesthesiologists furnishing services to patients as of December 31, 1983. We believe that most, if not all, anesthesiologists provide services in connection with cataract surgery. Many anesthesiologists, therefore, could be affected by this notice. We are, therefore, providing an analysis that meets RFA criteria as well as E.O. 12991.

B. Savings

We have not been able to estimate the savings that will result from allowing no more than three base units when the anesthesiologist directs more than four concurrent procedures. We do not believe they will be substantial. However, we estimate that the decision to reduce the number of base units from eight to four for physician anesthesia services performed during cataract procedures will result in the following annual savings for the next five Federal fiscal years (FYs) assuming an effective date of January 1, 1987:

Savings Estimates*

[In millions]

Fiscal year				
1987	1988	1989	1990	1991
$45	$75	$85	$95	$105

*Rounded to the nearest $5 million.

These savings estimates are based, in part, on data presented in "Update of Intraocular Lenses Implanted in the United States" by Walter J. Stark, M.D., et al. (*American Journal of Ophthalmology*, Vol. 98, No. 2, Aug. 15, 1984, pp. 238–239) and the report of the Select Committee on Aging, *Cataract Surgery: Fraud, Waste, and Abuse* (Comm. Pub. 99–506). On the basis of these data, we expect that in FY 1987 a total of 1.4 million cataract removal procedures (with and without intraocular lens implants) will be performed in the United States. We anticipate that approximately 80 percent, or 1.1 million, of these procedures will be covered under Medicare. The cost data used in developing our savings estimates were collected by the OIG in connection with the study cited earlier in this document and is contained in the report of that study.

The available data on iridectomies indicate that savings in FY 1987 resulting from lowering the number of base units to four will be under $1 million. Because of technological changes that permit less expensive procedures to be substituted for iridectomies, we doubt that the rate of iridectomies performed on Medicare beneficiaries will increase in coming years. Therefore, we do not anticipate a higher annual savings rate in later years.

C. Expected Impact

Our notice will primarily affect anesthesiologists by reducing their Medicare payments, as a group, by the amount of the estimated savings. The impact on an individual physician will depend on his or her practices in performing multiple concurrent procedures, and on the number of cataract procedures and iridectomies for which he or she provides anesthesia services. Those physicians who provide anesthesia services in a large number of cataract cases will be more heavily affected by our notice than would those who provide these services in only a few cases. We estimate that, on average, there will be less than a two percent reduction in anesthesiologists' gross incomes. Of course, certain anesthesiologists, such as those who work for eye ambulatory surgical centers and eye hospitals, may be severely affected. We believe relatively few anesthesiologists customarily perform more than four concurrent procedures.

We expect that, as a consequence of reducing payments for anesthesia services connected with cataract surgery and iridectomies, the number of anesthesiologists accepting assignment of a beneficiary's claim for Medicare payment or becoming a "participating physician" in the Medicare program may decrease. (A "participating physician" is one who agrees to accept assignment in every case. See section 1842(h) of the Act.) For FY 1986, approximately 22 percent of all anesthesiologists furnishing services to Medicare patients are "participating physicians". The assignment rate for anesthesiology claims in FY 1983 (the latest year for which data from all physicians are available) was approximately 45 percent.

Of course, the decision on the part of each anesthesiologist to become a "participating physician" in the program or to accept assignment depends on a number of variables. For example, as discussed earlier, we believe that an estimation of income needs and a patient's perceived ability to pay is prominent in an anesthesiologist's deliberations. To the extent that our notice affects an anesthesiologist's income, this will become a factor in the decision either to participate in the program or accept assignment.

However, our ability to determine these factors is severely limited both by the lack of data and the inability to create an adequate model of the decision making process. Therefore, we have no way of estimating how anesthesiologists will respond to the proposed change. Nevertheless, it is true that beneficiaries who receive services from physicians who do not accept assignment are exposed to greater financial liability than those who receive assigned services.

D. Alternatives Considered

In the proposed notice, we discussed the following two general alternatives:

- Reducing the number of anesthesia base units carriers would allow for *all* monitored anesthesia services.
- Reducing the number of anesthesia base units by an amount other than the amount we are proposing.

Several commenters addressed the issue of the number of anesthesia base units that should be allowed for cataract surgery and iridectomies.

We had considered reducing the number of anesthesia base units allowable for determining monitored anesthesia payments to zero for all procedures in which these services are provided and basing payments only on the amount of time the anesthesiologist was in attendance. The rationale for this alternative was the fact that the risk to patients and the need for the services of anesthesiologists are less when a nerve-block anesthetic is used rather than general anesthesia.

Upon consultation with industry representatives, however, we reexamined our data and concluded that the recommendations presented in the OIG report, discussed above in this preamble, and the alternatives noted required further changes. Therefore, we adopted the policy presented in the proposed notice.

We also considered reducing the number of base anesthesia units by as many as five. As explained elsewhere in this document, we examined the number of base units generally associated with other procedures performed in ASCs. Most of these procedures have an average of three units. We rejected the idea of allowing only three units because we believe that eye surgery is complicated by the location of the surgery, which restricts access to the patient's airway and requires surgical field avoidance. Yet it is also clear from the rapid increase in the number of cataract procedures being performed in ambulatory settings and the increased use of monitored anesthesia services in connection with both cataract procedures and iridectomies that a substantial reduction in anesthesia units from the present standard is warranted.

V. Paperwork Reduction Act

This notice does not impose any information collection requirements; consequently, it need not be reviewed by the Executive Office of Management and Budget under the authority of the Paper Reduction Act of 1980 (44 U.S.C. 3501 through 3511).

(Sec. 1842(b)(3) and (b)(8) Social Security Act (42 U.S.C. 1395u(b)(3) and (b)(8); 42 CFR 405.502(g))

(Catalog of Federal Domestic Assistance Program No. 13.774, Medicare-Supplementary Medical Insurance)

Dated: October 2, 1986.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: October 2, 1986.

Otis R. Bowen,

Secretary.

[FR Doc. 86–22750 Filed 10–3–86; 12:33 pm]

BILLING CODE 4120–01–M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (39 FR 1654, January 11, 1974, as amended most recently in part by 48 FR 5601, February 7, 1983) is amended to reflect consolidation of two offices of the National Institute on Drug Abuse, ADAMHA. The reorganization accomplishes the following: (1) Abolishes the Office of Program Development and Implementation and the Office of Administration; (2) establishes the Office of Planning and Resource Management; and (3) modifies the functional statements of the Office of the Director and the Office of Science.

Section HM-B, Organization and Functions, is amended as follows:

(1) In the functional statement for the Office of the Director (HMH1) in the National Institute on Drug Abuse, delete item (3) and renumber item (4) as item (3) and item (5) as item (4).

(2) Under *Office of Science (HMH12),* revise item (2) to read: "(2) provides science planning services, assessing current Institute research activities in relation to broad research goals and objectives, recommending changes to basic drug abuse research policy where needed;" change the semicolon at the end of item (5) to a comma and add the following: "and administers staff and liaison functions of the Executive Secretary of the National Advisory Council on Drug Abuse; (6) provides consultation on a variety of drug abuse medical issues to professional medical societies, organizations, medical schools, and other private groups; and"; and change the current item (6) to item (7).

(3) Delete the functional statements for the Office of Policy Development and Implementation (HMH13) and the Office of Administration (HMH15)

(4) Add the following functional statement:

Office of Planning and Resource Management (HMH19)

(1) Provides or coordinates the provision of administrative management support to the Institute in such areas as: (a) Financial planning, analysis, and management, (b) administrative services, (c) personnel management, (d) automated data processing and telecommunications, and (e) grants and contracts management; (2) develops, implements and monitors administrative management policies, procedures, and guidelines; (3) provides correspondence control services for the Institute; (4) develops and monitors the implementation of program policies and plans, and evaluate progress in meeting established Institute objectives; (5) develops data requirements pertinent to short and long range program planning and develops Institute's program evaluation policy; and (6) provides advice and guidance on legislation, statutes and regulations related to all aspects of drug abuse research and prevention, and provides liaison to the Congress on matters related to those areas.

Dated: September 23, 1986.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 86-22715 Filed 10-6-86; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-34171]

Realty Action; Sale of Public Land in St. Louis County, MN

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-competitive sale ES-34171.

SUMMARY: The following public land has been examined and determined to be suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Fourth Principal Meridian, Minnesota

T. 26N., R. 17W., Tract 38 (St. Louis #153).

Containing approximately 0.16 acres.

This land is being offered by direct sale of Sandra Bundy for not less than the appraised fair market value. This sale will allow BLM to resolve a long-term, inadvertent unauthorized use. The land has not been used, and is not needed for, any Federal purposes.

Publication of this notice will segregate and the land from all other appropriation, including the mining laws, for 270 days, or until issuance of patent, whichever occurs first.

There are no known mineral values on the land, therefore, the mineral estate will also be transferred. The buyer will be required to submit an additional $50.00 with the bid as a non-refundable filing fee for the conveyance of the minerals.

Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 W. Wisconsin Ave., Suite 225, Milwaukee, Wisconsin 53203; or by calling Priscilla McLain at (414) 291-4429. Failure of the designated purchaser to meet the bidding requirements will result in cancellation of the sale. Interested parties may submit comments until December 15, 1986 to the Milwaukee District Manager at the above address.

Bert Rodgers,

District Manager.

[FR Doc. 86-22617 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-PN-M

Bureau of Indian Affairs

Facilities Improvement and Repair Priority List of Fiscal Year 1987

October 2, 1986.

AGENCY: Bureau of Indian affairs, Interior.

ACTION: Notice of facilities improvement and repair priority list for fiscal year 1987.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

The Facility Improvement and Repair list has been prepared for fiscal year 1987 in accordance with House Report Number 98-886, page 52, "To avoid some of the problems experienced in the past, the Committee directs the Bureau to revise the FI&R Priority system by publishing in the **Federal Register** by October 1 of each fiscal year, the national list of projects expected to be accomplished that year within the available funds."

This notice for FY 1987 provides the approved list of FI&R projects. Construction of these projects is subject to the availability of funds. The list is based upon the Bureau's criteria for ranking projects as published in the **Federal Register** /Vol. 51, No. 30/ Thursday, February 13, 1986/page 5415:

The projects for FY 1987 are:

1. Bullhead day School
2. Eagle Butte Law and Order Facility
3. Mandaree Day School
4. Fort Yates Sewer System
5. Haskell Indian Junior College
6. Carter Seminary
7. Papago (3 sites)
8. Santa Fe Indian School
9. Tuba City Elementary School and Headquarters
10. Beclabito Day School
11. Crystal Boarding School

12. Wingate Elementary School
13. Wide Ruins Boarding School
14. Low Mountain Boarding School
15. Shonto Boarding School
16. Nazlini Boarding School
17. Tuba City High School Roof
18. Warm Springs Agency (4 sites)
19. Cherokee Law and Order

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.

[FR Doc. 86-22641 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-02-M

Flathead Indian Irrigation Project, Montana Irrigation Operation and Maintenance Assessment Rates and Related Information

September 26, 1986.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice sets forth changes in the operation and maintenance assessment rates and related information applicable to presently assessable lands located within the Flathead Indian Irrigation Project, Montana. For the 1986 irrigation season, the operation and maintenance assessment rates for lands held in trust for Indians, and for lands not included in any irrigation district for the various divisions, are hereby fixed as follows.

Jocko Division—$4.28 per acre
Post/Pablo Division—$7.12 per acre
Mission Division—$8.31 per acre
Camas Division—$4.31 per acre

For the 1986 irrigation season, this notice does not change the per acre assessment rates for the district lands established by notice published in the **Federal Register** July 17, 1985 (50 FR 28993).

For the 1987 irrigation season, the operation and maintenance assessment rate is hereby fixed at $12.62 per acre for all classes of presently assessable lands, i.e., lands held in trust for Indians, district and non-district lands located within the Flathead Indian Irrigation Project.

EFFECTIVE DATE: The effective date of this notice is April 15, 1986.

FOR FURTHER INFORMATION CONTACT: D.F. Halvorson, Acting Project Engineer, Flathead Indian Irrigation Project, St. Ignatius, Montana 59865, telephone number (406) 745-2661.

SUPPLEMENTARY INFORMATION: This notice is issued pursuant to 25 CFR 171.1 under authority delegated to the Assistant Secretary—Indian Affairs and the Deputy Assistant Secretary—Indian Affairs by the Secretary of the Interior in 209 DM 8. This authority is vested in the Secretary of the Interior by 5 U.S.C. 301 and 25 U.S.C. 2 and 385. The current operation and maintenance assessment rates were established by notice published in the Federal Register July 17, 1985 (50 FR 28993). On June 18, 1986, a Public Notice declaring the intent to change the operation and maintenance assessment rates was published in four local newspapers. Interested persons were given 30 days, from the date the Public Notice was published in the newspapers, to submit written comments regarding the proposed changes in the assessment rates. This 30 day period ended July 18, 1986. As of July 18, 1986, the Project office had one nondescript telephone comment. The Acting Project Engineer presented the need for changes in the operation and maintenance assessment rates at a meeting with the Joint Board of Control (Board) of the three irrigation districts on May 1, 1986. On May 15, 1986, the Board advised the Project they had no problems with the proposed changes. In the month of May 1986, the acting Project Engineer met with the Moiese, Camas and Jocko waterusers to discuss the proposed change in the operation and maintenance assessment rate and no objection was met. On June 13, 1986, the Bureau of Indian Affairs (BIA) Flathead Agency Superintendent and the tribal leadership of the Confederated Salish and Kootenai Tribes of Flathead were provided copies of the budgetary documents forming the basis for the proposed change in the assessment rates for review and comment. As of July 18, 1986, no comments had been received from the BIA and tribal leadership.

In accordance with the above, the annual operation and maintenance assessment rates for presently assessable lands held in trust for Indians and for lands not included in any irrigation district for the various divisions are hereby fixed as follows:

Jocko Division—$4.28 per acre
Post/Pablo Division—$7.12 per acre
Mission Division—$8.31 per acre
Camas Division—$4.31 per acre

For the 1987 irrigation season, the operation and maintenance assessment rate is hereby fixed at $12.62 per acre for all classes of presently assessable lands, i.e., lands held in trust for Indians, district and non-district lands located within the Flathead Indian Irrigation Project. Until further notice, the annual operation and maintenance assessment shall be due on April 1 of each year and payable on or before that date. To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees, which are not paid on or before July 1 of each year, following the due date, there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the date, so long as the delinquency continues. No water shall be delivered until such charges have been paid; except that Indian waterusers who are financially unable to pay the assessment on the due date may be furnished water, provided the Superintendent of the reservation certifies to the Project Engineer or other official in charge of the project that such Indian is not financially able to pay the assessment or has made satisfactory arrangements to pay the assessment from proceeds of crops or from other sources. Penalty interest charges shall not be assessed against lands owned by an Indian wateruser, nor against Indian lands under lease to an Indian lessee.

Ronald L. Esquerra,

Deputy to the Assistant Secretary, Indian Affairs (Operations).

[FR Doc. 86-22633 Filed 10-6-86; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA-010-06-4352-02]

Bakersfield District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Bakersfield District Advisory Council Meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that the Bakersfield District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally on November 7 and 8, 1986. The meeting will begin with a field tour on Friday, November 7, leaving at 8:30 a.m. from 873 North Main Street, Bishop, California. The Saturday meeting, November 8, will begin at 8 a.m. in the First Floor Conference Room at 873 North Main Street, Bishop.

SUPPLEMENTARY INFORMATION: The focus of the meeting will be the initiation of scoping for a utility corridor study in the Bishop Resource Area, involving lands from Owens Valley north to Mono Basin.

Opportunity for the public to address the District Advisory Council will be available at 1 p.m. on Saturday, November 8, in the First Floor Conference Room at 873 North Main Street in Bishop.

The entire meeting, including the Friday field tour, is open to public participants; however, members of the

public must provide their own transportation and meals.

Summary minutes of the meeting will be maintained in the Bakersfield District Office at the address below and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Marta Witt, Public Affairs Officer, Bakersfield District, Bureau of Land Management, 800 Truxtun Avenue, Room 311, Bakersfield, California, 93301; (805) 861–4191.

Dated: September 26, 1986.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 86–22631 Filed 10–6–86; 8:45 am]

BILLING CODE 4310–40–M

[CA–910–06–4211–07–NCBF; CA 19154]

Realty Action, Exchange of Public and Private Lands in Riverside County, CA

Correction

In **Federal Register**/Vo. 51 No. 92 Page 17550, published on Tuesday, May 13, 1986, make the following corrections:

1. Delete casefile serial number CA 18784 and add CA 19154.

2. Following "T. 3S., R. 6E.", "Sec. 14:", delete "NW¼", and add "Lots 1 and 2, S½ NW¼."

Dated: September 26, 1986.

H.W. Riecken,

Acting District Manager.

[FR Doc. 86–22628 Filed 10–6–86; 8:45 am]

BILLING CODE 4310–40–M

[ID–943–06–4220–11; I–013281, I–15254]

Idaho; Proposed Continuation of Withdrawals

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes that two withdrawals be continued for an additional 100 years, which is the estimated remaining life of the improvements with which they are associated. Under the proposal, the 88.60 acres involved would remain closed to surface entry and the mining laws, but the lands have been and would remain open to the mineral leasing laws.

DATE: Comments should be received on or before January 5, 1987.

ADDRESS: Comments should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208–334–1597.

The Bureau of Reclamation proposes that two land withdrawals made by the Secretarial Order of March 29, 1927, and Public Land Order No. 3077, be continued for a period of 100 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The lands are described as follows:

Boise Meridian

T. 7 S., R. 31 E.,
Sec. 5, NW¼SE¼.
T. 10 S., R. 20 E.,
Sec. 13, E½NE¼NE¼.
T. 10 S., R. 21 E.,
Sec. 28, lot 5.

The area involved contains 88.60 acres, more or less, in Power, and Jerone Counties. The land consists of three scattered tracts located 20 miles west of Pocatello along and under the American Falls Reservoir, 10 miles west of Burley along the northern edge of Milner Lake and 12 miles west of Burley along the Milner-Gooding canal.

The purpose of the withdrawals is to protect the lands for reservoir and canal maintenance and flood control. No change is proposed in the purpose or segregative effect of the withdrawals.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued, and if so, for how long. The final determination of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: September 26, 1986.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 86–22635 Filed 10–6–86; 8:45 am]

BILLING CODE 4310–GG–M

Bureau of Reclamation

CENDAK Unit, South Dakota Pumping Division, Pick-Sloan Missouri Basin Program, South Dakota

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of draft environmental statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft enrvironmental statement on the development of the CENDAK Unit which would provide irrigation and municipal and industrial water for central South Dakota.

Availability

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7423, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Bureau of Reclamation Library, Code 962, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, Telephone: (303) 236–6963

Regional Director, Bureau of Reclamation, Missouri Basin Region, P.O. Box 36900, Billings, MT 59107–6900, Telephone: (406) 657–6241.

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director, at the above addresses. Copies also will be available for inspection in libraries in the vicinity of the project.

Dated: October 2, 1986.

C. Dale Duvall,

Commissioner.

[FR Doc. 86–22698 Filed 10–6–86; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

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 (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer, Washington, DC 20503, telephone 202–395–7313.

Title: Migratory Bird Hunting: Nontoxic Shot Approval Procedures, 50 CFR 20

Abstract: Regulations require that the Service Director determine the nontoxic status of shot materials to be used for migratory bird hunting. Applicants proposing a candidate shot must provide documentation and agree to confirmatory tests that such shot meets the minimum criteria contained in the above regulations.
Frequency: On occasion
Description of Respondents: Metallurgial research laboratories and munitions manufacturers
Annual Response: 1
Annual Burden Hours: 508
Service Clearance Officer: James E. Pinkerton, 202–653–7499, Room 859, Riddell Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: September 24, 1986.

Walter O. Stieglitz,

Assistant Director, Refuges and Wildlife.

[FR Doc. 86–22632 Filed 10–6–86; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Lakeshore and Marina Development, Gary IN; Notice of Intent To Prepare an Environmental Impact Statement and Notice of Public and Agency Meetings

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the National Park Service and the city of Gary, Indiana, intend as joint lead agencies to prepare an environmental impact statement (EIS) for lakeshore and marina development in Gary, Indiana. Interested and affected Federal, State, and local agencies, interest groups, and individuals are invited to participate in determining the scope of the EIS and significant issues to be analyzed indepth in the EIS.

The city of Gary, Indiana, plans to develop a lakefront complex consisting of a marina (600–1,100 slips), supporting marina services, and residential and commercial development. This complex, which is consistent with the General Management Plan for Indiana Dunes National Lakeshore, is proposed to be located at one of four alternative sites on Lake Michigan between U.S. Steel Properties and Montgomery Street. Two of the four sites are within the boundary of Indiana Dunes National Lakeshore. In addition, the National Park Service, the Indiana Department of Natural Resources, and the U.S. Army Corps of Engineers are responsible for issuing special approvals and permits for the proposed lakefront development. The lakefront development will necessitate the issuance of permits for dredging, filling, and the placement of structures in navigable waters, and leases, easements, or rights of way for roads or development within the National Lakeshore's boundary. In addition to siting options, the EIS may consider alternatives for marina size, site access, and other significant aspects and issues of the development. The no action alternative will be considered also.

Notice is also given that the lead agencies will convene two meetings, one for agency representatives and one for the general public, to gather information related to the scope of the EIS. Particularly solicited is information on reports or other environmental studies planned or completed in the project area, major issue and data which the EIS should consider, and recommended mitigating measures and alternatives associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a cooperating agency.

DATES: A meeting for agency representatives will be held on Wednesday, October 22, 1:00 p.m. C.D.T., at the Paul H. Douglas Center for Environmental Education, 3rd and Lake Streets, Gary, Indiana. A meeting for the general public will be held on Thursday, October 23, 7:00 p.m. C.D.T., in the Hoosier Room, Council Gary Genesis Convention Center, 4th and Broadway, Gary, Indiana. Although information will be accepted throughout the EIS development process, material must be received by November 7, 1986, to ensure full consideration during the determination of the scope of the EIS.

ADDRESS: Send written comments to: Mr. Taghi Arshami, Chief of Planning, City of Gary, 475 Broadway, Gary, Indiana 46402.

FOR FURTHER INFORMATION CONTACT ONE OF THE FOLLOWING:

Mr. Taghi Arshami, Chief of Planning, City of Gary, 475 Broadway, Gary, Indiana 46402
Mr. Dale Engquist, Superintendent, Indiana Dunes National Lakeshore, 1100 N. Mineral Springs, Porter, Indiana 46304
Dr. David N. Given, Chief, Planning and Environmental Quality, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

Dated: September 24, 1986.

Randall R. Pope,

Acting Regional Director, Midwest Region.

[FR Doc. 86–22676 Filed 10–6–86; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 27, 1986. Pursuant to § 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by October 22, 1986

Carol D. Shull,

Chief of Registration, National Register.

ARKANSAS

Fulton County

Mammoth Spring, *St. Andrew's Episcopal Church,* AR 9

Independence County

Batesville, *Dickinson, Edward, House,* 672 E. Boswell St.

Monroe County

Brinkley, *Mount Zion Missionary Baptist Church,* 409 S. Main St.

Ouachita County

Stephens vicinity, *Holt-Poindexter Store Building,* Ouachita County Rd.

Phillips County

Helena, *Perry Street Historic District,* Perry St. between Pecan and Franklin and Pecan St. from Porter to Perry

Pulaski County

Little Rock, *Exchange Bank Building (Charles L. Thompson Design Collection TR),* 423 Main St.
Little Rock, *Federal Reserve Bank Building (Charles L. Thompson Design Collection TR),* 123 W. Third St.
Little Rock, *Moore Building (Charles L. Thompson Design Collection TR),* 519–523 Center St.

Washington County

Brown Bluff—3WA10,

White County

Judsonia, *Henson, Alfred W.,* 111 Main St.

COLORADO

Huerfano County,

La Veta, *Francisco Plaza,* 312 S. Main St.

DELAWARE

New Castle County

Marshallton, *Marshallton United Methodist Church,* 1105 Stanton Rd.
Wilmington, *Dupont, P.S., High School,* 34th St. between N. Monroe and N. Franklin Sts.

Sussex County

Milford vicinity, *Mispillion Lighthouse and Beacon Tower,* NE end of County Rd. 203

DISTRICT OF COLUMBIA

Washington

Ingleside, 1818 Newton St., NW
M Street High School, 128 M St., NW
Masonic Temple, 801 13th St., NW
Riggs—Tompkins Building, 1403—1405, and 1413 Park Rd., NW, and 3300, 3306—3316, 3328, and 3336 14th St., NW
Thomas, Alma, House, 1530 15th St., NW
US Department of the Interior Building, 18th and C Sts., NW
Walsh Stable, 1511 (rear) 22nd St., NW

MASSACHUSETTS

Essex County

Haverhill, *Peabody School*, 170 Salem St.
Haverhill, *School Street School*, 40 School St.

Middlesex County

Winchester, *Winchester Center Historic District*, Roughly bounded by Mt. Vernon and Washington Sts., Waterfield Rd., Church and Main Sts.

Plymouth County

Plymouth, *Plymouth Post Office Building*, 5 Main St.

MINNESOTA

Cook County

Grand Marais, *Scott, Jim Fishhouse*, US 61 at Fifth Ave.

Mower County

Austin, *Paramount Theater*, 125 Fourth Ave., NE

Winona County

Elba vicinity, *Hemmelberg, William, House*, Cty. Hwy. 26 and 37

MONTANA

Carbon County

Red Lodge, *Calvary Episcopal Church*, 9 N. Villard Ave.

Gallatin County

West Yellowstone, *Eagle's Store (West Yellowstone MRA)*, *3 Canyon St.*

Lewis and Clark County

Lincoln, *Lincoln Lodge*, Stemple Pass Rd.

Madison County

Sheridan, *O'Brien, William, House*, 114 E. Poppleton

Missoula County

Missoula, *Paxson, Edgar, House*, 611 Stephens Ave.

Stillwater County

Absarokee, *Sandstone and Cobblestone Schools*, Main St.

NEW YORK

Essex County

Newcomb vicinity, *Camp Santanoni (Great Camps of the Adirondacks TR)*, N of NY 28N

Franklin County

Keese Hill vicinity, *Camp Topridge (Great Camps of the Adirondacks TR)*, S of Keese Mills Rd., Upper St. Regis Lake

Saranac Inn vicinity, *Eagle Island Camp (Great Camps of the Adirondacks TR)*, Eagle Island, Upper Saranac Lake
Saranac Inn vicinity, *Moss Ledge (Great Camps of the Adirondacks TR)*, Off NY 30, Upper Saranac Lake
Saranac Inn vicinity, *Prospect Point Camp (Great Camps of the Adirondacks TR)*, E of NY 30
Upper St. Regis vicinity, *Camp Wild Air (Great Camps of the Adirondacks TR)*, Upper St. Regis Lake

Hamilton County

Rauette Lake vicinity, *Camp Pine Knot (Great Camps of the Adirondacks TR), Long Point, Raquette Lake*
Raquette Lake vicinity, *Camp Uncas (Great Camps of the Adirondacks TR)*, Mohegan Lake
Raquette Lake vicinity, *Echo Camp (Great Camps of the Adirondacks TR)*, Long Point, Raquette Lake
Raquette Lake, *Sagamore Lodge (Boundary Increase) (Great Camps of the Adirondacks TR)*, Sagamore Rd.

OREGON

Coos County

Coos Bay, *Olsson, Captain Bror W., House*, 631 S. Tenth St.

Jackson County

Ashland, *Enders Building*, 250—300 E. Main St.
Medford, *Jackson County Courthouse*, S. Oakdale Ave. at Eighth St.
Phoenix vicinity, *Glenview Orchard Ensemble*, 1395 Carpenter Hill Rd.

Linn County

Scio, *Wesely, Joseph, House and Barn*, 38712 OR 226

Multnomah County

Portland, *Prince, Thomas, House*, 2903 NE Alameda St.

Umatilla County

Pendleton, *Ellis—Hampton House*, 711 SE Byers Ave.

Wasco County

The Dalles, *The Dalles Commercial Historic District*, Roughly bounded by Columbia River, Laughlin, Fifth, and Union Sts.

PENNSYLVANIA

Allegheny County

Pittsburgh, Fifth Avenue High School (Pittsburgh Public Schools TR), 1800 Fifth Ave.

TENNESSEE

Giles County

Wales vicinity, *Wilkerson Place*, Miller Hollow Rd.

Hamilton County

Chattanooga, *Wyatt Hall (Hunt, Reuben H., Buildings in Hamilton County TR)*, 865 E. Third St.

Knox County

Knoxville, *Gay Street Commercial Historic District*, Roughly along Gay St. from Summitt Hill Dr. to Church Ave.

Maury County

Columbia, *Union Station, Depot St.*
Mt. Pleasant vicinity, *Watkins, William, House*, Canaan Rd.

Sevier County

Sevierville, *Sevierville Commercial Historic District*, Sections of Bruce St., Court Ave., and Commerce St.

Shelby County

Germantown, *Nelson-Kirby Farm*, 6792 Poplar Pike

Williamson County

Brentwood, *Owen Chapel Church of Christ*, 1101 Franklin Rd.

TEXAS

Grayson County

Sherman, *Old Sherman Public Library*, 301 S. Walnut

VERMONT

Lamoille County

Cambridge, *Jeffersonville Historic District*, Church, Main, Maple, and School Sts., Carlton Ave., VT 108, and Brewster Ave.

WEST VIRGINIA

Kanawha County

Charleston, *Coyle and Richardson Building*, 200 Capitol St.

[FR Doc. 86-22678 Filed 10-6-86; 8:45 am]
BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. The General Tire and Rubber Co.; Proposed Termination of Final Judgment

Notice is hereby given that the General Tire and Rubber Company ("General") (now known as GenCorp Inc.) has filed with the United States District Court for the Northern District of Ohio, Eastern Division, a motion to terminate the consent decree in *United States* v. *The General Tire and Rubber Company*, Civil Action No. 21329; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the decree, but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed on July 10, 1942) alleged that the defendant had tied the use of patented equipment to the sale of unpatented materials. The decree (entered on March 21, 1940) enjoins the defendant from: (1) Enforcing the tying clause in its licensing agreement with tire retreaders; and (2) making any licensing agreement tying the right to practice any invention

under a United States patent to the purchase of unpatented materials.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the decree would serve the public interest. Copies of the complaint and consent decree, General's motion papers, the stipulation containing the Government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at Room 7233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530 (telephone 202–633–2481), and at the Office of the Clerk of the United States District Court for the Northern District of Ohio, United States Courthouse, Cleveland, Ohio, 44113. Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of justice regulations.

Interestd persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty day period established by court order, and will be filed with the court. Comments should be addressed to P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, Department of Justice, Washington, DC 20530 (telephone 202–724–7966).

Dated: September 29, 1986.

Joseph H. Widmar,

Director Of Operations, Antitrust Division.

[FR Doc. 86–22722 Filed 10–6–86; 8:45 am]

BILLING CODE 4410–01–M

Pursuant to the National Cooperative Research Act of 1984; ADBAC QUAT Joint Venture

Notice is hereby given that pursuant to section 6(a) of the National Cooperative Research Act of 1984, Pub. L. No. 98–462 ("the Act"), Huntington Laboratories, Inc. has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to the ADBAC QUAT Joint Venture and (2) the nature and objectives of the ADBAC QUAT Joint Venture.

The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstance. Pursuant to section 6(b) of the Act, the identities of the parties to the ADBAC QUAT Joint Venture and its general areas of planned activities are given below.

The parties to the ADBAC QUAT Joint Venture are as follows:

Chemical Specialties Manufacturers Association
Economics Laboratory, Inc.
Ethyl Corporation
Huntington Laboratories, Inc.
Jordan Chemical Division of PPG Industries, Inc.
Lonza, Inc.
Sherex Chemical Company, Inc.
Stepan Company

The objective of the ADBAC QUAT Joint Venture is to sponsor and conduct toxicological research on the pesticide ingredient, alkyl dimethyl benzyl ammonium chloride (ADBAC), a quaternary ammonium compound (QUAT), and to submit the results of the research to the U.S. Environmental Protection Agency ("EPA") in connection with the reregistration and data call-in of pesticides containing the compound as an active ingredient. This research on the compound, which is the active ingredient in certain commercially available pesticide products, will be conducted pursuant to the Reregistration Notice, including a requirement to submit data, issued by the EPA on March 10, 1986.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 86–22723 Filed 10–6–86; 8:45 am]

BILLING CODE 4410–01–M

Office of Juvenile Justice and Delinquency Prevention

Missing Children's Assistance Act Final Program Priorities

AGENCY: Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of final program priorities for second year program under Missing Children's Act.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing its final program priorities for making grants and contracts under the Missing Children's Assistance Act, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, for the second year of the Missing Children's Program. No new program priorities will be established in this Notice for the second year's program. All available FY 1986 funds will be used to fund the program priorities announced in the July 25, 1985 Notice of final program priorities for the first year of the program, and to fund those items mandated by Congress under section 404 of the Missing Children's Act.

FOR FURTHER INFORMATION CONTACT: Michelle Easton, Coordinator, Missing Children's Programs, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Washington, DC 20531 (202) 724–7655.

SUPPLEMENTARY INFORMATION: Responsibility for establishing annual research, demonstration, and service program priorities for making grants and contracts pursuant to section 406 of the Missing Children's Assistance Act rests with the Administrator of the Office of Juvenile Justice and Delinquency Prevention. As required by the Act, the Administration announced his proposed program priorities on July 30, 1986, an invited pubic comments on these priorties for sixty days. No comments were received. The proposed funding priorities were established as required by the Missing Children's Assistance Act in consultation with the Missing Children's Advisory Board appointed by the Attorney General. The Administrator is now announcing the establishment of the final funding priorities.

Listed below are programs under Section 406 of the Missing Children's Assistance Act which have been or we anticipate will be funded with FY 1986 funds. These programs were announced in the July 25, 1985 **Federal Register** Notice of Final Program Priorities. They are:

1. National Study of Law Enforcement Agencies' Policies and Practices Regarding Missing Children and Homeless Youth

This study will describe current law enforcement policies and practices and identify the most effective law enforcement methods for handling reports and investigating, identifying, and recovering children who may be missing or homeless and risk of exploitation. It will also provide better estimates of the number of cases of missing children reported to law enforcement agencies annually.

2. The Child Victim as Witness Research and Development Program

This study will design, implement and test new strategies to be used to improve court policies and practices for handing child victim witnesses.

3. Research on the Psychological Consequences of Abduction and Sexual Exploitation

The primary goal of this research is to increase our knowledge of and develop effective treatment alternatives for the psychological consequences of families with missing and exploited children.

4. Training/Public Awareness Program

This will be a campaign of education and awareness on the missing children's issue.

5. Assistance to State Clearinghouses for Missing and Exploited children

This program, run by the National Center for Missing and Exploited Children will solicit state applications for two-year awards that are intended to encourage states to develop clearinghouses and operate uniform data collection systems.

6. Assistance to Private Voluntary Organizations

This program run by the Institute for Non-Profit Organization Management, will award limited grants to expand the capacity of private voluntary organizations serving missing and exploited children.

Pursuant to section 404 (a) and (b), the following programs were awarded with FY 1986 Missing Children's funds:

1. The National center for Missing and Exploited Children to:

a. Provide the information derived from the national toll free telephone line to appropriate law enforcement entities and to enable individuals to report information regarding the location of any missing child or other child 13 years of age or younger whose whereabouts are unknown to such child's legal custodians, and request information pertaining to procedures necessary to reunite such child with such child's legal custodian. (section 404(a)(3), 404(b)(1))

b. Serve as a national resource center and clearinghouse. (404(b)(2))

2. Institute for Non-Profit Organization Management (INPOM) to: Serve as a national resource center and clearinghouse focusing on assistance to private voluntary organizations working on the issue of missing and exploited children. (section 404(b)(2))

3. National Incidence Study (Pilot Studies): Funding of the first National Incidence Study is anticipated in FY 1987. Several pilot studies have been awarded to determine the merits of the various strategies available for conducting the National Incidence Study. (section 404(b)(3).)

Dated: September 30, 1986.

Approved:

Verne L. Speirs,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 86-22718 Filed 10-6-86; 8:45 am]

BILLING CODE 4410-58-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-17,693]

Damson Oil Co.; Houston, TX; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 21, 1986 in response to a worker petition which was failed on behalf of workers at Damson Oil Company in Houston, Texas.

All workers were separated from the Houston, Texas facility of Damson Oil Company more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of September 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-22706 Filed 10-6-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,503]

Danskin Division of International Playtex, Inc., Plants Number 1, 2, 3, and 4, York, PA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 9, 1986 in response to a worker petition which was received on May 27, 1986 and filed on behalf of workers at Plants (Buildings) Number 1, 2, 3, and 4.

An active certification covering the petitioning group of workers remains in effect (TA-W-16,379). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, this 22nd day of September 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-22707 Filed 10-6-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,894]

Dawn Mining Co., Ford, WA; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 25, 1986 in response to a worker petition which was filed on behalf of workers at Dawn Mining Company, Ford, Washington.

All workers were separated from the Ford, Washington, facility of Dawn Mining Company more than one year prior to the date of the petition. Section 223 of the Act specifies that no certification may apply to any worker whose last separation occurred more than one year before the date of petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, of this 22nd day of September 1986.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-22708 Filed 10-6-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-17,607]

Roane Alloys Division; Samancor Metals and Minerals; Rockwood, TN; Cancelling Termination of Investigation

The Department on its own motion cancels its notice of termination of invesitgation for workers at the subject company. The termination notice was published in the **Federal Register** on September 26, 1986 (51 FR 34269).

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

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 86-22709 Filed 10-6-86; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-16,627]

Ware Knitters, Inc., Ware, MA; Negative Determination Regarding Application for Reconsideration

After being granted a filing extension, an application was received from a petitioner with the support of a Congressman for administrative reconsideration of the Department of Labor's Notice of Negative Determination regarding eligibility to Apply for Worker Adjustment assistance in the case of workers and

former workers at Ware Knitters, Inc., Ware Massachusetts. The denial notice was published in the **Federal Register** on July 16, 1986 (51 FR 25762).

Ware Knitters is a contractor. The Ware facility was a cutting and stitching operation for knitted pullover outerwear. The stitching operations were discontinued in March, 1985. Currently all cut garments are now sent to other domestic plants for stitching and finishing.

Findings in the investigation show that production of knitted outerwear (including warm-up suits) at Ware increased in 1984 compared to 1983. The Department's survey of manufacturers for whom Ware Knitters performed contract work showed that the manufacturers did not increase their purchases of imported outerware or warm-up suits in the first quarter of 1985 compared to the same quarter in 1984. A secondary survey showed that the major customer of one of Ware's manufacturers did not increase its imports of warm-up suits in 1985 compared to 1984.

Company officials indicated that the list of customers provided by the petitioners were either not active accounts during the period relevant to the investigation or only had incidental business in 1984 with Ware Knitters.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretaion of the law or the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of September 1986.

Harold A. Bratt,

Deputy Director, Office of Program Management, UIS.

[FR Doc. 86-22710 Filed 10-6-86; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-86-134-C]

U.S. Steel Mining Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

U.S. Steel Mining Co., Inc., 600 Grant Street, Pittsburgh, Pennsylvania 15230 has filed a petition to modify the application of 30 CFR 75.1103 (automatic fire warning devices) to its Shawnee Mine (I.D. No. 46-05907) located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that devices be installed on all belts which will give an automatic warning when a fire occurs on or near such belt.

2. In a separate petition (M-86-26-C), petitioner proposed to use the air from the belt entries to ventilate the active working places.

3. In lieu of point heat sensors, petitioner proposes to use a low-level carbon monoxide (CO) detection system installed and operated with specific safeguards and conditions outlined in the petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 6, 1986. Copies of the petition are available for inspection at that address.

Dated: September 26, 1986.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 86-22711 Filed 10-6-86; 8:45 am]

BILLING CODE 6510-45-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-338 and 50-339]

Virginia Electric & Power Co. and Old Dominion Electric Cooperative, North Anna Power Station, Units No. 1 and 2, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix R to 10 CFR 50 to Virginia Electric and Power Company and Old Dominion Electric Cooperative (the licensee), for the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia.

Environmental Assessment:

Identification of Proposed Action

The exemption would grant the following exemptions from the requirements of sections III.G and III.J of Appendix R to 10 CFR 50:

1. Auxiliary, Fuel, and Decontamination Buildings (Fire Area 11)

An exemption was requested from the specific requirement of section III.G.3 to the extent that full area fire detection and fixed suppression systems are not installed through the area.

2. Containment Incore Instrument Tunnel (Fire Areas 1-1 and 1-2).

An exemption was requested from the specific requirement of section III.G.2.d to the extent that intervening combustibles exist between redundant calbes and equipment.

3. Quench Spray Pump House (Fire Areas 15-1 and 15-2)

An exemption was requested from the specific requirement of section III.G.3 to the extent that authomatic fire suppression systems are not installed through the fire areas.

4. Main Steam Value House (Fire Areas 17-1 and 17-2)

An exemption was requested from the specific requirement of section III.G.3 to the extent that automatic fire suppression systems are not installed throughout each fire area.

5. Auxiliary Feedwater Pump House (Fire Areas 14B-1 and 14B-2)

An exemption was requested from the specific requirement of section III.G.3 to the extent that automatic fire suppression systems are not installed through the fire areas.

6. Charging Pump Cubicles (Elevation 244 Feet, 6 Inches)

An exemption was requested from the specific requirement of section III.G.2.a to the extent that nonrated removable concrete walls do not provide a 3-hour fire resistance rating.

7. Separation of Instrumentation Inside the Containment (Fire Areas 1-1 and 1-2)

An exemption was requested from the specific requirement of section III.G.2.d to the extent that intervening combustibles exist between redundant cables and equipment separated by 20 feet or by radiant energy shields.

8. Emergency Lighting in the Seal Water Filter Area, Main Control Room, and Exterior Access Routes

An exemption was requested from the specific requirement of section III.J to the extent that it requires 8-hour emergency lighting in all areas needed for operation of safe shutdown equipment; and in access and egress routes thereto.

9. Chiller Room (Elevation 254 Feet, O Inch of the Service Building)

An exemption was requested from the specific requirements of section III.G.2.a to the extent that ventilation penetrations through fire barriers are not provided with fire dampers.

In summary, the exemptions were requested from separating cables and associated nonsafety circuits of redundant trains by 3-hour rated fire barriers as required in section III.G.2.a of Appendix R, and from providing automatic fire suppression and detection systems as part of the protection requirements of sections III.G.2.b and III.G.3 of Appendix R. Additionally, exemptions from the intervening combustible requirements of section III.G.2.b and the emergency lighting requirements of section III.J were requested.

Equivalent levels of protection for the items specified above would be provided by the licensee.

The Need for the Proposed Action

The proposed exemption is needed in order to permit the licensee to use alternate fire protection configurations that achieve an equivalent level of safety compared to that attained by compliance with section III.G and section III.J of Appendix R.

Environmental Impact of the Proposed Action

The proposed Exemption would not degrade the level of safety attained by compliance with the rule and there would be no change in accident doses to the environment. Consequently, the probability of fires has not been increased and the post-fire radiological releases would not be greater than previously determined; nor does the proposed exemption otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with this proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impact associated with the proposed exemption.

Alternatives to the Proposed Action

Since we have concluded that the environmental effects of the proposed action are not significant, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts associated with fire protection modifications and compliance with the rule would accrue unreasonable costs to the licensee without an increase in safety.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement (as amended) for the North Anna Power Station, Units No. 1 and No. 2.

Agencies and Persons Contacted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the application for exemption from 10 CFR 50, Appendix R, sections III.G. and III.J of Appendix R dated May 1, 1984, as revised by letters dated October 31, 1984, August 21, 1985, and March 21, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093, and the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Dated at Bethesda, Maryland, this 2nd day of October, 1986.

For the Nuclear Regulatory Commission.

Daniel G. McDonald,

Acting Director, PWR Project Directorate #2, Division of PWR Licensing-A, Office of Nuclear Reactor Regulation.

[FR Doc. 86-22704 Filed 10-6-86; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Cost of Hospital and Medical Care and Treatment Furnished by the United States; Certain Rates Regarding Recovery From Tortiously Liable Third Persons

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (76 Stat. 593: 42 U.S.C. 2652), and delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (Part 43 of Chapter I of Title 28 of the Code of Federal Regulations) through three separate Federal agencies. These rates have been established in accordance with the requirements of OMB Circular A-25, requiring reimbursement of the full cost of all services provided. This has been determined as follows:

(a) For the Department of Defense—historical costs and workload data developed through the Medical Expense and Performance Reporting System (MEPR) provide an operating cost base to which are added systemwide costs and allowances for actual inflation and pay raises to obtain the estimates for the fiscal year under review. The costs added are those items required by OMB Circular A-25: (1) Retirement for civilian personnel—20.9% of the pay of the civilian personnel; and (2) An asset charge of 4% of the other costs in lieu of a specific depreciation cost of fixed assets.

(b) For the Veterans Administration—the actual costs and per diem rates by type of care for the previous year are added to the estimated costs for depreciation of buildings and equipment, administrative overhead, interest on capital investment, and Government employee retirement and disability charges. These computed rates are then adjusted by the budgeted percentage change to arrive at the

estimated rates for the fiscal year under review.

(c) For the Department of Health and Human Services—the sum of obligations for each cost center providing medical services is broken down into amounts attributable to inpatient care on the basis of the proportion of staff devoted to each. Total inpatient costs and outpatient costs thus determined are divided by the relevant workload statistic (inpatient day, outpatient visit) to produce the inpatient and outpatient rates. In calculating the rates, the Department's unfunded retirement liability costs, and capital and equipment depreciation costs were incorporated to conform to requirements contained in OMB Circular A–25. In addition, cost centers' obligations include all costs from all accounts—such as Medicare and Medicaid collections, and Contract Health funds used to support direct operations. Inclusion of these funds yields a more accurate indication of the cost of care in HHS facilities.

These rates represent the reasonable cost of hospital, nursing home, medical, surgical, or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals, nursing homes, and outpatient clinics, administered by any of the three Federal agencies—Department of Defense, Veterans Administration of Department of Health and Human Services.

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be amounts expended by the United States for such care and treatment.

	Effective Oct. 1, 1986 and thereafter		
	DOD	VA	HHS
Hospital care per inpatient day			
General medical care	$441	$436	$655
Surgical care		508	
Psychiatric care		323	269
Intermediate care		197	
Neurology		378	
Rehabilitation medicine		344	
Blind rehabilitation		485	
Alcohol and drug treatment		121	
Prescription		13	
Nursing home care		167	
Spinal cord injury care		501	
Burn Center, U.S. Army Institute of Surgical Research, Brooke Army Medical Center, For Sam Houston, Texas	1,635		
Outpatient medical and dental treatment:			
Outpatient visit	58	89	
Psychiatric outpatient visit			100
General medical outpatient visit			89

For the period beginning October 1, 1986, the rates prescribed herein supersede those established by the Director of the Office of Management and Budget on October 30, 1985 (50 FR 46373).

Dated: September 27, 1986.

James C. Miller III,

Director, Office of Management and Budget.

[FR Doc. 86–22634 Filed 10–6–86; 8:45 am]

BILLING CODE 3110–01–M

SMALL BUSINESS ADMINISTRATION

Region III Advisory Council; Meeting Cancellation

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area Richmond, Virginia, has cancelled the public meeting scheduled for 10:00 a.m., Wednesday, October 8, 1986, at the Hotel Roanoke, Roanoke, Virginia. The meeting well be rescheduled.

For further information, write or call Catherine S. Marschall, District Director, Small Business Administration, P.O. Box 10126, Federal Building, Richmond, Virginia, 23240—(804) 771–2741.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 26, 1986.

[FR Doc. 86–22652 Filed 10–6–86; 8:45 am]

BILLING CODE 8925–01–M

Region III Advisory Council; Public Meeting

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Philadelphia, Pennsylvania will hold a public meeting at 8:30 a.m. on Tuesday, October 28, 1986 at the Historic Strasburg Inn, Route 896, Strasburg (Lancaster County) Pennsylvania, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call William T. Gennetti, District Director, U.S. Small Business Administration, One Bala Plaza, Suite 400-East Lobby, Bala Cynwyd, Pennsylvania 19004 (215) 596–5801.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 25, 1986.

[FR Doc. 86–22649 Filed 10–6–86; 8:45 am]

BILLING CODE 8025–01–M

Region V Advisory Council; Public Meeting

The U.S. Small Business Administration Region V Advisory Council, located in the geographical area of Indianapolis, Indiana, will hold a public meeting at 11:00 a.m., EST, Wednesday, October 29, 1986, at the Tippecanoe Country Club, Monticello, Indiana, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Robert D. General, District Director, U.S. Small Business Administration, Minton-Capehart Federal Building, Room 578, 575 North Pennsylvania Street, Indianapolis, Indiana 46204–1584—(317) 269–7275.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 26, 1986.

[FR Doc. 86–22650 Filed 10–6–86; 8:45 am]

BILLING CODE 8025–01–M

Region X Advisory Council; Public Meeting

The U.S. Small Business Administration Region X Advisory Council, located in the geographical area of Boise, Idaho, will hold a public meeting at 9:30 a.m., Wednesday, October 22, 1986, at the Owhyee Plaza "Regency Room", 1109 Main Street, Boise, Idaho, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Joseph G. Kaeppner, District Director, U.S. Small Business Administration, 1020 Main Street, Suite 290, Boise, Idaho—(208) 334–1096.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 26, 1986.

[FR Doc. 86–22648 Filed 10–6–86; 8:45 am]

BILLING CODE 8025–01–M

Advisory Committee on Veterans Business Affairs; Public Meeting

The U.S. Small Business Administration, Advisory Committee on Veterans Business Affairs is rescheduling its meeting from 10:00 a.m., Tuesday, September 30, 1986, to 10:00 a.m., Friday, October 31, 1986 at the U.S. Small Business Headquarters, 1441 L Street NW., 2nd Floor Conference Room, Washington, DC 20416, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Vincent B. Pagano, Director, Office of Veterans Affairs, U.S. Small Business Administration, 1441 L Street NW., Room 414, Washington, DC 20416—(202) 653–8220.

Jean M. Nowak,

Director, Office of Advisory Councils.

September 30, 1986.

[FR Doc. 86–22651 Filed 10–6–86; 8:45 am]

BILLING CODE 8025–01–M

Interest Rates; Quarterly Determinations

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Pub. L. 97–35) and the SBA share of immediate participation loans is eight and one quarter (8¼) percent for the fiscal quarter beginning October 1, 1986.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 122.8–4(d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the October–December quarter of 1986, this rate will be seven and three eights (7⅜) percent.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 86–22653 Filed 10–6–86; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96–192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. Order 80–2–69 established the first interim SFFL and Order 86–8–36 set the currently effective two-month SFFL applicable through September 30, 1986.

In establishing the SFFL for the two-month period beginning 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 Order 86–10–1 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	0.9272
Latin America	1.0913
Pacific	1.2011
Canada	1.1453

For further information contact: Julien R. Schrenk (202) 366–2441.

Dated: October 1, 1986.

By the Department of Transportation.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 86–22714 Filed 10–6–86; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 151 Minimum Operational Performance Standards for Airborne MLS Area Navigational Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 151 on Minimum Operational Performance Standards for Airborne MLS Area Navigational Equipment to be held on October 29–31, 1986, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW, Sutie 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's introductory Remarks; (2) approval of the minutes of the thirteenth meeting; (3) review and discuss SC–137 and EUROCAE WG–27 activities; (4) technical presentations; (5) working group reports; (6) review of the eighth draft MOPS; (7) working group sessions; (8) other business; and (9) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW, Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 30, 1986.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 86–22627 Filed 10–6–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Delegation of Authority; Delegation Order No. 220; Chief Counsel et al.

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: Delegation of Authority to Claim Executive Privilege in Matters before the United States Claims Court. The text of the delegation order appears below.

EFFECTIVE DATE: September 24, 1986.

FOR FURTHER INFORMATION CONTACT: Margo L. Stevens, CC:D, Room 3560, 1111 Constitution Avenue, NW., Washington, DC 20224, (202) 566–3074 (not a toll-free telephone number).

Peter V. Filpi,

Director, Disclosure Litigation Division.

Delegation Order No. 220

Effective Date: September 24, 1986.

Authority to Claim Executive Privilege in Matters Before the United States Claims Court

The authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150–37 to claim executive privilege with respect to Internal Revenue Service records and information in matters before the United States Claims Court is hereby delegated, through the Chief Counsel and the Associate Chief Counsel (Litigation), to the Director, Disclosure Litigation Division. In the absence of or at the request of the Director, the Assistant Director, may exercise this authority in his/her name for the Director. This authority may not be redelegated.

The Claims Court only recognizes agency claims of executive privilege as the sole basis for protecting internal or inter-agency documents that reflect recommendations, advisory opinions, and deliberations, comprising the process by which governmental

decisions and policies and formulated. Executive privilege does not encompass those documents whose disclosure would harm our national security or the conduct of international relations. Theses documents fall within the government's states secrets privilege which is not delegated herein. With respect to these documents, the Commissioner of Internal Revenue will claim the states secrets privilege.

Executive privilege may be claimed only for those Internal Revenue Service records and information that are predecisional and deliberative, the disclosure of which would significantly impede or nullify IRS actions in carrying out a responsibility or function, or would constitute an unwarranted invasion of personal privacy. Prior to asserting the claim of executive privilege with respect to the documents described herein, coordination with the interested function(s) shall be effected.

Dated: September 24, 1986.
Approved:

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 86-22701 Filed 10-6-86; 8:45 am]

BILLING CODE 4830-01-M

Delegation of Authority, Delegation Order No. 218; Director, Austin Compliance Center

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: All authorities delegated to Directors, Service Center that are required and necessary to administer and enforce the internal revenue laws with respect to the Collection, Criminal Investigation, and Examination programs and activities are delegated to the Director, Austin Compliance Center. This is a two year test which will expire on September 30, 1988. The text of the delegation order appears below.

EFFECTIVE DATE: October 1, 1986.

FOR FURTHER INFORMATION CONTACT: Rhen O'Dell, OP:EX:TA, Room 2010, 1111 Constitution Ave, NW., Washington, DC, 20224, 202-566-3632 (not a toll-free telephone number).

Richard Valdez,

Chief, Tax Shelter Section, Office of Tax Avoidance.

Order No. 218

Effective Date: October 1, 1986.

Austin Compliance Center

1. Pursuant to the authority vested in the Commissioner of Internal Revenue by TDO 150-37, as revised, I hereby delegate to the Director, Austin Compliance Center, all authorities delegated to Directors, Service Centers, that are required and necessary to administer and enforce the internal revenue laws with respect to the Collection, Criminal Investigation and Examination programs and activities. This authority may be exercised and redelegated consistent with the authorities delegated to Directors, Service Centers. This authority shall expire on September 30, 1988.

2. As of the effective date of this Order, all personnel performing any previously delegated function prior to the effective date of this Order are hereby authorized to continue to perform such function until changed by appropriate authority.

Dated: September 26, 1986.
Approved:

James I. Owens,

Deputy Commissioner.

[FR Doc. 86-22702 Filed 10-6-86; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements under OMB Review

AGENCY: United States Information Agency.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that such a submission has been made. USIA is requesting approval of information collection activities associated with its "Radio Marti Program".

DATE: Comments must be received by October 17, 1986. If you intend to comment but cannot before the deadline, please advise the OMB Reviewer and the Agency Clearance Office promptly.

Copies: Copies of the request for clearance (SF-83), supporting statment, cover letters and questionnairs submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, John E. Davenport, United States Information Agency, M/ASP, 301 Fourth Street SW., Washington, DC 20547, telephone (202) 485-7505. And OMB review: Bruce McConell, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, telephone (202) 395-3785.

SUPPLEMENTARY INFORMATION:

Title

"Surveys, interviews and other audience research of the Research and Policy Department of Radio Marti".

Abstract

Radio Marti was created by Pub. L. 98-111, the Radio Broadcasting to Cuba Act, "to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes". Radio Marti needs to conduct research among recent Cuban arrivals in the United States and abroad to determine audience reaction to its programming and gather information on conditions and events in today's Cuba. Information gathered will be used to improve Radio Marti transmissions in providing the Cuban people with news, information and other programming that is relevant, interesting, timely and appealing.

Dated: October 3, 1986.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86-22629 Filed 10-6-86; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains a revision and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form and supporting documents may be obtained from Jill Cottine, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 389-2146. Comments and questions about the items on the list should be directed to the VA's OMB

Desk Officer, Joe Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 2, 1986.
By direction of the Administrator:
David A. Cox,
Associate Deputy Administrator for Management.

Revision

1. Department of Veterans Benefits.
2. Uniform Residental Appraisal Report.
3. Fannie Mae Form 1004.
4. On occasion.
5. Individuals or households; Business or other for-profit; Small businesses or organizations.
6. 915,276 responses.
7. Not applicable.
8. Not applicable.

[FR Doc. 86–22681 Filed 10–6–86; 9:45 am]
BILLING CODE 8320–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–060–07–4410–04]

California Desert District Advisory Council; Meeting

SUMMARY: Notice is hereby given in accordance with Pub. L. 92–463 and 94–579 that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Thursday, November 6 and Friday, November 7, 1986, 8 a.m. to 4 p.m. each day, in the San Jacinto Room of the Quality Inn, 1983 North Palm Canyon Drive, Palm Springs, California.

Agenda items will include a review of the Final Environmental Impact Statement for the 1985 amendments to the California Desert Plan; a presentation from a representative of the Southern California Association of Governments on siting of hazardous waste disposal facilities in the California Desert; a review of the recreation area management plans for the East Mojave National Scenic Area and the Imperial Sand Dunes; and, a discussion of Bureau funding in the budget for Fiscal Year 1987.

All formal Council meetings are open to the public, with time allocated for public comments, and time for comment made available by the Council Chairman during the presentation of various agenda items.

Written comments may be filed in advance of the meeting with the California Desert District Advisory Council Chairman, Dr. Loren Lutz, c/o Bureau of Land Management Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507. Written comments are also accepted at the time of the meeting and, if provided to the recorder, will be incorporated in the minutes of the meeting.

For further information and meeting confirmation: Contact the Bureau of Land Management, California Desert District, Public Affairs Office, 1695 Spruce Street, Riverside, CA 92507 (714) 351–6383.

Dated: October 2, 1986.
Gerald E. Hillier,
District Manager.

[FR Doc. 86–22885 Filed 10–6–86; 11:55 am]
BILLING CODE 4310–40–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 194
Tuesday, October 7, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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	Item
Equal Employment Opportunity Commission	1
Federal Deposit Insurance Corporation	2
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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 33690 Dated September 22, 1986.

PREVIOUSLY ANNOUNCEMENT TIME AND DATE OF MEETING: 9:30 a.m. (eastern time) Tuesday, October 7, 1986.

CHANGE IN THE MEETING: The meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer, Executive Secretariat, (202) 634-6748.

Dated: October 2, 1986.

Cynthia C. Matthews,

Executive Officer.

This Notice Issued October 2, 1986.

[FR Doc. 86-22757 Filed 10-3-86; 10:54 am]

BILLING CODE 6750-06-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Tuesday, September 30, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider a recommendation regarding the Corporation's assistance agreement with an insured bank.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter is a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(4), (c)(8), (c)(9)A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW, Washington, DC.

Dated: October 1, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-22727 Filed 10-2-86; 8:45 am]

BILLING CODE 6714-01-M

3

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-86-35]

TIME AND DATE: Tuesday, October 7, 1986 at 10:00 am

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Inv. No. 731-TA-347 and 348 (P) (Certain malleable cast-iron pipe fittings from Japan and Thailand)—briefing and vote.
5. FY 88 Budget.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

Dated: September 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-22806 Filed 10-3-86; 3:53 pm]

BILLING CODE 7020-02-M

4

UNITED STATES PAROLE COMMISSION

Public Announcement

PLACE: Air World Center, 10920 Ambassador Drive, Suite 220, Kansas City, Missouri, 61453.

DATE AND TIME: .

Tuesday, October 7, 1986—9:00 a.m. to 5:30 p.m.

Wednesday, October 8, 1986—9:00 a.m. to 5:30 p.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of open business meeting of July 22 through July 23, 1986.
2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Research, Case Operations, and the Administrative Section.
3. Presentation of the financial responsibility program and the collection of fines, restitution, and court assessments.
   a. Michael Quinlan, Deputy Director of the Bureau of Prisons.
   b. Judge Tim Murphy, Assistant Director, Debt Collection Staff, U.S. Department of Justice.
4. Proposed revisions to the rescission guidelines: Recalculating the salient factor score and raising the severity for distributing drugs in the institution.
5. Proposed guidelines for distribution or possession with intent to distribute "Crack" (freebased cocaine).
6. Proposed revision of the dollar thresholds for property offenses.
7. Proposed inclusion of the value of the truck in theft from interstate shipment offenses.
8. Discussion of monthly notification of regions of NAB decisions and reasons.
9. Proposed procedures relating to the Ethics Program.
10. Proposed penalty for refusal to provide a urine sample.
11. Proposed guideline modification concerning unlawful sexual conduct with minors.
12. Addition to general policy statement concerning refusal to cooperate with police and investigators as an aggravating factor.

Consent Agenda

The following items are placed on the Commission's Consent Agenda. A request to discuss a particular item must be received by September 30, 1986. Items for which no such request is received shall be deemed adopted by consent and will not be discussed at the meeting.

13. Distributing drugs near an elementary school to be made an aggravating factor.
14. Modification to the confidential page of the Preliminary Interview.
15. Modification of § 2.56-03(a) relating to routine uses.

CONTACT PERSON FOR MORE INFORMATION: James L. Beck, Director of Research, United States Parole Commission, (301) 492-5980.

Dated: October 2, 1986.

Patrick J. Glynn,

General Counsel, United States Parole Commission.

[FR Doc. 86–22774 Filed 10–3–86; 1:05 pm]

BILLING CODE 4410-01-M

5

SECURITIES AND EXCHANGE COMMISSION

Agency Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (51 FR 34312 9/26/86).

STATUS: Open meeting.

PLACE: 450 Fifth Street, NW, Washington, DC

DATE PREVIOUSLY ANNOUNCED: Tuesday, September 23, 1986.

CHANGE IN THE MEETING: Additional item.

The following item will be considered at an open meeting to be held on Tuesday, October 2, 1986, at 10:00 a.m., in Room 1C30.

Consideration of whether to propose provision of the Government Securities Act of 1986 which would amend section 3(a)(8) of the Securities Act of 1933 to exempt from the registration requirements certain instruments guaranteed by certain classes of insurance policies.

Commissioner Fleischman, as duty officer, determined that Commission business required the above change 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: Ronald A. Schy at (202) 272–2468.

Dated: October 2, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–22758 Filed 10–3–86; 11:39 am]

BILLING CODE 8010-01-M

6

SECURITY AND EXCHANGE COMMISSION

Agency Meeting.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of October 6, 1986:

A closed meeting will be held on Tuesday, October 7, 1986, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, October 7, 1986, at 10:00 a.m., will be:

Institution of injunctive action.

Settlement of administrative proceeding of an enforcement nature.

Regulatory matter regarding self regulatory organization.

Formal order of investigation.

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.

Dated: October 1, 1986.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–22759 Filed 10–3–86; 11:39 am]

BILLING CODE 8010-01-M

Federal Register

Tuesday
October 7, 1986

Part II

Department of Energy

Office of Conservation and Renewable Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products; Test Procedures for Central Air Conditioners, Including Heat Pumps; Proposed Rule and Public Hearing

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CAS-RM-79-102]

Energy Conservation Program for Consumer Products; Proposed Rulemaking and Public Hearing Regarding Test Procedures for Central Air Conditioners, Including Heat Pumps

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Proposed rule and public hearing.

SUMMARY: The Department of Energy (DOE) hereby proposes to amend the test procedures for central air conditioners, including heat pumps. Test procedures are one part of the energy conservation program for consumer products established pursuant to the Energy Policy and Conservation Act, as amended by the National Energy Conservation Policy Act. Among other program elements, the legislation requires that standard methods of testing be prescribed for covered products.

The purpose of today's notice is threefold. First, to incorporate, by reference, three commercial standards into the test procedures. The standards are the American National Standards Institute (ANSI) and American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. (ASHRAE) Standard 116–1983, the Air-Conditioning and Refrigeration Institute (ARI) Standard 210/240–84, and the ANSI/ARI Standard 325–85. Second, to prescribe a rating procedure for estimating efficiency ratings for untested combinations of split-system central air conditioners in lieu of laboratory testing. Third, to expand the coverage of the test procedures to address innovative designs, including ground water-source heat pumps, earth-coupled heat pumps, split-type ductless systems and variable-speed central air conditioners.

DATES: Written comments (7 copies) in response to this notice must be received by December 8, 1986; requests to speak at the public hearing must be received by November 7, 1986; statements (7 copies) must be submitted by November 10, 1986; the public hearing will be held on November 12, 1986, at 9:30 a.m.

ADDRESSES: Written comments, requests to speak at the public hearing, and copies of statements of each speaker are to be submitted to: U.S. Department of Energy, Office of Conservation and Renewable Energy, Office of Hearings and Dockets, Central Air Conditioner Test Procedures, Docket No. CAS–RM–79–102, Room 6B–025, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9319.

The public hearing will be held at Room 1E–245, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Copies of the transcript of the public hearing, the technical support documents and the public comments received may be obtained at the DOE Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–5969.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station, CE–132, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station, GC–12, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9513

U.S. Department of Energy, Office of Hearings and Dockets, Forrestal Building, Room 6b–025, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252–9319.

SUPPLEMENTARY INFORMATION:

I. Background

The energy conservation program for consumer products was established pursuant to Title III, Part B of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94–163). Subsequently, EPCA was amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619). Among other program elements, section 323 of the EPCA as amended requires that standard methods of testing be prescribed for covered products, including central air conditioners and heat pumps. Test procedures appear at 10 CFR Part 430, Subpart B.

Test procedures for evaluating the cooling performance of air-source central air conditioners were initially issued by DOE on November 21, 1977 (42 FR 60150, November 27, 1977). A correction notice amending this notice was issued by DOE on May 31, 1978 (43 FR 24268, June 5, 1978). Test procedures for evaluating the heating performance of air-source heat pumps as well as amending the test procedures for central air conditioners were issued by DOE on December 10, 1979 (44 FR 76700, December 27, 1979). On March 15, 1985, DOE issued a Notice of Inquiry to solicit comments concerning a rating method for determining efficiency ratings for untested combinations of split-system central air conditioners in lieu of laboratory testing of the units (50 FR 13042, April 2, 1985).

There are three purposes for today's notice. First, to incorporate three commercial standards into the central air conditioner test procedures. The standards are ANSI/ASHRAE Standard 116–1983, ARI Standard 210/240–84 and ANSI/ARI Standard 325–85. Second, to prescribe a rating method for estimating efficiency ratings for untested combinations of split-system central air conditioners in lieu of laboratory testing. Lastly, DOE is proposing to expand the coverage of the test procedures to address innovative designs, including ground water-source heat pumps, earth-coupled heat pumps, split-type ductless systems and variable-speed central air conditioners.

This third area includes variable-speed central air conditioners and addresses the 1981 exception from the central air conditioner test procedures granted by the DOE Office of Hearings and Appeals (OHA) to York Division Unitary Products (York) for its variable-speed heat pump. *Federal Energy Guidelines*, 7 DOE ¶ 81,209. In 1983, OHA extended the exception to Borg-Warner Central Environmental Systems (Borg-Warner), formerly York. *Federal Energy Guidelines*, 10 DOE ¶ 81,206. The two exceptions specify an alternative test procedure for evaluating variable-speed heat pumps. In 1986, the Carrier Corporation (Carrier) petitioned the Department for a test procedure waiver for its variable-speed heat pump (February 14, 1986, 51 FR 5587). Carrier, in its petition, proposed as alternative test procedure which was different from the Borg-Warner approach. Today's notice proposes alternative test procedures for variable-speed heat pumps based upon the exception granted to Borg-Warner and the waiver granted to Carrier.

II. Discussion

The central air conditioner is a consumer product which utilizes the mechanical refrigerator cycle to provide heating and/or cooling. The central air conditioner consists of a compressor(s), an indoor conditioning coil and refrigerant-to-outdoor-air heat exchanger. The current test procedure provides for a controlled laboratory environment for measuring energy consumption of air-source central air conditioners, including heat pumps. The current test method for cooling performance consists of two steady-

state wet-coil tests, and two cyclic dry-coil tests for determining cyclic performance. The current test method for heating performance consists of four tests to evaluate: the steady-state efficiency, energy lost due to defrosting, the effect of cycling the unit and the efficiency at low temperatures. The cycling tests require simulating the cyclic behavior of central air conditioners. Because the cyclic tests are difficult to perform, the current test procedures provide for an assigned degradation coefficent, C_D, which may be used in lieu of conducting the cyclic tests. The assigned coefficient is 0.25 for both heating and cooling. Furthermore, the current test procedure provides for the use of computer simulation or engineering analysis of the efficiency of condensor-evaporator coil combinations other than the combination likely to have the highest sales volume of retail sales. *See* § 430.23(m). Manufacturers who chose to use computer simulation or engineering analysis must submit to DOE a written document describing the method used.

The current test procedure applies to air-source central air conditioners, and does not address ground water-source heat pumps, earth-coupled heat pumps, split-type ductless systems and variable-speed central air conditioners. At DOE's request, the National Bureau of Standards (NBS) evaluated existing test methods for measuring energy consumption of central air conditioners. Based upon NBS recommendations, DOE is proposing to add Appendix M1 to the test procedures for central air conditioners. The new Appendix is based on ANSI/ASHRAE Standard 116–1983 and ARI Standard 210/240–84. A rating method for estimating efficiency ratings for untested combinations of split-system central air conditioners is included in section 4.6.1 of Appendix M1 of today's proposal. Appendix M will remain in effect for 2 years allowing currently tested units to continue to be rated without having to retest.

Under today's notice, central air conditioners could be tested during a transition period of 24 months by using either Appendix M or Appendix M1. After that period, only Appendix M1 would be used for testing central air conditioners. Further details of the transition period are discussed in paragraph h of today's notice.

Ratings for untested combinations of split-system central air conditioners would be determined by the standardized rating method in section 4.6.1 of Appendix M1 of today's notice. No other method would be used unless a manufacturer received DOE's approval to use an alternative rating method under § 430.23 (m)(5). Further details concerning alternative rating methods are discussed later in this notice.

The test procedures proposed today incorporate in part, three commercial standards to measure the efficiency and capacity of central air conditioners. The three commercial standards are: ANSI/ASHRAE Standard 116–1983, ARI Standard 210/240–84 and ANSI/ARI Standard 325–83.

Pursuant to section 301 of the Department of Energy Organization Act (Pub. L. 95–91), DOE is required to comply with section 32 of the Federal Energy Administration Act of 1974 (FEA Act) (Pub. L. 93–275), as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Pub. L. 95–70).

Sections 32 (a), (b), and (c) of the FEA Act provide that:

(a) If any proposed rule by the Secretary contains any commercial standards, or specifically authorizes or requires the use of any such standards, then any general notice of the proposed rulemaking shall—

(1) Identify, by name, the organization which promulgated such standards; and

(2) State whether or not, in the judgment of the Secretary, such organization complied with the requirements of subsection (b) in the promulgation of such standards.

(b) An organization complied with the requirements of this subsection in promulgating any commercial standards if—

(1) It gives interested persons adequate notice of the proposed promulgation of the standards and an opportunity to participate in the promulgation process through the presentation of their views in hearing or meetings which are open to the public;

(2) The membership of the organization at the time of the promulgation of the standards is sufficiently balanced so as to allow for the effective representation of all interested persons;

(3) Before promulgating such standard, it makes available to the public any records or proceedings of the organization, and any documents, letters, memorandums, and materials relating to such standards; and

(A) Obtain a reconsideration of any action taken by the organization relating to the promulgation of such standards, and

(B) Obtain a review of the standards (including a review of the basis or adequacy of such standards).

(c) The Secretary shall not incorporate within any rule, nor prescribe any rule specifically authorizing or requiring the use of, any commercial standards unless he has consulted with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of such standards on competition and neither such individual recommends against such incorporation or use.

The findings required of DOE by section 32 of the FEA Act serve to alert the public and DOE regarding the use and background of commercial standards in a proposal and, through the rulemaking process, allow interested persons to make known their views regarding the appropriateness of the use of any particular commercial standard in a proposed rulemaking.

DOE has evaluated ANSI/ASHRAE Standard 116–1983, ARI Standard 210/240–84 and ANSI/ARI Standard 325–83 with regard to compliance with section 32(b). It is the judgment of DOE that these three standards do not fully comply with the requirements of section 32(b), in that these standards were not developed in a manner which fully provided for public participation, comment and review

Furthermore, as required by section 32(c) of the FEA Act, DOE will consult with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of these standards on competition, prior to prescribing final test procedures.

a. ANSI/ASHRAE Standard 116–1983, ARI Standard 210/240–84 and ANSI/ARI Standard 325–83

Subsequent to DOE's 1979 final rule, manufacturers identified a number of problems with the test procedure. As a result, ASHRAE established a Standard Project Committee (SPC) for the purpose of developing an industry consensus test method which addressed these problems. The most significant change was to revise the test method for measuring the degradation effect caused by cycling of the unit.

The DOE test procedure prescribes a damper method, while the ASHRAE procedure prescribes a continuous air method. The continuous air method is a more repeatable test because the test initiates each cycle with no temperature differential across the indoor coil. *See* "Seasonal Performance of Air Conditioners—Experimental Analysis of the DOE Test Procedures Set Up Measurement Errors for Unitary Air Conditioners and Heat Pumps", HL 82–2T, Purdue University, May 1982. The damper method results in a temperature differential across the indoor coil that can vary from cycle to cycle, which

results in greater variability in test results. For these reasons, NBS recommended using the continuous air method. DOE has reviewed these recommendations and agrees that the continuous air method is a more repeatable test and results in less variability in ratings. There are additional advantages in the continuous air method, including a simpler test set-up since no damper arrangement is required and less chance of having testing conditions drift over time due to cracks and openings in the damper. Consequently, DOE is proposing that the continuous air method, as prescribed in ANSI/ASHRAE Standard 116–1983 be used in conducting Test D.

One issue in proposing the continuous air method is to determine appropriate times for measuring the output capacity and input power during the cyclic tests. As with the existing DOE procedures, the ARI Standard 210/240–84 specifies that these tests be conducted by cyclying the unit 6 minutes on and 24 minutes off. According to the ARI standard, the power shall be measured for six minutes while the capacity shall be measured for eight minutes. DOE believes that the ARI method of measuring power and capacity of different time periods does not accurately describe the performance observed in the field. Consequently, DOE is proposing that both power and capacity should be measured for six minutes. *See* 3.1.1 of Appendix M1 of today's notice.

Also, ANSI/ASHRAE Standard 116–1983 uses a bin method for determining the SEER for single-speed units. The DOE test procedure specifies a simpler but less accurate approach, consisting of a single equation for determining the SEER for single-speed units. The simpler approach was prescribed by DOE to reduce testing burden. The current DOE test procedure specifies a bin method for all other types of central air conditioners, including two speed units. DOE believes that results from the bin approach are more accurate, and are not burdensome. Therefore, DOE is proposing that the SEER for single-speed units should be determined by the bin methods prescribed in ASHRAE Standard 116–1983.

Finally, the ANSI/ASHRAE Standard 116–1983 differs from the existing procedures by not including enhancement credit for "demand defrost" control systems. Where the existing procedures assign a fixed credit for units with this type of control system no such credit is available in the ANSI/ASHRAE Standard 116–1983 procedures. The existing procedures assigned this credit to compensate for improved performance not measured in the Frost Accumulation Test. Specfically, the system capacity measured during the Frost Accumulation Test is increased by seven percent to account for the seasonal performance improvement. The introduction of this enhancement factor improves HSPF by approximately four percent which agreed with the available field data at the time the procedures were prescribed.

DOE believes it appropriate to continue enhancement credit for "demand defrost" control systems and is therefore, including such a credit in today's proposal. However, today's proposed credit differs from that in the existing procedures, where in lieu of a single seven percent capacity enhancement credit, today's proposal would include an HSPF enhancement credit which is prorated linearly based on the number of defrost cycles saved by the control. This improved method would result in the same enhancement for units that were the basis of the existing procedures (e.g., single speed, poor frosting performance, etc.); however, higher efficiency units (e.g. variable speed, improved frosting performance, etc.) would receive less enhancement. DOE believes this adjustment is appropriate since much of the improved performance due to demand defrost controls on high efficiency units is measured in the Frost Accumulation Test. In fact, if the unit does not defrost during laboratory testing, the maximum improvement for defrost controls is reflected in the test procedures and no further enhancement is deserved. In such a case, today's proposal would assign an enhancement factor of unity (i.e. no additional credit for demand defrost controls).

b. Degradation Coefficient

The test procedure included tests for measuring the degradation effect caused by cycling of the unit (cyclic tests). In order to reduce the burden of testing on manufacturers with limited capability for testing, an assigned degradation coefficient, C_D, may be used in lieu of conducting the cyclic tests.

For cooling, the DOE test procedures permits manufacturers to conduct cycling tests (Tests C and D) to determine the actual value of the C_D or to use an assigned value of 0.25. In the 1979 final rule, DOE stated that setting the assigned value for C_D at 0.25 gives manufacturers incentive to test units with improved cycling performance; while at the same time, not severely penalizing manufacturers that elects to use the assigned value.

When DOE prescribed test procedures for heat pumps in 1979, the assigned value for the degradation coefficient for heating was also set at 0.25. This value was selected because little information was known concerning the heating degradation coefficient and it was generally believed that the assigned values for cooling and heating degradation coefficient should be the same.

Since 1979, DOE has become aware of information indicating that many heat pumps are rated using the assigned value for the degradation coefficient because the assigned value typically was lower (i. e. better) than the tested value. Using the assigned value instead of the actual value results in an unfair advantage in HSPF, when the assigned value is lower than the actual value. Purdue reported that the actual value averaged about 0.24. *See* "Analysis of Heat Pump Test Data and Industry's Response", HL81–37, Purdue University, February 1982. This implies that about one-half of all heat pumps could obtain an unfair advantage in HSPF by using the assigned value of 0.25. DOE proposes to correct this problem by changing the assigned value for C_D for heating to 0.35. Setting the assigned value for C_D at 0.35 would give manufacturers incentive to develop units with improved cycling performance, while not providing an unfair advantage to manufacturers that elect to use the assigned value. This philosophy is constant with the rationale used in the 1979 final rule. *See* 3.1.1 of Appendix M1 of today's rule.

c. Part-Load Factors

The DOE test procedures specify that SEER and HSPF shall be determined based on several variables, one of which is the part-load factor. The part-load factor is an expression of the degradation of a central air conditioner operating at various heating or cooling loads. The DOE test procedures assume that the degradation coefficient is linear about a single cyclic test point. In reality, the degradation is non-linear and a series of cyclic tests at various load conditions should be conducted. However, in order to reduce testing burden, the DOE test procedure specifies the cyclic tests at one load condition and assumes linearity for other loadings.

Recent studies have shown that the part-load factor can be expressed more accurately as an exponential function of the cooling or heating load factor. *See* "Field Performance of Three Residential Heat Pumps in the Cooling Mode", NBSIR 85–3107, March 1985 and "Field-

Measured Cycling, Frosting, and Defrosting Losses for a High Efficiency Air-Source Heat Pump", ASHRAE Transactions 1985, Volume 91, Part 2. DOE has reviewed these studies to determine that the part-load factor can be expressed more accurately by an exponential equation consisting of the cooling or heating load factor and the degradation determined by a single cyclic test in each mode (i.e. heating and cooling). This method involves no additional testing and is based on results from the already prescribed cycling tests. Since the exponential approach requires no additional testing and should potentially result in more accurate ratings, DOE is today proposing that the part-load factors be determined by the exponential method. *See* § 4.1.1 and 4.2.1 of Appendix M1 of today's notice.

d. Rating Procedure for Untested Combinations of Split-System Central Air Conditioners

The December 1979 final rule stated that laboratory testing of every combination of a split-system central air conditioner (i.e., a separate condensing unit and evaporator coil combination) would unduly burden test procedures users. Coil manufacturers stressed the impossibility of laboratory testing all combinations that they offer for sale. Condensing unit manufacturers favored an alternative to laboratory testing as long as it resulted in equal accuracy for their combinations. Consequently, in the December 1979 final rule, the Department allowed the use of computer simulation or engineering analysis to predict the energy performance of untested combinations provided that, at a minimum, laboratory testing was done on the combination representing the largest sales volume, and the simulation technique demonstrated an acceptable level of repeatable accuracy. *See* § 430.23(m)(5).

Since 1979, test procedures users have reported a high degree of variability resulting from the allowance of using simulation techniques. For example, some utilities with rebate programs for the purchase of high efficiency central air conditioners have reported receiving significantly different ratings for the same condenser-evaporator-coil combination.

In response to these issues, DOE directed NBS to evaluate various simulation techniques to determine the level of accuracy and repeatability. Concurrent with the NBS research, ARI contracted with ETL Testing Laboratories, Inc. (ETL), a private testing laboratory, to conduct a testing program which would compare results of simulation techniques in use with actual test results. These efforts indicated that although some simulation techniques appear to have reasonable accuracy, other techniques demonstrated significant variability of results. In the interest of improving this situation, NBS, working in conjunction with ARI, ETL, condensing unit manufacturers, coil manufacturers and consulting engineers, has developed a standardized rating method for untested combinations of split-systems. DOE published the standardized rating method as a Notice of Inquiry (NOI) on March 15, 1985, to receive comments and data concerning the accuracy and workability of the method. 50 FR 13042, April 2, 1985. DOE and NBS have reviewed the 24 comments received regarding the standardized rating method. *See* "Rating Procedure for Mixed Air Source Unitary Air Conditioners and Heat Pumps Operating in the Cooling Mode". NBSIR 86-3301, February 1986.

The standardized rating procedure for untested combinations that was published in the NOI was developed by NBS. The NOI procedure required knowledge of the following factors: (1) Capacity of the matched system; (2) indoor fan power of the mixed and matched systems; (3) coil capacity of the mixed and matched coils; (4) the type of expansion device on the mixed and matched systems; and the physical geometry of the expansion device on the mixed and matched systems. With these data the user could calculate the energy performance of an untested central air conditioner using the NOI rating procedure. Below is a discussion of the comments that DOE received on the NOI rating procedure.

1. Comments Supporting the Standardized Rating Method

DOE received five comments supporting using the standardized rating method for all untested combinations of central air conditioners. Georgia Power Company commented that a standardized rating method is superior to allowing multiple procedures and would simplify the rating process. (Georgia Power Company, No. 1, at 1.)[1] Texas Utilities Electric Company commented that even though laboratory testing is the best approach for rating central air conditioners, they recommended using a standardized rating method for all untested combinations of central air conditioners. (Texas Utilities Electric Company, No. 12, at 4.) Tennessee Valley Authority (TVA) commented that the standardized rating method should be adopted since it appears to conservatively estimate energy efficiency ratings without much risk of overstating system performance and since the input parameters are readily available. (TVA, No. 20, at 1.) Magna Flow Industries, Inc. (Magna Flow) supported using a single rating method which would allow real and meaningful comparisons in the marketplace. (Magna Flow, No. 21, at 2.) Airmax, Inc. (Airmax) agreed with using a standardized rating method that would eliminate the disparity between ratings done by different coil manufacturers on the same condensing unit and similar coils. (Airmax, No. 22, at 1.)

2. Comments Opposing a Standardized Rating Method

Seven commenters opposed adoption of a standardized rating method. ETL commented that actual laboratory testing should be the only acceptable approach for rating central air conditioners. (ETL, No. 8, at 1.). Six coil manufacturers, Red T Coil (a division of the Coleman Co., Inc.), Superior Coils, Inc, International Environmental Corporation, First Company, Magic Aire Division of United Electric Co., and Texas Coil Company, all opposed using a standardized rating method because it would result in lower ratings and would require proprietary information. (Red T Coil, No. 10, at 1; Superior Coils, Inc., No. 13, at 1; International Environmental Corporation, No. 14, at 2; First Company, No. 16, at 2–5; Magic Aire, No. 17, at 1; and Texas Coil Company, No. 19, at 1.)

The NOI stated that the standardized rating method could result in lower (conservative) ratings. According to research by NBS and others, the ratings from today's proposed standardized rating method, which includes some improvements in precision discussed below, appear to be closer to the ratings determined by laboratory testing and typically exhibit less scatter than ratings from the rating procedures NBS examined. Consequently, DOE believes that using the standardized rating method would result in more accurate ratings than other rating methods and would not necessarily result in lower (conservative) ratings.

The six coil manufacturers cited above also commented that the standardized rating method uses proprietary information from condensing unit manufacturers and that this information is not readily available. One objective that NBS had in developing

[1] Comments on the NOI were given docket numbers in which the citations provide the name of the organization, the docket number assigned to the comment, and the page in which the comment is found in the commenter's submittal.

the standardized rating method was that it did not require proprietary data. However, in its research, NBS determined that to achieve an acceptable level of accuracy in the ratings, certain types of information are required and that this information typically is not reported as accurately as the information required for the standardized rating method. Consequently, NBS discovered, at times, that the standardized rating method could result in unacceptable high variations in ratings unless certain precautions were taken to ensure that the input information was precise. Therefore, NBS recommended that the power of the indoor fan, the refrigerant flow rate through the refrigerant expansion device, and the coil capacity for both the matched system and the mixed system should be determined precisely.

In the interest of reducing testing burden and to assist manufacturers in obtaining this information, DOE has directed NBS to develop a computer program for accurately determining coil capacities and to develop a test method for measuring the refrigerant flow rate through a refrigerant expansion device. DOE intends to incorporate the coil capacity computer program and the refrigerant flow rate test method into the test procedures once NBS completes development of these procedures. During the interim period before they are available, manufacturers can use industry-wide, currently acceptable means for determining coil capacities and refrigerant flow rates (i.e., coil capacity catalog data and physically measuring expansion devices for determining refrigerant flow rates).

3. Voluntary Certification and Enforcement Programs

Seven commenters recommended that central air conditioners subject to the ARI certification program for unitary air-conditioning and air-source heat pump equipment should not be required to use the standardized rating procedure for rating untested combinations. In the ARI certification program, participating manufacturers must file certification data with ARI on all models subject to the program. Participating manufacturers include ARI members and is open to non-ARI members. The data are carefully reviewed by ARI and laboratory tests are conducted by an independent testing laboratory to verify the data when the data is questionable. In addition, ARI conducts random testing of all models and participating manufacturers may request additional testing of competitor's models if the participating manufacturer questions the competitor's ratings. Consequently, the commenters contend that rating certified by ARI cannot exhibit the high degree of variability mentioned previously in today's notice. These commenters further contend that manufacturers subject to the ARI certification program should not be required to use the standardized rating method since the rating methods used in the ARI program could, potentially, be more accurate than the standardized rating method. These commenters also recommended that the standardized rating procedure should be required for untested systems not covered by the ARI certification program. (Bard, No. 2, at 1; ARI, No. 3, at 2; Aspen, No. 4, at 1; Rheem, No. 5, at 1; Trane, No. 7, at 2; Borg-Warner, No. 15, at 2; and Snyder General, No. 18, page 1.)

DOE agrees that if a manufacturer has an alternative rating method which is more accurate than the standardized rating method, the manufacturer should be allowed to use the alternative rating method. However, before a manufacturer can use the alternative method, he must obtain approval by DOE in accordance with § 430.23(m)(5) of the proposal. The Department believes that all alternative rating methods must be reviewed in order to maintain integrity in the ratings. Consequently, manufacturers who have previously received approval by DOE to use an alternative method must resubmit that method to DOE before it can continue to use the alternative method for rating central air conditioners. The process for obtaining approval is more structured than the current process, primarily to maintain more control over manufacturers who elect to use alternative methods and to better ensure that the alternative methods result in fair ratings.

One critical part of the approval process is that the manufacturer must submit sufficient information in its request in order for DOE to be able to make a determination concerning whether the alternative method is more accurate than the standardized method. At a minimum, this would require that the rating procedure is traceable to actual test data, a complete documentation of the alternative method, including the computer code when a computer model is used; ratings for two complete lines of coil families for two different condensing units; and complete test data, product information and related information to allow DOE to verify the ratings submitted by the manufacturer.

The rating information submitted by the manufacturer for the mixed system would include ratings determined by testing, by the standardized rating method and by the alternative rating method. This would allow DOE to compare ratings determined by the rating methods to ratings from actual testing in order to determine whether the alternative method is more accurate than the standardized method. Another provision is that ratings are required for two complete lines of coil families for two different condensing units and that the capacities of the matched system using the two condensing units must vary by at least a factor of two. DOE is proposing these provisions which require ratings for different coil lines and condensing units to determine whether the alternative method can be widely used for rating all types, sizes and combinations of condensing units and coils. DOE believes that the information requested must be provided in order to make a valid determination.

Furthermore, DOE is proposing that manufacturers who elect to use an alternative rating method must have their ratings verified by either an independent testing program or an independent state registered professional engineer. In addition, today's proposal would require that whenever rated values do not agree within two percent of the values as determined by testing, the actual test data shall be used for energy efficiency representation.

4. Rating Procedure Requires Accurate Information

Aspen commented that even with a near-perfect standardized rating method, results could be meaningless if the input information is inaccurate or if restrictions specified in the DOE procedures are ignored. (Aspen, No. 4, at 2.) DOE is aware that the rating method could result in unacceptably high variations in ratings if no precautions were taken to ensure that the input information was precise. For this reason, today's notice includes additional requirements concerning determining the power of the indoor fan, the refrigerant flow rate through the refrigerant flow device, and the coil capacity for both the matched and mixed systems. Regarding the comment by Aspen that restrictions in the DOE test procedures were ignored, DOE proposes changes to the rating method to better ensure that these restrictions are followed.

5. Credit for TXV Valves

Aspen and Texas Utilities Electric Company both recommended that the standardized rating method allow a

credit for mixed systems equipped with thermal expansion valves (TXV) when the matched system does not have a TXV. (Aspen, No. 4, Appendix A, at 1 and Texas Utilities Electric Company, No. 12 at 2.) Both companies presented test data in which the SEER was 9.0 for a matched system and 9.45 mixed system. In the example, the matched system did not have a TXV while the mixed system did have a TXV. By using the rating method published in the NOI, the SEER was calculated to be 8.77. However, the calculated SEER was 9.22 with a credit for the TXV. Since the rating was closer to the tested value when a credit was allowed (the difference between the rated value and the tested value was 2.4 percent when a credit is allowed and 7.2 percent without a credit), both Aspen and Texas Utilities Electric Company recommended a credit for TXV's.

According to NBS, a TXV generally is a superior expansion device that should increase the SEER. However, not all systems would expect the same increase in efficiency by using TXV's. For example, based on research conducted by NBS, the improvement in SEER is expected to be 2.5 percent for TXV's with "bleeding" and 5 percent for TXV's with "no bleeding" TXV's, where bleeding refers to the characteristic of a TXV to relieve pressure differences by leaking refrigerant across the device during the off-period. TXV's with no bleeding which prevent off-cycle migration of the refrigerant, generally are superior to TXV's with bleeding, which allow off-cycle refrigerant migration.

In consideration of the comments by Aspen and Texas Utilities Electric Company and of the research conducted by NBS, DOE is proposing to include a thermostat expansion value factor in the standardized rating method for mixed systems with TXV's. This factor is based on the 2.5 percent improvement for TXV's with bleeding and 5 percent improvement for non-bleeding TXV's recommended by NBS. *See* Appendix M1 to Subpart 430 section 4.1.6.2.

6. Adjustment for Fan Power

Aspen recommended that the ratio of the power of the mixed system to the matched system at 82 °F $(P_X/P_M)_{82}$ be adjusted for differences in indoor fan power between the matched and mixed systems. (Aspen, No. 4, Appendix B, at 1–2.) This ratio is one of the factors used in determining the SEER for the mixed systems. This adjustment would take into account the effect different units would have on system efficiency.

NBS has reviewed the approach recommended by Aspen for adjusting $(P_X/P_M)_{82}$ to determine that the rating method would result in more accurate ratings when differences in indoor fan power are properly considered. In its review, NBS developed a slightly different method for correcting for indoor fan power that the Aspen method. Today's proposal adjusts $(P_X/P_M)_{82}$ for differences in indoor fan power and is based on the NBS recommended method. *See* Appendix M1 to Subpart 430, sections 4.1.6.3 and 4.1.6.4.

7. Adjustment for Degradation Coefficient

Four commenters, Rheem, Addison, Trane and Lennox, stated that the standardized rating method does not properly account for changes in cycling losses by adjusting the degradation coefficient, C_D. (Rheem, No. 5, at 2; Addison, No. 6, at 1; Trane, No. 7, at 2; and Lennox, No. 9 at 2.) In investigating whether adjusting for changes in the degradation coefficient between the matched and the mixed systems would improve the accuracy of ratings, NBS determined that there is a relatively large allowed experimental tolerance in determining the value of the degradation coefficient. This was due to allowed experimental tolerances in test procedure set-up, testing equipment and test procedures. NBS also determined that the change in the degradation coefficient between the matched and mixed systems would generally be much less than the allowed experimental tolerance from testing. This implies that most of the difference in the degradation coefficients reported by laboratory testing between the matched and mixed systems would be attributed to the testing itself and would not properly reflect for differences in cycling losses. Consequently, DOE has not changed the rating method to account for differences in degradation coefficients.

8. Expansion Device Scaling Factor

Rheem noted that in the equation for the ratio of the capacities of the mixed system to the matched system at 82 °F $(Q_X/Q_M)_{82}$, the exponent for the expansion device scaling factor was 0.44 for capillary tubes and TXV's and was 0.35 for orifices. Rheem commented that the exponent should be the same and not dependent on the type of expansion device used. (Rheem, No. 5, at 3.) This ratio is one of the factors used in determining the SEER for the mixed system. The expansion device scaling factor (F_e) is the ratio of the refrigerant mass flow rates through the mixed and matched expansion devices at the same operating conditions.

NBS reviewed Rheem's comment and agreed that the exponent should be a constant and recommended 0.35 as the value to be used. Today's notice specifies 0.35 as the exponent for the expansion device scaling factor in the equation for determining $(Q_X/Q_M)_{82}$.

In addition, Rheem commented that a lower limit of 0.8 and an upper limit of 1.2 should be placed on the expansion device scaling factor because as the difference between the refrigerant mass flow rates through the mixed and matched expansion devices increases, the accuracy decreases. (Rheem, No. 5, at 3.)

In the NOI, a lower limit of 0.85 was placed on the expansion device scaling factor. At that time, no upper limit was made because it was not considered to be necessary. In consideration of Rheem's comment, NBS reviewed data for the expansion device scaling factor to determine that the method can be used if the factor is between 0.85 and 1.35.

Today's notice specifies that the standardized rating method can be used if the expansion device scaling factor is between 0.85 and 1.35. DOE believes that these values represent the extreme of typical scaling factors and the Department does not have data on units with scaling factors outside this range to determine if the standardized rating method yield accurate results. For mixed systems with expansion device scaling factor outside this range, the standardized rating meeting can not be used for rating purposes. For these systems, ratings can only be determined by testing.

9. Accountability

Rheem commented that manufacturers participating in the ARI certification program are held accountable for their ratings, implying that manufacturers who will use the standardized rating method are not held accountable for their ratings. (Rheem, No. 5, at 3.) Manufacturers, whether using the DOE test procedures, computer simulation or engineering analysis, have always been held accountable for their ratings. Section 430.23(m)(3) of the DOE test procedures states that whenever measures of energy consumption determined by computer simulation or by engineering analysis do not agree with measures of energy consumption determined by actual testing, the values determined by actual testing shall be used. To continue to ensure that manufacturers using the rating method are held accountable for their ratings, DOE has proposed a similar provision in today's notice. *See* § 430.23(m)(3).

10. Coil Capacity

Addison commented that the rating method relies on determining coil capacities from coil manufacturers catalogs. Addison further commented that these catalogs cannot always be used for determining the capacities for both the matched and mixed system coils because the matched or mixed coil design can be of a unique design which is not included in the catalogs. (Addison, No. 6, at 2.) DOE agrees with Addison that there are certain limitations with using coil catalogues for determining coil capacity; however, DOE believes these catalogues can be used in the majority of cases. As mentioned above, DOE had directed NBS to develop a computer program to assist manufacturers in determining coil capacities. Once a coil capacity computer program has been developed it will be incorporated into the test procedures.

11. Double Orifice Flow Devices

Lennox commented that the standardized rating method does not address a system using two orifice flow devices in series and that this device is used extensively. (Lennox, No. 9, at 1.) DOE is aware that the rating method does not address systems that use combinations of expansion devices, which is one reason why DOE directed NBS to develop a refrigerant flow test method that would address combinations of expansion flow devices, including the double orifice flow device mentioned by Lennox. Until such test method is incorporated into the standardized rating method, these designs can be rated by actual tests or by a DOE approved rating method.

12. Coil Circuitry

Lennox commented that coil capacity can be determined by computer simulation only if the simulation method properly addresses coil circuitry. (Lennox No. 9, at 1.) The coil simulation program, which NBS is presently developing, will address coil circuitry to result in more accurate ratings for mixed systems. Until such a test method is incorporated into the standardized rating method, these designs can be rated by actual tests or by a DOE approved rating method.

13. Validation of the Rating Procedures

Texas Utilities Electric Company recommended that the rating method should be validated against actual laboratory test results. (Texas Utilities Electric Company, No. 12, at 4.) The rating method was initially validated by NBS for 22 different systems when DOE published the NOI.

In response to the NOI, DOE received additional comparisons between results from the proposed rating method and actual testing from Rheem, Trane and Borg-Warner, manufacturers of matched systems. (Rheem, No. 5, at 5–8; Trane, No. 7, at 3; and Borg-Warner, No. 15, at 3.) Based on this information, the proposed rating method was revised for indoor fan power, a credit for TXV's, and different limits for the coil capacity ratio. NBS also had a consulting engineer compare the revised procedures against actual test results as an independent check of the rating procedure. DOE believes that today's standardized rating method will produce ratings that are comparable with results from testing and no further validation is necessary.

14. Expand Rating Procedures for Heating

TVA recommended that DOE should develop a similar standardized rating method for the heating function of heat pumps. (TVA, No. 20, Page 1.) DOE has directed NBS to develop a rating method for the heating function of heat pumps and is evaluating the procedures other organizations, e.g. ARI, are developing. Until such a test method is incorporated into the standardized rating method, these designs can be rated by actual tests or by a DOE approved rating method.

e. *Ground Water-Source Heat Pumps and Earth-Coupled Heat Pumps*

Today, DOE is proposing test procedures for two types of water-source heat pumps, ground water-source heat pumps and earth-coupled heat pumps. A ground water-source heat pump utilizes a refrigerant-to-water heat exchanger(s) in which ground water is circulated to and from the heat exchanger(s) in an open loop. An earth-coupled heat pump utilizes a refrigerant-to-water heat exchanger(s) in which water to and from the heat exchanger(s) is circulated through the ground in a closed loop. DOE is proposing test procedures only for these designs of water-source heat pumps because they typically are used in residential applications, whereas, all other types of water-source heat pumps are generally used solely for commercial applications.

In 1979, DOE proposed test procedures for water-source heat pumps based upon recommended procedures from NBS. However, test procedures for water-source heat pumps were not included in the 1979 final rule because commenters stated that the proposed procedures for water-source heat pumps were not consistent with the ones for air-source heat pumps. These commenters contended that the inconsistencies could give erroneous cost information, and encourage sales of one product over another. In view of these comments, DOE directed NBS to develop and recommend appropriate test procedures for water-source heat pumps.

Today's notice specifies the same test procedures for both ground water-source heat pumps and earth-coupled heat pumps and are based on ARI Standard 325–85 and on research conducted by NBS. *See* "Laboratory Tests of a Residential Unitary Water-Source Heat Pump", NBSIR 81–2287, November 1982 and "Method of Testing, Rating and Estimating the Seasonal Performance of Ground -Water Source Heat Pumps", NBSIR 81–2434, November 1982. The NBS Method is based on four steady-state tests: a high temperature cooling test (70 °F), a low temperature cooling test (50 °F), a high temperature heating test (70 °F) and a low temperature heating test (50 °F).

DOE, is today proposing that SEER and HSPF are calculated using a seasonal part-load factor of 0.90 for SEER and 0.85 for HSPF, if the water-source heat pump does not require any supplemental resistance heat. For units that require supplemental resistance heat DOE is proposing a bin method of calculating SEER and HSPF similar to the existing heat pump calculation procedure.

f. Split-Type Ductless Systems

A split-type ductless system is a relatively new product design that has recently been marketed in the United States that is not covered by the current test procedure. A split-type ductless system is a central air conditioner with a remote condenser or remote condensing unit and one or more ductless indoor fan-coil units. One feature that distinguishes these systems from other types of central air conditioners and heat pumps is that the split-type ductless system with multiple indoor units can operate in a multiple zone control mode in which each indoor unit is a separate zone and that each indoor unit will operate only upon demand.

DOE believes that the special design characteristics of split-type ductless systems will result in materially inaccurate and unrepresentative data for these systems if they are tested by the existing DOE test procedures. The DOE test procedures specify that the unit must be connected to ductwork whereas split-type ductless systems are

installed without ductwork. Specifying a testing condition for ductwork for split-type ductless systems would result in an abnormally high pressure drop across the indoor unit, resulting in unwarranted reductions in both capacity and efficiency. Consequently, DOE directed NBS to develop a test procedure for split-type ductless systems.

NBS developed a test procedure for split-type ductless systems based, wherever possible, on ANSI/ASHRAE Standard 116–83 and ARI Standard 210/240–84. *See* "Procedure for Testing, Rating and Estimating the Seasonal Performance of Multiple-Indoor-Coil Residential Air Conditioners and Heat Pump", NBS letter report, April 8, 1985. DOE has reviewed the NBS testing approach and believes that it can be used for testing split-type ductless systems. Today's notice specifies that for split-type ductless systems with multiple indoor units, the outdoor unit would be tested separately for each combination of indoor units. DOE believes that this provision is necessary to provide complete information to consumers because as the split-type ductless system operates with fewer indoor units it tends to become less efficient. DOE believes that this information is important, especially if consumers operate the split-type ductless system with several indoor units turned off.

Section 8.2.2.lb of ANSI/ASHRAE Standard 116–1983 specifies that the indoor supply duct shall be blocked during the defrost cycles in the Frost Accumulation test. DOE considers this to be an unrealistic operating condition for split-type ductless systems because these systems do not operate in this manner. Consequently, today's notice specifies that the indoor supply would not be blocked during the test.

Today's notice specifies that during cyclic testing of multiple indoor units, a single control circuit would be substituted for multiple thermostats in order to maintain a uniform cycling rate. Today's notice also specifies that the thermostats for the indoor units would be shunted during the steady-state tests. These testing provisions, which are in addition to the test procedures in ANSI/ASHRAE Standard 116–1983 and the ARI Standard 210/240–84, are considered necessary to complete the test procedures for split-type ductless systems.

g. Variable-Speed Heat Pumps

In 1981, OHA granted an exception to York for its variable-speed heat pump. *Federal Energy Guidelines*, 7 DOE section 81,209. In 1983, OHA extended the exception to Borg-Warner, formerly York. *Federal Energy Guidelines*, 10 DOE section 81,306. These two exceptions specified an alternative test procedure for testing and rating variable-speed heat pumps.

In 1986, Carrier petitioned DOE for a test procedure waiver for its variable-speed heat pump. February 14, 1986. 51 FR 5587. Carrier petition specified an alternative test procedure different from the York approach.

ARI Standard 210/240–84 also specifies an alternative test procedure for evaluating variable-speed heat pumps. *See* ARI Standard 210/240–84, Appendix B, Rating Equipment with Variable-Speed Compressors.

Today's notice would extend coverage of the test procedures for variable-speed heat pumps to all firms manufacturing variable-speed central air conditioners and heat pumps. As such, the final rule would terminate the exception relief granted by OHA to both York and Borg-Warner for their models of variable-speed heat pumps and the test procedure waiver granted to Carrier for its models of variable-speed heat pumps.

DOE has reviewed the three methods for determining ratings for variable-speed heat pumps developed by Borg-Warner, ARI and Carrier. All three methods are similar in determining SEER and all require a steady-state cooling test at an intermediate compressor speed to accurately reflect the performance of the unit while it is operating between the minimum and maximum compressor speeds. Consequently, DOE believes that all three methods should result in similarly accurate and comparable ratings for SEER.

The ARI method does not include a steady-state heating test at an intermediate compressor speed; the Borg-Warner and Carrier methods do include such a test. For this reason, DOE believes that both the Borg-Warner and Carrier methods could, potentially, result in more accurate ratings for HSPF than the ARI method. Consequently, the ARI method has not been adopted for today's proposal.

There is one key difference between the Borg-Warner and Carrier methods. The Borg-Warner method uses an optional separate steady-state heating test at the intermediate compressor speed for each design heating requirement to accurately describe the performance of the heat pump operating between the minimum and maximum compressor speeds. The Carrier method requires a single steady-state heating test at one intermediate compressor speed and then determines analytically the performance of the heat pump operating between the minimum and maximum compressor speeds for each design heating requirement. DOE believes that both methods should result in similarly accurate and comparable ratings for HSPF. Since the Carrier method is less burdensome by requiring only one additional test, DOE has based the method for determining HSPF for variable-speed heat pumps on the Carrier method.

h. Transition Period

Today's notice would replace, in its entirety, the existing test method for central air conditioners. In order to reduce the burden of retesting existing models, today's notice would provide for testing by either method during a two-year transition period following the publication date of the final rule. Specifically, the existing test method remains as Appendix M while the proposed test method is Appendix M1. After the two-year transition period, only Appendix M1 would be allowed. The present test method (Appendix M) would no longer be allowed and would be deleted, from the DOE test procedures.

In addition, ratings for untested combinations of split-system central air conditioners would be determined in accordance with new § 430.23(m)(5). There would be no transition period for rating untested combinations of split-system units.

New basic models of central air conditioners and heat pumps manufactured after the effective date of the final rule shall be tested only by the test procedures specified in Appendix M1. Appendix M cannot be used for testing new basic models. DOE believes that this transition period will minimize any retesting burden.

III. Comment Procedures

a. Written Comments

Interested persons are invited to participate in the rulemaking by submitting data, views, or arguments with respect to the proposed amendments set forth in this notice to the address indicated at the beginning of the notice.

Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Central Air Conditioner Test Procedures, Docket No. CAS–RM–79–102". Seven (7) copies are requested to be submitted. All comments received by the date specified at the beginning of this notice and all other relevant information will be considered by DOE before final action is taken on the

proposed regulation. Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and 6 copies, if possible, from which the information believed to be confidential has been deleted. DOE will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the item; (2) an indication as to whether and why such items of information have been treated by the submitting party as confidential, and whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) whether disclosure of the information would be in the public interest.

b. Public Hearing

1. *Procedures for Submitting Requests to Speak*

The time and place of the public hearing are indicated at the beginning of this notice. DOE invites any person who has an interest in today's proposed rule, or who is a representative of a group or class of persons that has an interest in the proposed amendments, to make a request for an opportunity to make an oral presentation. Such requests should be directed to the address indicated at the beginning of this notice and must be received by the time specified at the beginning of this notice. Requests may be hand delivered to such address between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. Requests should be labeled "Central Air Conditioner Test Procedures, Docket No. CAS–RM–79–102" both on the document and on the envelope.

The person making the request should briefly describe the interest concerned and, if appropriate, state why he or she is a proper representative of the group or class of persons that have such an interest, and give a telephone number where he or she may be contacted.

Each person to be heard is requested to submit seven (7) copies of his or her statement to the address and by the date given at the beginning of this notice. In the event any person wishing to testify cannot meet this requirement, alternative arrangements can be made with the Office of Hearing and Dockets in advance of the hearing by so indicating in the letter requesting to make an oral presentation.

2. *Conduct of Hearing*

DOE reserves the right to select the persons to be heard at this hearing, to schedule the respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation shall be limited to 20 minutes.

A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 553 and section 336 of the Act. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the official statements were made and will be subject to time limitations.

Any interested person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer to be asked of any person making a statement at the hearing. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for answer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Room 1E–152, Forrestal building, 1000 Independence Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. For information concerning the availability of records at the Freedom of Information Reading Room, call (202) 252–5969. In addition, any person may purchase a copy of the transcript from the reporter.

IV. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment.

Since test procedures under the energy conservation program for consumer products will be used only to standardize the measurement of energy usage, and will not affect the quality of distribution of energy usage, prescribing test procedures will not result in any environmental impacts. DOE, therefore has determined that prescribing test procedures under the energy conservation program for consumer products clearly is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environment Policy Act of 1969. Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for the proposed rule.

V. Review Under Executive Order 12291

The proposed rule has been reviewed in accordance with Executive Order 12291 which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. The Executive Order also requires that regulatory impact analyses be prepared for "major rules". The Executive Order defines "major rule" as any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed rule would amend already-existing test procedures for central air conditioners and heat pumps. DOE has determined that any burden imposed on any person, industry, or government entity by the amendment of extent procedures, based in part on commercial standards, is not sufficient to being the proposed rules within the definition of "major rule".

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96–345 (5 U.S.C. 601–612), requires that an agency prepare an initial regulatory flexibility analyses to be published at the time the proposed rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant

economic impact on a substantial number of small entities." The proposed rule affects manufacturers of central air conditioners and heat pumps. As previously discussed, the proposed changes would not have significant economic impacts, but rather would simply improve the test procedures. Therefore, DOE certifies that the proposed rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

VII. Technical Support Documents

The following is a list of the technical support documents cited in today's proposed rule. These documents are listed in order of appearance in the notice.

1. ANSI/ASHRAE Standard 116–81, "Methods of Testing for Rating Unitary Air-Conditioning and Heat Pump Equipment".

2. ARI Standard 210/240–84, "Standard for Unitary Air-Conditioning and Air-Source Heat Pump Equipment".

3. ANSI/ARI Standard 325–85, "Standard for Ground Water-Source Heat Pumps".

4. "Seasonal Performance of Air-Conditioners—Experimental Analysis of the DOE Test Procedures Set Up Measurement Errors for Unitary Air-Conditioners and Heat Pumps", HL 82–2T, Purdue University, May 1982.

5. "Seasonal Performance Characteristics of Air-Conditioners—Analysis of the DOE Test Procedures", HL 81–11, Purdue University, 1981.

6. "Trends of Residential Air-Conditioning Cyclic Tests", ASHRAE Transactions 1982, Volume 88, Part 2.

7. "Analysis of Heat Pump Data and Industry's Response", HL 81–37, Purdue University, February 1982.

8. "Field Performance of Three Residential Heat Pumps in the Cooling Mode", NBSIR 85–3107, National Bureau of Standards, March 1985.

9. "Field-Measured Cycling, Frosting, and Defrosting Losses for a High Efficiency Air-Source Heat Pump", ASHRAE Transactions 1985, Volume 91, Part 2.

10. "Rating Procedure for Mixed Air Source Unitary Air Conditioners and Heat Pumps Operating in the Cooling Mode", NBSIR 86–3301, National Bureau of Standards, February 1986.

11. "Laboratory Tests of a Residential Unitary Water-Source Heat Pump", NBSIR 81–2287, National Bureau of Standards, November 1982.

12. "Method of Testing, Rating and Estimating the Seasonal Performance of Ground-Water Source Heat Pumps, NBSIR 81–2434, National Bureau of Standards, November 1982.

13. "Procedure for Testing, Rating and Estimating and Seasonal Performance of Multiple-Indoor-Coil Residential Air Conditioners and Heat Pumps", NBS letter report, National Bureau of Standards, April 8, 1985.

In consideration of the foregoing, it is proposed to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, as set forth below.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, September 16, 1986.

John R. Berg,

Principal, Deputy Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 continues to read as follows:

Authority: Energy Policy and Conservation Act, Title III, Part B, as amended by National Energy Conservation Policy Act, Title IV, Part 2, (42 U.S.C. 6291–6309).

1. Section 430.2 is amended by removing the definitions of "Air-source heat pump", "Cooling only unit", "Heat pump", and "Water-source heat pump" and by revising the definition of "Central air conditioner" to read as follows:

§ 430.2 Definitions.

* * * * *

"Central air conditioner" means an appliance which consists of one or more factory-made assemblies that normally includes an indoor conditioning coil(s), compressor(s) and outdoor coil(s) to provide either air cooling for cooling-only units or air heating and optionally, air cooling, for heat pumps; which may also provide air-circulating, air-cleaning, dehumidifying or humidifying; which is rated below 65,000 Btu per hour and is not contained within the same cabinet as a furnace whose rated capacity is above 225,000 Btu per hour; which is powered by single phase electric current; which is not equipped with a desuperheater/water heater device; and which includes the following products:

(a) "Air-source heat pump" means a central air conditioner which utilizes a refrigerant-to-outdoor-air heat exchanger and which provides air heating and optionally, air cooling.

(b) "Cooling-only unit" means a central air conditioner which consists of an outdoor air-cooled condensing unit and an indoor evaporator coil and which provides air cooling.

(c) "Earth-coupled heat pump" means a central air conditioner which utilizes a refrigerant-to-water heat exchanger(s) in which the water from the heat exchanger(s) is circulated through the ground in a closed loop and which provides air heating and optionally, air cooling.

(d) "Ground water-source heat pump" means a central air conditioner which utilizes a refrigerant-to-water heat exchanger(s) in which the water from the heat exchanger(s) is circulated through the ground in an open loop and which provides air heating and optionally, air cooling.

2. Section 430.22 is amended by revising paragraph (m) to read as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(m) *Central air conditioners.* (1) The estimated annual operating cost for cooling-only units and air-source heat pumps shall be one of the following:

(i) For cooling-only units or the cooling portion of the estimated annual operating cost for air-source heat pumps which provide both heating and cooling, the product of: (A) The quotient of the cooling capacity, its But's per hour, determined from the steady-state wet-coil test (Test A) measured at the highest compressor speed, as described in section 3.1 of Appendix M or section 3.1 of Appendix M1 to this subpart, divided by the seasonal energy efficiency ratio, in Btu's per watt-hour, determined from section 5.1 of Appendix M or section 4.1 of Appendix M1 to this subpart; (B) the representative average use cycle for cooling of 1,000 hours per year; (C) a conversion factor of 0.001 kilowatts per watt; and (D) the representative average unit cost of electricity in dollars per kilowatt-hour as provided pursuant to section 323(b)(2) of the Act, the resulting product then being rounded off to the nearest dollar per year;

(ii) For air-source heat pumps which provide only heating or the heating portion of the estimated annual operating cost for air-source heat pumps which provide both heating and cooling, the product of: (A) The quotient of the standardized design heating requirement, in Btu's per hour, nearest to the capacity measured in the high temperature test, determined in sections 5.2 and 6.2.6 of Appendix M or section 3.1 of Appendix M1 to this subpart, divided by the heating seasonal performance factor, in Btu's per watt-hour, calculated for heating region IV corresponding to the above mentioned

standardized design heating requirement determined from section 5.2 of Appendix M or section 4.2 of Appendix M1 to this subpart; (B) the representative average use cycle for heating of 2,080 hours per year; (C) the adjustment factor of 0.77 which serves to adjust the calcualted design heating requirement and heating load hours to the actual load experienced by a heating system; (D) a conversion factor of 0.001 kilowatts per watt; and (E) the representative average unit cost of electricity in dollars per kilowatt-hour as provided pursuant to section 323(b)(2) of the Act, the resulting product then being rounded off to the nearest dollar per year; or

(iii) For air-source heat pumps which provide both heating and cooling, the estimated annual operating cost is the sum of the quantity determined in paragraph (m)(1)(i) of this section added to the quantity determined in paragraph (m)(1)(ii) of this section.

(2) The estimated annual operating cost for earth-coupled heat pumps and ground water-source heat pumps shall be one of the following:

(i) The cooling portion of the estimated annual operating cost, is determined from section 4.7 of Appendix M1 of this subpart for the maximum design cooling requirement at region IV, as determined from section 4.5.2 of Appendix M1 to this subpart, being rounded off to the nearest dollar per year;

(ii) The heating portion of the estimated annual operating cost is determined from section 4.7 of Appendix M1 of this subpart for the maximum design heating requirement at region IV, as determined from section 4.5.2 of Appendix M1 to this subpart, being rounded off to the nearest dollar per year; or

(iii) For earth-coupled heat pumps or ground water-source heat pumps which provide both heating and cooling, the sum of the quantity determined in paragraph (m)(2)(i) of this section added to the quantity determined in paragraph (m)(2)(ii) of this section.

(3) The estimated regional annual operating cost for cooling-only units and for air-source heat pumps shall be one of the following:

(i) For cooling-only units or the cooling portion of the estimated regional annual operating cost for air-source heat pumps which provide both heating and cooling, the product of: (A) The quotient of the cooling capacity, in Btu's per hour, determined from the steady-state wet-coil test (Test A) measured at the highest compressor speed, as described in section 3.1 of Appendix M or section 3.1 of Appendix M1 to this subpart, divided by the seasonal energy efficiency ratio, in Btu's per watt-hour, determined from section 5.1 of Appendix M or section 4.1 of Appendix M1 to this subpart; (B) the estimated number of regional cooling load hours per year determined from section 6.1.3 of Appendix M or Figure 1 of Appendix M2 to this subpart; (C) a conversion factor of 0.001 kilowatts per watt; and (D) the representative average unit cost of electricity in dollars per kilowatt-hour as provided pursuant to section 323(b)(2) of the Act, the resulting product then being rounded off to the nearest dollar per year;

(ii) For air-source heat pumps which provide only heating or the heating portion of the estimated regional annual operating cost for air-source heat pumps which provide both heating and cooling, the product of: (A) The quotient of the standardized design heating requirement, in Btu's per hour, nearest to the capacity measured in the high temperature test (Test A), determined in sections 5.2 and 6.2.6 of Appendix M or section 3.2 of Appendix M1 to this subpart, divided by the heating seasonal performance factor, in Btu's per watt-hour, calculated for the appropriate region of interest and corresponding to the above mentioned standardized design heating requirement determined from section 5.2 of Appendix M or section 4.2 of Appendix M1 to this subpart; (B) the estimated number of regional heating load hours per year determined from section 6.2.5 of Appendix M or Figure 2 of Appendix M1 to this subpart; (C) the adjustment factor of 0.77 which serves to adjust the calculated design heating requirement and heating load hours to the actual load experienced by a heating system; (D) a conversion factor of 0.001 kilowatts per watt; and (E) the representative average unit cost of electricity in dollars per kilowatt-hour as provided pursuant to section 323(b)(2) of the Act, the resulting product then being rounded off to the the nearest dollar per year; or

(iii) For air-source heat pumps which provide both heating and cooling, the estimated regional annual operating cost is the sum of the quantity determined in paragraph (m)(3)(i) of this section added to the quantity determined in paragraph (m)(3)(ii) of this section.

(4) The estimated regional annual operating cost for earth-coupled heat pumps and ground water-source heat pumps shall be one of the following:

(i) The cooling portion of the estimated annual operating cost is determined from section 4.7 of Appendix M1 of this subpart for the appropriate standardized design cooling requirement at the region of interest, as determined from section 4.5.2 of Appendix M1 to this subpart, being rounded off to the nearest dollar per year;

(ii) The heating portion of the estimated annual operating cost is determined from section 4.7 of Appendix M1 to this subpart for the appropriate standardized design heating requirement at the region of interest, being rounded off to the nearest dollar per year; or

(iii) For earth-coupled heat pumps or ground water-source heat pumps which provide both heating and cooling, the sum of the quantity determined in paragraph (m)(4)(i) of this section added to the quantity determined in paragraph (m)(4)(ii) of this section.

(5) The measure(s) of efficiency for cooling-only units and air-source heat pumps shall be one or more of the following:

(i) The seasonal energy efficiency ratio for cooling-only units and air-source heat pumps which provide cooling shall be the seasonal energy efficiency ratio, in Btu's per watt-hour, determined according to section 5.1 of Appendix M or section 4.1 of Appendix M1 to this subpart, rounded off to the nearest 0.05.

(ii) The heating seasonal performance factors for air-source heat pumps shall be the heating seasonal performance factors, in Btu's per watt-hour, determined according to section 5.2 of Appendix M or section 4.2 of Appendix M1 to this subpart for each applicable standardized design heating requirement within each climatic region, rounded off to the nearest 0.05.

(iii) The annual performance factors for air-source heat pumps which provide heating and cooling, shall be the annual performance factors, in Btu's per watt-hour, determined according to section 5.3 of Appendix M or section 4.3 of Appendix M1 to this subpart for each standardized design heating requirement within each climatic region, rounded off to the nearest 0.05.

(6) The measure(s) of efficiency for earth-coupled heat pumps and ground water-source heat pumps shall be one or more of the following:

(i) The seasonal energy efficiency ratio for earth-coupled heat pumps and ground water-source heat pumps which provide cooling shall be the seasonal energy efficiency ratio, in Btu's per watt-hour, determined according to section 4.4 of Appendix M1 to this subpart, rounded off to the nearest 0.05.

(ii) The heating seasonal performance factors for earth-coupled heat pumps and ground water-source heat pumps which provide heating shall be the heating seasonal performance factors, in Btu's per watt-hours, determined

according to section 4.5 of Appendix M1 to this subpart for each applicable standardized design heating requirement within each climatic region, rounded off to the nearest 0.05.

(iii) The annual performance factors for earth-coupled heat pumps and ground water-source heat pumps which provide heating and cooling, shall be the annual performance factors, in Btu's per watt-hour, determined according to section 4.6 of Appendix M1 to this subpart for each standardized design heating requirement within each climatic region, rounded off to the nearest 0.05.

(7) Other useful measures of energy consumption for central air conditioners shall be those measures of energy consumption which the Secretary of Energy determines are likely to assist consumers in making purchasing decisions and which are derived from the application of Appendices M and M1 to this subpart.

(8) For a transition period of 24 months from the effective date of this amendment, all measures of energy consumption shall be determined either by the uniform test method for measuring energy consumption of central air conditioners, as set forth in Appendix M of this subpart or by the amended test method for measuring energy consumption of central air conditioners, as set forth in Appendix M1 of this subpart. After the transition period, all measures of energy consumption shall be determined only by the amended test method as set forth in Appendix M1 of this subpart; the uniform test method, as set forth in Appendix M of this subpart shall no longer be used.

* * * * *

3. Section 430.23 is amended by revising paragraph (m) to read as follows:

§ 430.23 Units to be tested.

* * * * *

(m)(1) For central air conditioners, each condensing unit shall have a condenser-evaporator coil combination selected and a sample of sufficient size tested in accordance with applicable provisions of this subpart such that—

(i) Any represented value of estimated annual operating cost, energy consumption or other measure of energy consumption of the condenser-evaporator coil combination for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 90 percent confidence limit of the true mean divided by 1.05, and

(ii) Any represented value of energy efficiency or other measure of energy consumption of the condenser-evaporator coil combination for which consumers would favor higher values shall be no greater than the lower of (A) the mean of the sample or (B) the lower 90 percent confidence limit of the true mean divided by 0.95.

(2) The condenser-evaporator coil combination selected for tests pursuant to paragraph (m)(1) of this section shall be that combination manufactured by the condensing unit manufacturer likely to have the largest volume of retail sales. Components of similar design may be substituted without requiring additional testing if the represented measures of energy consumption continue to satisfy the applicable sampling provisions of paragraphs (m)(l) (i) and (ii). For every other condenser-evaporator coil combination manufactured by the same manufacturer or in part by a component manufacturer using that same condensing unit, either—

(i) A sample of sufficient size, comprised of production units or representing production units, shall be tested to insure that the requirements of paragraphs (m)(l) (i) and (ii) are met for such other condenser-evaporator coil combinations; or

(ii) The representative values of the measures of energy consumption shall be based on the standardized rating method in section 4.1.6 of Appendix M1 to this subpart; or

(iii) The representative values of the measures of energy consumption shall be based by an alternative rating method that has been approved by DOE in accordance with the provisions of paragraphs (m) (4) and (5) of this section.

(3) Whenever the representative values of the measures of energy consumption, as determined by the provisions of paragraphs (m)(2) (ii) and (iii) of this subpart, do not agree within 2 percent of the representative values of the measures of energy consumption as determined by actual testing, the representative values determined by actual testing shall be used to comply with section 323(c) the Act, or to comply with rules prescribed under section 324 of the Act.

(4) The basis of the alternative rating method referred to in paragraph (m)(2)(iii) of this section shall be a representation of the mechanical vapor compression refrigeration cycle. The major components in the refrigeration cycle shall be modeled as "fits" to manufacturer performance data or by graphic or tabular performance data. Heat transfer characteristics of coils may be modeled as a function of face area, number of rows, fins per inch, refrigerant circuitry, air flow rate and entering air enthalpy. Additional performance-related characteristics to be considered may include type of expansion device, refrigerant flow rate through the expansion device, power of the indoor fan and degradation coefficient.

(5) Manufacturers who elect to use an alternative rating method for determining measures of energy consumption under paragraphs (m)(2)(iii) and (4) of this section must submit a request to DOE for revising the alternative rating method to the Assistant Secretary of Conservation and Renewable Energy, 1000 Independence Avenue SW., Washington, DC 20585, and receive approval to use alternative method by the Assistant Secretary before the alternative method can be used for rating central air conditioners.

(6) Each request to DOE for reviewing an alternative rating method shall include:

(i) The name, address and telephone number of the official representing the manufacturer.

(ii) Complete documentation of the alternative rating procedure, including the computer code when a computer model is used.

(iii) Ratings for two complete lines of coil families for two different condensing units. The tested capacities for the matched systems for the two condensing units shall differ by a factor of two. Rating information for the mixed systems shall include the ratings from testing, from the standardized rating method and from the alternative rating method.

(iv) Complete test data, product information, and related information to allow DOE to verify the rating information submitted by the manufacturer.

(7) Manufacturers who elect to use an alternative rating method for determining measures of energy consumption under paragraphs (m)(2)(iii) and (4) of this section must either subject a sample of their units to independent testing on a regular basis (e.g., voluntary certification program) or have the representations reviewed and certified by an independent State registered professional engineer who is not an employee of the manufacturer. The registered professional engineer is to certify that the results of the alternative rating procedure accurately represent the energy consumption of the unit(s) and are more representative of the unit's performance than the standard rating procedure in § 430.23(m)(2)(ii). The manufacturer is to keep the registered professional engineer's

certifications on file for review by DOE for as long as said combination made available for sale by the manufacturer.

(8) For new basic models of central air conditioners and heat pumps manufactured after the effective date of the final rule, the models shall be tested according to the provisions in Appendix M1 of this subpart.

4. Subpart B of Part 430 is amended by adding Appendix M1 as follows:

Appendix M1 To Subpart B—Amended Test Method for Measuring the Energy Consumption of Central Air Conditioners

1.0 *Definitions.* Definitions shall include the definitions specified in Section 3.0 of ARI Standard 210/240–84, Section 3.0 of ANSI/ARI Standard 325–85, Section 3.0 of ANSI/ASHRAE Standard 116–1983 and the following additional definitions.

1.1 "Annual performance factor" means the total heating and cooling done by a heat pump in a particular region in one year divided by the total electric power used in one year.

1.2 "ANSI" means the American National Standards Institute.

1.3 "ANSI/ARI Standard 325–85" means the test standard published in 1985 jointly by ANSI and ARI and titled "Standard for Ground Water-Source Heat Pumps".

1.4 "ANSI/ASHRAE Standard 37–1978" means the test standard published in 1978 jointly by ANSI and ASHRAE and titled "Methods of Testing for Rating Unitary Air-Conditioning and Heat Pump Equipment".

1.5 "ANSI/ASHRAE Standard 116–1983" means the test standard published in 1983 jointly by ANSI and ASHRAE and titled "Methods of Testing for Seasonal Efficiency of Unitary Air-Conditioners and Heat Pumps".

1.6 "ARI" means the Air-Conditioning and Refrigeration Institute.

1.7 "ARI Standard 210/240–84" means the test standard published in 1984 by ARI and titled "Standard for Unitary Air-Conditioning and Air-Source Heat Pump Equipment".

1.8 "ASHRAE" means the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

1.9 "Continuously recorded" means a method of recording measurements in intervals no greater than 5 seconds.

1.10 "Cyclic test" means a test where the indoor and outdoor conditions are held constant, but the unit is manually turned "on" and "off" for specific time periods to simulate part-load operation.

1.11 "Demand-defrost control system" means a system which is designed to perform the defrost function on the outdoor coil of the heat pump only when a predetermined degradation of performance is measured.

1.12 "Design cooling requirement (DCR)" means the amount of cooling required to maintain a given indoor temperature at a particular outdoor design temperature.

1.13 "Design heating requirement (DHR)" means the amount of heating required to maintain a given indoor temperature at a particular outdoor design temperature.

1.14 "Dry-coil test" means a test conducted at a wet-bulb temperature and a dry-bulb temperature such that moisture will not condense on the evaporator coil of the unit.

1.15 "Latent cooling" means the total amount of cooling in Btu's necessary to remove water vapor from the air passing over the indoor coil by condensation during a period of time.

1.16 "Matched system" means a tested combination of a split-system central air conditioner.

1.17 "Mixed system" means an untested combination of a split-system central air conditioner in which the ratings are determined by 4.1.6 of this appendix.

1.18 "Part-load factor (PLF)" means the ratio of the cyclic energy efficiency ratio to the steady-state energy efficiency ratio at identical ambient conditions.

1.19 "Sensible cooling" means the total amount of cooling in Btu's performed by a unit over a period of time, excluding latent cooling.

1.20 "Single package unit" means a central air conditioner in which the compressor, condenser, evaporator and fan are enclosed in a single assembly.

1.21 "Split system" means a central air conditioner with a remote condenser or remote condensing unit.

1.22 "Split-type ductless system" means a central air conditioner with a remote condenser or remote condensing unit and one or more ductless indoor fan-coil units.

1.23 "Steady-state test" means a test in which all the indoor and outdoor conditions are held constant and the unit is in a nonchanging operating mode.

1.24 "Temperature bin" means a 5 °F increment over a dry-bulb temperature range of 65 °F through 104 °F for the cooling cycle and −25 °F through 64 °F for the heating cycle.

1.25 "Time-temperature defrost control system" means a system which automatically provides the defrost function at a predetermined time interval whenever the outdoor temperature drops below a level where frosting will occur.

1.26 "Test condition tolerance" means the maximum permissible variation of the average of the test observations from the standard or desired test conditions as provided in Table III–A or ANSI/ASHRAE Standard 116–1983 for air-source units and in Table 5 of this Appendix for water-source units.

1.27 "Test operating tolerance" means the maximum permissible difference between the maximum and the minimum instrument observation during a test as provided in Tables III–B and III–C of ANSI/ASHRAE Standard 116–1983 for air-source units and in Table 5 of this Appendix for water-source units.

1.28 "Wet-coil test" means a test conducted at a wet-bulb temperature and a dry-bulb temperature such that moisture will condense on the test unit evaporator coil.

2.0 *Testing conditions.*

2.1 *Testing conditions for cooling-only units and air-source heat pumps.* For cooling-only units and air-source heat pumps, testing conditions shall be as specified in section 5.0 of ARI Standard 210/240–84, with the inclusion of the following conditions.

2.1.1 *Split-type ductless systems.* The following paragraph is in addition to the requirements specified in section 5.1.3.5 of ARI 210/240–84:

For split-type ductless systems, all standard rating tests shall be performed with a minimum length of 25 feet of interconnecting tubing between each indoor fan-coil unit and the common outdoor unit.

2.1.2 *Additional testing conditions for split-type ductless systems.* For split-type ductless systems, a single control circuit shall be substituted for any multiple thermostats in order to maintain a uniform cycling rate during test D and the high temperature heating cyclic test. During the steady-state tests, all thermostats shall be shunted resulting in all indoor fan-coil units being in operation.

2.1.3 *Additional testing conditions for cooling-only units and air-source heat pumps with variable-speed compressors.* For cooling-only units and air-source heat pumps with variable-speed compressors, the air flow rate at fan speeds less than the maximum fan speed shall be determined by using the fan laws for a fixed resistance system. The air flow rate is then given by the ratio of the actual fan speed to the maximum fan speed multiplied by the air flow rate at the maximum fan speed. Minimum static pressure requirements only apply when the fan is running at the maximum speed.

2.2 *Testing conditions for earth-coupled heat pumps and ground water-source heat pumps.* For earth-coupled heat pumps and ground water-source heat pumps, testing conditions shall be as specified in section 5.0 of ANSI/ARI Standard 325–1985.

3.0 *Test procedures.*

3.1 *Test procedures for cooling-only units and air-source heat pumps.* For cooling-only units and air-source heat pumps, test procedures shall be as specified in section 5.0 of ARI Standard 210/240–84 and in section 8.0 ANSI/ASHRAE Standard 116–1983, with the inclusion of the following conditions.

3.1.1 *Cyclic test.* The following paragraphs are in place of section 5.1.3.1 of ARI Standard 210/240–84.

5.1.3.1 *Cyclic tests.* For units other than variable-speed units, heating and cooling cyclic tests shall be conducted by cycling the compressor(s) 6 minutes "on" and 24 minutes "off". The capacity and all electrical energy shall be measured for the integration time (θ_1) of six (6) minutes. All off-cycle electrical energy shall be measured for the total integration time (θ_{cyc}) of 30 minutes. Off-cycle electrical energy does not include the fan power.

For variable-speed units, heating and cooling cyclic 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 integration time (θ), of 12 minutes. All off-cycle electrical energy shall be measured for the total integration time (θ_{cyc}) of 60 minutes. Off-cycle electrical energy does not include the fan power.

In lieu of conducting C and D tests, and assigned value of 0.25 shall be used for the degradation coefficient for cooling, C_D. In lieu of conducting the high temperature heating cyclic test, and assigned value of 0.35 shall be used for the degradation coefficient for

heating, C_D. For units with the two compressor speeds, two compressors or cylinder unloading, if the assigned degradation coefficient is used for one cooling mode, it must be used for both cooling modes. If the assigned degradation coefficient is used for one heating mode, it must be used for both heating modes.

3.1.2 *Air-source units with variable-speed compressors.* The following provisions are in place of the provisions in Appendix B of ARI Standard 210/240–84 for the intermediate cooling steady-state test.

For air-source units with variable-speed compressors, an intermediate cooling steady-state test shall be conducted in which the unit shall be operated at a constant, intermediate compressor speed ($K=V_c$) in which the dry-bulb and wet-bulb temperatures of the air entering the indoor coil and the outdoor coil selected for the intermediate cooling steady-state test are at the temperatures specified for the intermediate cooling steady-state test 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 the test operating tolerance and test condition tolerance specified in Table III–A of ANSI/ASHRAE Standard 116–1983. The intermediate compressor speed shall be within 10 percent of the average of the maximum and minimum compressor speeds.

For air-source units with variable-speed compressors, the frost accumulation test shall be conducted in which the unit shall be operated at a constant, intermediate compressor speed ($K=V_h$). The intermediate compressor speed shall be within 10 percent of the average of the maximum and minimum compressor speeds.

3.1.3 *Split-type ductless systems.* The following paragraph is in addition to the requirements specified in section 8.2.2.1.b of ANSI/ASHRAE Standard 116–1983.

For split-type ductless systems which turn the indoor fan off during defrost, the indoor supply duct shall not be blocked.

3.2 *Test procedures for earth-coupled heat pumps and ground water-source heat pumps.* For earth-coupled heat pumps and ground water-source heat pumps, test procedures shall be as specified in section 5.0 of ANSI/ARI Standard 325–85, section 8.0 of ANSI/ASHRAE Standard 37–78 and section 8.0 of ANSI/ASHRAE Standard 116–1983.

4.0 *Calculations.* Calculations shall be as specified in 10 of ANSI/ASHRAE Standard 116–1983, subject to the following additional provisions. The equation for determining the flow rate of standard air (Q_s), as determined in 6.7.3 of ANSI/ASHRAE Standard 116–1983, is replaced by the following equation:

$$Q_s = \frac{Q_{mi}}{0.075\ V_n}$$

where:

Q_{mi} = measured indoor air flow rate, ft^3/min

0.075 = density of standard air, lb/ft^3

V_n = specific volume of air at nozzle, ft^3/lb of air-water mixture

4.1 *Seasonal energy efficiency ratio for air-source units.* The seasonal energy efficiency ratio (SEER) shall be expressed in Btu per watt-hour.

4.1.1 *Seasonal energy efficiency ratio for air-source units with single-speed compressors.* For air-source units with single-speed compressors, SEER shall be defined as the cooling seasonal energy efficiency ratio (SEER) as specified in 10.1.2 of ANSI/ASHRAE Standard 116–1983, with the following added provisions. One, the number of hours in the j^{th} temperature bin (n_j) in the equations for the capacity ($q(t_j)$) and for the power input ($E(t_j)$) is defined in Table 1 of this Appendix. Two, the part-load factor (PLF) in the equation for the power input ($E(t_j)$) is defined as:

$$PLF = \begin{cases} 1 - \exp\left(-E_F(CLF^{0.4})\right), & \text{for } CLF \leq 0.70 \\ 1 - \dfrac{(1 - CLF)(1 - PLF(0.70))}{0.30}, & \text{for } CLF > 0.70 \end{cases}$$

where:

E_F = exponential factor and is defined as:

$E_F = 1.9 \ln 125 / C_D$

CLF = cooling load factor, as defined in 10.1.2 of ANSI/ASHRAE Standard 116–1983

PLF (0.70) = part-load factor at a cooling load factor of 0.70, as determined above

C_D = degradation factor, as defined in 9.2.2 of ANSI/ASHRAE Standard 116–1983 or is assigned the value of 0.25.

4.1.2 *Seasonal energy efficiency ratio for air-source units with two-speed compressors or two compressors.* For air-source units with two-speed compressors or two compressors, SEER shall be defined as the cooling seasonal energy efficiency ratio (SEER) as specified in 10.1.3 of ANSI/ASHRAE Standard 116–1983 in which the number of hours in the j^{th} temperature bin (n_j) in the equations for the cooling capacity ($q(t_j)$) and for the power input ($E(t_j)$) is defined in Table 1 of this Appendix and in which the part-load factor (PLF) in the equation for the power input ($E(t_j)$) is defined in 4.1.1 of this Appendix.

4.1.3 *Seasonal energy efficiency ratio for air-source units with triple-capacity compressors.* [Reserved]

4.1.4 *Seasonal energy efficiency ratio for air-source units with variable-speed compressors.* For air-source units with variable-speed compressor, SEER shall be defined as the seasonal energy efficiency ratio (SEER) as specified in 2.1 of Appendix B of ARI Standard 210/240–84 in which the number of hours in the j^{th} temperature bin (n_j) in the equations for the capacity ($q(t_j)$) and for the power input ($E(t_j)$) is defined in Table 1 of the appendix and in which the part-load factor (PLF) in the equation for the power input ($E(t_j)$) is defined in 4.1.1 of this appendix.

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_j) is determined by:

$$q^{k=v}(t_j) = q^{k=v}(87) + M_q\,(t_j - 87)$$

Where: $q^{k=v}(87)$ = 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)

$$M_q = \frac{Q_{ss}^{k=1}(82) - Q_{ss}^{k=1}(67)}{82 - 67} * (1 - N_q) + N_q * \frac{Q_{ss}^{k=2}(95) - Q_{ss}^{k=2}(82)}{95 - 82}$$

$$N_q = \frac{Q_{ss}^{k=v}(87) - Q_{ss}^{k=1}(87)}{Q_{ss}^{k=2}(87) - Q_{ss}^{k=1}(87)}$$

Once the equation for $q^{k=v}(t_j)$ has been determined, the temperature where $q^{k=v}(t_j) = BL(t_j)$ 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 210/240–84.

The electrical power input for the unit operating at the intermediate compressor speed (k=v) and the temperature (t_{vc}) is determined by:

$$E_{ss}^{k=v}(t_{vc}) = E_{ss}^{k=v}(87) + M_E\,(t_{vc} - 87)$$

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)

$$M_E = \frac{E_{ss}^{k=1}(82) - E_{ss}^{k=1}(67)}{82 - 67} * (1 - N_E) + N_E \frac{E_{ss}^{k=2}(95) - E_{ss}^{k=2}(82)}{95 - 82}$$

$$N_E = \frac{E_{ss}^{k=v}(87) - E_{ss}^{k=1}(87)}{E_{ss}^{k=2}(87) - E_{ss}^{k=1}(87)}$$

Once $E_{ss}^{k=v}(t_{vc})$ 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.

4.1.5 *Seasonal energy efficiency ratio for split-type ductless systems.* For split-type ductless systems, SEER shall be defined as specified in 4.1.1 of this appendix for each combination of indoor coils to be used with a common outdoor unit.

4.1.6 *Seasonal energy efficiency ratio and capacity for untested combinations of split-system central air conditioners.*

For untested combinations of split-system central air conditioners, the capacity at 95 °F (Q_x) and the seasonal energy efficiency ratio ($SEER_x$) are determined by the following equations:

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$$Q_x = [Q_m + 3.413 * P_{F,m}] * F_c^{0.37} * F_e^a - 3.413 * P_{F,x}$$

$$SEER_x = SEER_m \left(\frac{Q_x}{Q_m}\right)_{82} \left(\frac{P_x}{P_m}\right)_{82}^{-1} F_{TXV}$$

where:

$$\left(\frac{Q_x}{Q_m}\right)_{82} = \left[1 + \frac{3.25 * P_{F,m}}{Q_m}\right] * F_c^{0.35} * F_e^a - 3.25 \frac{P_{F,x}}{Q_m}$$

$$\left(\frac{P_x}{P_m}\right)_{82} = 0.8 * F_c^{0.14} * F_e^b + 0.1 \frac{P_{F,x}}{P_{F,m}} + 0.1$$

$$a = \begin{cases} -0.15 & \text{for } F_e \geq 1 \\ 0 & \text{for } F_e < 1 \end{cases}$$

$$b = \begin{cases} 0 & \text{for } F_e \geq 1 \\ -0.2 & \text{for } F_e < 1 \end{cases}$$

F_c = indoor coil scaling factor, as determined in 4.1.6.1 of this Appendix

F_e = expansion device scaling factor, as determined in Table 6 of this Appendix

F_{TXV} = thermostatic expansion valve factor, as determined in Table 6 of this Appendix

$P_{F,m}$ = power input to the indoor fan of the matched system, as determined in 4.1.6.3 of this Appendix

$P_{F,x}$ = power input to the indoor fan of the mixed system, as determined in 4.1.6.4 of this Appendix

Q_m = capacity at 95°F of the matched system, as reported in the current ARI Directory of Certified Unitary Air-Conditioners and Unitary Air-Source Heat Pumps

$\left(\frac{Q_x}{Q_m}\right)_{82}$ = ratio of the capacities of the mixed system to the matched system at 82°F

$\left(\frac{P_x}{P_m}\right)_{82}$ = ratio of the power of the mixed system to the matched system at 82°F

$SEER_m$ = seasonal energy efficiency ratio of the matched system, as reported in the current ARI Directory of Certified Unitary Air-Conditioners and Unitary Air-Source Heat Pumps

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4.1.6.1 *Indoor coil scaling factor.* The indoor coil scaling factor (f_c) determined by the following equation:

$$F_c = \frac{Q_{c\cdot x}}{Q_{c\cdot m}}$$

where:

$Q_{c\cdot x}$ = cooling capacity of the mixed coil at the air mass flow rate specified for the matched system

$Q_{c\cdot m}$ = cooling capacity of the matched coil at the indoor-air volumetric flow rate (CFM_m) at which the matched system capacity (Q_m) was measured. If CFM_m is not known, it can be determined by:

$$CFM_m = \frac{425^* Q_m}{12{,}000}$$

Capacities of the matched and mixed coils shall be determined by the same method and at the following conditions: Inlet air conditions of 80 °F dry bulb and 67 °F wet bulb; 45 °F refrigerant saturation temperature; and the same refrigerant superheat at the evaporator outlet. If coil capacities are obtained by means of a catalog or computer simulation, the same catalog or computer simulation shall be used for both coils. Coil material and geometry (e.g., inside tube diameter, tube staggering, fin spacing, fin thickness, fin shape, and number of tube depth rows) shall be accounted for by the method used. That is, the methodology used must have these parameters as independent variables. This rating procedure cannot be used if F_c is smaller than 0.8. If the ratio of $Q_{c\cdot x}/Q_{c\cdot m}$ is greater than 1.3, then F_c shall be defined as 1.3. If the rating is calculated for a heat pump system able to operate in the heating mode, two additional conditions have to be satisfied:

(1) The internal volume of the mixed indoor coil assembly shall be within 100–120 percent of the internal volume of the matched coil assembly; or shall not exceed the volume of the matched coil assembly; or shall not exceed the volume of the largest coil certified with a given condensing unit by the condensing unit manufacturer, which ever is largest.

(2) Condensing capacity of the mixed coil shall be within 100–120 percent of capacity of the matched coil; or shall not exceed the capacity of the largest certified coil, whichever is largest.

4.1.6.2 *Expansion device scaling factor.* The expansion device scaling factor (F_e) is the ratio of refrigerant mass flow rates through the mixed and matched expansion devices at the same operating conditions and depends on the types of matched and mixed expansion devices used. Values for F_e are reported in Table 6 of this appendix. The rating procedure shall not be used if:

—The mixed system has a combination of capillary tubes or orifices connected in series;

—The matched system has a combination of capillary tubes or orifices connected in series unless the mixed system has a TXV;

—The matched system has a TXV and the mixed system has either a capillary tube or an orifice, unless the condensing unit manufacturers certifies also a system which a TXV is replaced by a capillary tube or orifice type expansion device. In such a case this system may be considered as a matched system and its performance data may be used for calculation of performance of the mixed system;

—The expansion device scaling factor, F_e, is outside the range 0.95–1.35 for systems operating in the cooling mode only;

—The expansion device scaling factor, F_e, is outside the range 1.00–1.25 for systems operating in both the heating and cooling mode.

For Cases I to IV, F_e shall be determined below, where subscripts $_i$ and $_j$ correspond to the number of capillary tubes or orificies connected in parallel in the mixed and matched expansion devices, respectively. D denotes the inner diameter. L denotes the length of a capillary tube or an orifice in inches. The inner diameter and length are to be measured to an accuracy of ±1.5%. Subscripts $_x$ and $_m$ refer to the mixed and matched expansion devices, respectively.

Case I

For a matched system and a mixed system, both consisting of capillary tubes, Fe shall be defined as:

$$F_e = \frac{\Sigma\ \Phi_{x\cdot i}}{\Sigma\ \Phi_{m\cdot j}}$$

The flow factors $\Phi_{x\cdot i}$ and $\Phi_{m\cdot j}$ for capillary tubes in the mixed and matched systems are determined by their geometry and by the 1983 ASHRAE Handbook, Equipment Volume, Chapter 20, Figure 38.

Case II

For a matched system consisting of capillary tubes and a mixed system consisting of orifices, F_e shall be defined as:

$$F_e = \frac{\Sigma\ \Phi_{x\cdot j}}{109.6\ m\cdot j}$$

where:

$$\Phi_{x\cdot i} = \frac{72200\ D^2_{x\cdot i}}{[0.58+0.008\ (L_{x\cdot i}/D_{x\cdot i})]^{0.5}}$$

$\Phi_{m\cdot j}$ = as defined above in Case I

Case III

For a matched system consisting of orifices and a mixed system consisting of capillary tubes, F_e shall be defined as:

$$F_e = \frac{109.6\ \Sigma\ \Phi_{x\cdot i}}{\Sigma\ \Phi_{m\cdot j}}$$

where:

$\Phi_{x\cdot i}$ = as defined above in Case I

$$\Phi_{m\cdot j} = \frac{72200\ D^2_{m\cdot j}}{[0.58+0.008\ (L_{m\cdot j}/D_{m\cdot j})]^{0.5}}$$

Case IV

For a matched system and a mixed system, both consisting of orifices, F_e shall be defined as:

$$F_e = \frac{\Sigma\ \Phi_{x\cdot j}}{\Sigma\ \Phi_{m\cdot j}}$$

where:

$\Phi_{x\cdot i}$ = as defined in Case II

$\Phi_{m\cdot j}$ = as defined in Case III

4.1.6.3 *Power input to the indoor fan of the matched system.* For matched systems equiped with indoor fans, the power input to the indoor fan ($P_{f\cdot m}$) shall be measured in accordance with ARI Standard 210/240–84 and at the same indoor air volumetric flow rate (CFM_m) at which the capacity of the matched system (Q_m) was measured. If CFM_m is not known, it shall be defined as:

$$CFM_m = \frac{425 Q_m}{12{,}000}$$

For matched systems not equipped with indoor fans, $P_{F\cdot M}$ shall be defined as:

$P_{F\cdot M} = 0.365\ CFM_m$

4.1.6.4 *Power input to the indoor fan of the mixed system.* For mixed systems equipped with indoor fans, the power input to the indoor fan ($P_{F\cdot x}$) shall be measured in accordance with ARI Standard 210/240–84 and at the same indoor air volumetric flow rate (CFM_x) at which the capacity of the mixed system (Q_x) was measured. For mixed systems not equipped with indoor fans, $P_{F\cdot x}$ shall be defined as:

$P_{F\cdot x} = 0.365\ CFM_x$

4.2 *Heating seasonal performance factor for air-source units.* The heating seasonal performance factor (HSPF) shall be expressed in Btu per watt-hour. For each of the six regions specified in Table 2 of this appendix, a separate HSPF shall be determined for the standardized maximum DHR, the standardized minimum DHR and for all other standardized DHR's (See Table 3 of this Appendix) between the maximum and minimum values.

For air-source units that are equipped with "demand defrost control systems", the value for HSPF, as determined above shall be multiplied by an enhancement factor, F_{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 defrost accumulation test period in minutes

4.2.1 *Heating seasonal performance factor for air-source units with single-speed compressors.* For air-source units with single-speed compressors, HSPF shall be defined as the heating seasonal performance factor (HSPF) as specified in 10.2.2 of ANSI/ASHRAE Standard 116–1983 multiplied by 3.413 Btu/watt-hour, with the following added provisions. One, the number of hours in the j^{th} temperature bin (n_j) in the equations for HSPF and for the supplementary resistance heat term (RH (t_j)) is defined in Table 2 of this appendix: Two, the part-load factor (PLF) in all the equations HSPF is defined as:

$$PLF = \begin{cases} 1 - \exp\left(-E_F(HLF^{0.4})\right), & \text{for } HLF \leq 0.70 \\ 1 - \dfrac{(1 - HLF)(1 - PLF(0.70))}{0.30}, & \text{for } HLF > 0.70 \end{cases}$$

where:
E_F=exponential factor and is defined as:

$$E_F = 1.9\,1n\,\frac{1.25}{C_D}$$

HLF=heating load factor, as defined in 10.1.2 of ANSI/ASHRAE Standard 116–1983
PLF(0.70)=part-load factor at a heating load factor of 0.70, as determined above
C_D=degradation factor, as defined in 9.2.2 of ANSI/ASHRAE Standard 116–1983 or is assigned the value of 0.35

4.2.2 *Heating seasonal performance factor for air-source units with two-speed compressors or two compressors.* For air-source units with two-speed compressors or two compressors, HSPF shall be defined as the heating seasonal performance factor (HSPF) as specified in 10.2.3 of ANSI/ASHRAE Standard 116–1983 multiplied by 3.413 Btu/watt-hour in which the number of hours in the j^{th} temperature bin (n_j) in the equations for HSPF and for the supplementary resistance heat term (RH (t_j)) is defined in Table 2 of this appendix and in which the part-load factor (PLF) in the equation for the power input (E (t_j)) is defined in 4.1.2 of this appendix.

4.2.3 *Heating seasonal performance factor for air-source units with triple-capacity compressors.* [Reserved]

4.2.4 *Heating seasonal performance factor for air-source units with variable-speed compressors.* For air-source units with variable-speed compressors, HSPF shall be defined as the heating seasonal performance factor (HSPF) as specified in 2.2 of Appendix B of ARI Standard 210/240–84 multiplied by 3.413 Btu/hr in which the number of hours in the j^{th} temperature bin (n_j) in the equations for HSPF and for supplementary resistance heat term (RH (t_j)) is defined in Table 2 of this Appendix and in which the part-load factor (PLF) in the equation for the power input (E(t_j)) is defined in 4.2.1 of this appendix.

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_j) is determined by:

$$q^{k=v}(t_j) = q^{k=v}(35) + M_q\,(t_j - 35)$$

where: $q^{k=v}(35)$ = the capacity of the unit at 35°F determined at the intermediate compressor speed (k=v) in the frost accumulation test

M_q = slope of the capacity curve for the intermediate compressor speed (k=v)

$$M_q = \frac{Q_{ss}^{k=1}(62) - Q_{ss}^{k=1}(47)}{62 - 47} * (1 - N_q) + N_q\,\frac{Q_{ss}^{k=2}(47) - Q_{ss}^{k=2}(17)}{47 - 17}$$

$$N_q = \frac{Q_{ss}^{k=v}(35) - Q_{ss}^{k=1}(35)}{Q_{ss}^{k=2}(35) - Q_{ss}^{k=1}(35)}$$

Once the equation for $q^{k=v}(t_j)$ has been determined, the temperature where $q^{k=v}(t_j) = BL(t_j)$ 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}) is determined by:

$$E_{ss}^{k=v}(t_{VH}) = E_{ss}^{k=v}(35) + M_E(t_{VH}$$

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)

$$M_E = \frac{E_{ss}^{k=1}(62) - E_{ss}^{k=1}(47)}{62 - 47} * (1 - N_E)$$

$$+ N_E \frac{E_{ss}^{k=2}(47) - E_{ss}^{k=2}(17)}{47 - 17}$$

$$N_E = \frac{E_{ss}^{k=v}(35) - E_{ss}^{k=1}(35)}{E_{ss}^{k=2}(35) - E_{ss}^{k=1}(35)}$$

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 of 1.04 to compensate for improved performance not measured in the Frost Accumulation Test.

4.2.5 *Heating seasonal performance factor for split-type ductless systems.* For split-type ductless systems, HSPF shall be defined as specified in section 4.2.1 of this appendix. Separate values of HSPF shall be determined for each combination of indoor coils to be used with a common outdoor coil.

4.2.6 *Heating seasonal performance factor for untested combinations of split-system central air conditioners.* [Reserved]

4.3 *Annual performance factor for air-source units.* The annual performance factor (APF) shall be expressed in Btu per watt-hour. For each of the six regions in Table 2 of this appendix, a separate APF shall be determined for the standardized maximum DHR, the standardized minimum DHR and for all other standardized DHR's (See Table 3 of this appendix) between the maximum and minimum values. APF shall be defined as:

$$APF = \frac{[CLH * Q_{ss}(95)] + [HLH * DHR * C]}{\frac{CLH * Q_{ss}(95)}{SEER} + \frac{HLH * DHR * C}{HSPF}}$$

where:

CLH = cooling load hours for a specific location as reported in Figure 1 of this appendix

$Q_{ss}(95)$ = Steady state capacity as measured in Test A

HLH = heating load hours for a specific location as reported in Figure 2 of this appendix

DHR = standardized design heating requirement

C = adjustment factor which serves to adjust the calculated design heating load hours to the actual heating load hours experienced by a heating system and is 0.77

SEER = seasonal energy efficiency ratio as determined by 4.1 of this appendix

HSPF = heating seasonal performance factor as determined by 4.2 of this appendix

4.4 *Seasonal energy efficiency ratio for earth-coupled heat pumps and ground water-source heat pumps.* The seasonal energy efficiency ratio (SEER) shall be expressed in Btu per watt-hour. For each of six regions specified in Table 4 of this Appendix, SEER shall be determined by:

$$SEER = SEER(70) - \frac{70-T_w}{70-50} * [SEER(70)-SEER(50)]$$

where:

SEER(70) = SPLF * EER(70)

SEER(50) = SPLF * EER(50)

T_w = ground water temperature for the respective region and is reported in Table 4 of this Appendix

EER(70) = energy efficiency ratio at a ground water temperature of 70 °F, as determined by 5.1.4.1a of ANSI/ARI Standard 325–85

EER(50) = energy efficiency ratio at a ground water temperature of 50 °F, as determined by section 5.1.4.1b of ANSI/ARI Standard 325–85

SPLF = seasonal part-load factor, and is assigned the value of 0.90

4.5 *Heating seasonal performance factor for earth-coupled heat pumps and ground water-source heat pumps.* The heating seasonal performance factor (HSPF) shall be expressed in Btu per watt-hour. For each of the six regions specified in Table 4 of this appendix, a separate HSPF shall be determined for the standardized maximum DHR, the standardized minimum DHR and all other standardized DHR's (See Table 3 of this appendix) between the maximum and minimum values.

$$HSPF = HSPF(70) - \frac{70-T_w}{70-50} * [HSPF(70)-HSPF(50)]$$

Where:

HSPF (70) = SPLF * 3.412 * COP (70)

HSPF (50) = SPLF * 3.412 * COP (50)

T_w = ground water temperature for the respective region and is reported in Table 4 of this Appendix

SPLF = seasonal part-load factor, and is assigned the value of 0.85

4.5.1 *Heating seasonal performance factor for units without supplementary resistance heat.* For units without supplementary resistance heat, HSPF shall be defined as:

COP(70) = coefficient of performance at a ground water temperature of 70 °F, as determined by section 5.1.4.1c of ANSI/ARI Standard 325–85

COP(50) = coefficient of performance at a ground water temperature of 50 °F, as determined by section 5.1.5.1d of ANSI/ARI Standard 325–85

3.412 = conversion factor of 3.412 Btu per watt-hour

4.5.2 *Heating seasonal performance factor for units with supplementary resistance heat.* For units with supplementary resistance heat, HSPF shall be defined as specified in section 10.2.2 of ANSI/ASHRAE Standard 116–1983, with the following added provisions. One, the number of hours in the j^{th} temperature bin (n_j) in the equations for HSPF and for supplementary resistance heat term ($RH(t_j)$) shall be defined in 4.2.1 of this appendix. Two, the heat pump low temperature cut-out factor shall be assigned the value of 1.0. Three, the part-load factor (PLF) shall be assigned the value of 0.85. Four, the total power input ($E(t_j)$) shall be equal to the steady-state power input at a constant ground water temperature ($E_{ss}(T_W)$), which shall be defined as:

$$E_{ss.H}(T_W) = E_{ss.H}(50) + [E_{ss.H}(70) - E_{ss.H}(50)] * \frac{T_W - 50}{70 - 50}$$

Where:

$E_{ss.H}(50)$ = steady-state power input during heating at a ground water temperature of 50 °F, as determined by section 5.1.4.1c of ANSI/ARI Standard 325–85

$E_{ss.H}(70)$ = steady-state power input during heating at a ground water temperature of 70 °F, as determined by section 5.1.4.1d of ANSI/ARI Standard 325–85

T_W = ground water temperature for the respective region and is reported in Table 4 of this Appendix

For regions I, II, III, IV and VI, the maximum DHR, the standardized DHR reported in Table 4 of this appendix, nearest to the greater of either $Q_{ss.H}(T_W)$ or:

$$DHR_{MAX} = 2\,Q_{ss.C}(T_W) * (65 - T_{OD})$$

where:

$$Q_{ss.H}(T_W) = Q_{ss.H}(50) + [Q_{ss.H}(70) - Q_{ss.H}(50)] * \frac{T_W - 50}{70 - 50}$$

$$Q_{ss.C}(T_W) = Q_{ss.C}(50) + [Q_{ss.C}(70) - Q_{ss.C}(50)] * \frac{T_W - 50}{70 - 50}$$

T_{OD} = outdoor design temperature, as reported in Table 4 of this Appendix

$Q_{ss.H}(50)$ = steady-state heating capacity at a ground water temperature of 50 °F, as determined according to the testing requirements of 5.1, 5.1.3 and 5.1.4.ld of ANSI/ARI Standard 325–85

$Q_{ss.H}(70)$ = steady-state heating capacity at a ground water temperature of 70 °F, as determined according to the testing requirements of 5.1, 5.1.3 and 5.1.4.lc of ANSI/ARI Standard 325–85

$Q_{ss.C}(50)$ = steady-state cooling capacity at a ground water temperature of 50 °F, as determined according to the testing requirements of 5.1, 5.1.3 and 5.1.4.lb of ANSI/ARI Standard 325–85

$Q_{ss.C}(70)$ = steady-state cooling capacity at a ground water temperature of 70 °F, as determined according to the testing requirements of 5.1, 5.1.3 and 5.1.4.la of ANSI/ARI Standard 325–85

For Regions I, II, III, IV and VI, the minimum DHR, which is rounded off to the nearest standardized DHR reported in Table 4 of this appendix, is the lesser of either $Q_{ss.H}(T_W)$ or:

$$DHR_{MIN} = Q_{ss.C}(T_W) * [65 - T_{OD}]$$

For Region V, the maximum DHR is the greater of either $Q_{ss.H}(T_W)$ or 2.2 times $Q_{ss.C}(T_W)$ and the minimum DHR is the lessor of either $Q_{ss.H}(T_W)$ or $Q_{ss.C}(T_W)$. Both the maximum and minimum values of DHR are rounded off to the nearest standardized DHR reported in Table 4 of this appendix.

4.6 *Annual performance factor for earth-coupled heat pumps and ground water-source heat pumps.* The annual performance factor (APF) shall be expressed in Btu per watt-hour. For each of the six regions specified in Table 4 of this appendix, a separate APF shall be determined for each combination of DCR's and DHR's between and including the maximum and minimum values. APF is defined as:

$$APF = \frac{[CLH * DCR] + [HLH * DHR * C]}{\frac{CLH * DCR}{SEER} + \frac{HLH * DHR * C}{HSPF}}$$

where:

CLH = cooling load hours for a specific location as reported in Table 4 of this Appendix

HLH = heating load hours for a specific location as reported in Table 4 of this Appendix

DHR = standardized design heating requirement

C = adjustment factor which serves to adjust the calculated design heating load hours to the actual heating load hours experienced by a heating system and is 0.77

SEER = seasonal energy efficiency ratio as determined by 4.4 of this Appendix

HSPF = heating seasonal performance factor as determined by 4.5 of this Appendix

For all regions, the maximum DCR is rounded off to the standardized DCR reported in Table 4 of this appendix nearest to $Q_{ss.C}(T_W)$. For region IV, the minimum DCR is the lesser of either $Q_{ss.C}(T_W)$ or $Q_{ss.H}(T_W)$ divided by 2.2. For Regions I, II, III, IV and VI, the minimum DCR is the lesser of either $Q_{ss.H}(T_W)$ or:

$$DCR_{MIN} = \frac{2\,Q_{ss.C}(T_W)}{60} * [65 - T_{OD}]$$

4.7 *Estimated annual operating cost for earth-coupled heat pumps and ground water-source heat pumps.* For earth-coupled heat pumps and ground water-source heat pumps, the cooling portion of the estimated annual operating cost (A_C) at each design cooling requirement (DCR) for each region is:

$$A_C = \frac{CLH * DCR}{SEER} * 0.001 * P$$

where:

CLH = representative average use cycle for cooling and is 1,000 hours

DCR = as defined in 4.6 of this Appendix

SEER = as defined in 4.4 of this Appendix

0.001 = conversion factor of 0.001 kilowatt per watt

P = representative average unit cost of electricity in dollars per kilowatt-hour, as provided pursuant to 323(b)(2) of the Act

For earth-coupled heat pumps and ground water-source heat pumps, the heating portion of the estimated annual operating cost (A_H) at each design heating requirement (DHR) for each region is:

$$A_H = \frac{HLH * DHR * C}{HSPF} * 0.001 * P$$

where:

HLH = representative average use cycle for heating and is 2,080 hours

DHR = as defined in 4.6.1 of this Appendix

C = as defined in 4.6.1 of this Appendix

HSPF = as defined in 4.5 of this Appendix

0.001 = conversion factor of 0.001 kilowatt per watt

P = representative average unit cost of electricity in dollars per kilowatt-hour, as provided pursuant to 323(b)(2) of the Act

4.8 *Estimated regional annual operating cost for earth-coupled heat pumps and ground water-source heat pumps.* For earth-coupled heat pumps and ground water-source heat pumps, a separate estimated regional annual operating cost shall be determined for each combination of standardized design cooling and heating requirements between the maximum and minimum values. The estimated regional annual operating cost shall be determined by the method in 4.7 of this Appendix in which Tables 1, 2 and 3 of this appendix are used to determine the cooling load hours (CLH), heating load hours (HLH) and ground water temperature (T_W). Further, the seasonal energy efficiency ratio (SEER) and seasonal heating performance factor (HSPF) are adjusted for the respective value of T_W in each region.

Table 1.—Distribution of Temperature Bin Hours for Cooling

Bin No. (j)	Representative Bin temperature (Tj)	Temperature Bin Hours
1	67	214
2	72	231
3	77	216
4	82	161
5	87	104
6	92	52
7	97	18
8	102	4

Table 2.—Distribution of Temperature Bin Hours for Cooling

Bin No. (j)	Representative Bin temperature (Tj)	Temperature Bin Hours for each region					
		I	II	III	IV	V	VI
1	62	218	268	268	297	291	311
2	57	179	236	248	250	253	566
3	52	145	204	241	232	236	591
4	47	97	179	240	209	209	561
5	42	61	140	236	225	214	388
6	37	31	110	206	245	239	209
7	32	14	70	161	283	280	94
8	27	4	30	82	196	258	22
9	22	1	10	37	124	204	8
10	17	0	3	16	81	151	0
11	12	0	0	9	58	129	0
12	7	0	0	4	29	105	0
13	2	0	0	2	14	80	0
14	−3	0	0	0	5	50	0
15	−8	0	0	0	2	28	0
16	−13	0	0	0	0	14	0
17	−18	0	0	0	0	6	0
18	−23	0	0	0	0	3	0

Table 3.—Standardized Design Cooling and Heating Requirements (Btu/hr)

5,000	25,000	50,000	90,000
10,000	30,000	60,000	100,000
15,000	35,000	70,000	110,000
20,000	40,000	80,000	130,000

TABLE 4.—REGIONAL COOLING LOAD HOURS (CLH), HEATING LOAD HOURS (HLH), OUTDOOR DESIGN TEMPERATURE (T_{OD}) AND MEAN GROUND-WATER TEMPERATURE (T_W)

Region	CLH	HLH	T_{OD}	T_W
I	2,400	750	37	72
II	1,800	1,250	27	68
III	1,200	1,750	17	62
IV	800	2,250	5	53
V	400	2,750	−10	45
VI	200	2,750	30	55

TABLE 5.—TEST TOLERANCES FOR STEADY-STATE PERFORMANCE TESTS FOR EARTH-COUPLED AND GROUND WATER-SOURCE HEAT PUMPS

	Test operating tolerance [1]	Test condition tolerance [2]
Indoor dry-bulb, °F:		
Entering	2.0	0.5
Leaving	2.0	
Indoor wet-bulb, °F:		
Entering	1.0	0.3
Leaving	1.0	
Outdoor water, bulb, °F:		
Entering	0.5	0.2
Leaving	0.5	
Water flow, percent	2	
External resistence to air flow, inches of water	0.05	0.02
Electrical voltage, percent	2.0	

[1] Test Operating Tolerance is the maximum permissible variation of any measurement. When expressed as a percentage, the maximum allowable variation is the specified percentage of the average value.

[2] Test Condition Tolerance is the maximum permissible variation of the average value of the measurement from the standard or desired test condition.

TABLE 6.—EXPANSION DEVICE SCALING FACTOR, (F_e) and Thermostatic Expansion Value Factor (F_{TXV}) for Matched Systems

Expansion device		F_e	F_{TXV}
Matched system	Mixed system		
TXV, no bleed	TXV, no bleed [1]	1.0	1.000
TXV, no bleed	TXV, w/bleed [1]	1.0	0.975
TXV, w/bleed	TXV, no bleed [1]	1.0	1.025
TXV, w/bleed	TXV, w/bleed [1]	1.0	1.000
Capillary or orifice	TXV, no bleed [2]	1.0	1.050
Capillary or orifice	TXV, w/bleed [2]	1.0	1.025
Capillary	Capillary	Case I	1.000
Capillary	Orifice	Case II	1.000
Orifice	Capillary	Case III	1.000
Orifice	Orifice	Case IV	1.000

[1] The mixed TXV shall have equivalent capacity and same superheat setting as the matched TXV.

[2] The mixed TXV shall have equivalent capacity as the matched expansion device.

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Part III

Environmental Protection Agency

40 CFR Part 704

Proposed Comprehensive Assessment Information Rule; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[OPTS-82013A; FRL 3037-7]

Proposed Comprehensive Assessment Information Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a standard approach to gathering information on the manufacture, importation, and processing of chemical substances and mixtures under section 8(a) of the Toxic Substances Control Act (TSCA). This model rulemaking, titled the Comprehensive Assessment Information Rule (CAIR), would establish uniform reporting and recordkeeping requirements and a list of questions from which specific information requests would be assembled on a chemical-by-chemical basis. This rule will be used to obtain information needed by EPA and other Federal agencies to support the assessment and regulation of chemical substances and mixtures. EPA is proposing specific reporting requirements for 47 chemicals at this time. Since EPA expects to add other chemicals to the rule in the future, any chemical manufacturer, importer, or processor is potentially subject to this proposed rule.

DATE: Comments on this proposed rule must be received no later than January 5, 1987.

ADDRESS: Written comments must bear the docket control number OPTS-82013A. An original and two copies should be sent to: TSCA Public Information Office (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

All written comments on this proposed rule will be available for public inspection in Rm. NE-G004 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Telephone Number: (202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Authority

Section 8(a) of the Toxic Substances Control Act (TSCA) authorizes the Administrator of EPA to promulgate rules which require manufacturers, importers, and processors of chemical substances and mixtures (referred to hereafter as substances or chemicals) to maintain records and submit information on such substances. Failure to comply fully with any provision of a section 8(a) rule is a violation of section 15 of TSCA and would subject the violator to penalties under TSCA sections 16 and 17.

EPA proposes in this rulemaking to establish a standard approach to gathering information on the manufacture, importation, and processing of substances. This standard approach or model rule is called the Comprehensive Assessment Information Rule (CAIR). It would establish uniform reporting and recordkeeping requirements and a standardized reporting form that can be adapted to specific substances.

II. Background

A. Description of Rule

The CAIR is a model rule; that is, a rule with generic reporting and recordkeeping requirements, and a standard list of questions. The main objectives of the CAIR are resource savings by EPA and industry. These objectives will be met by: (1) Reducing duplicative reporting by industry, (2) reducing familiarization time for industry responding to information requests, and (3) reducing Agency resources needed to develop information-gathering rules and to process the data reported.

It is EPA's intention to amend the CAIR from time to time solely for purposes of adding chemicals to the rule. Unless absolutely necessary, no other changes will be made to the regulatory text. Amendments will identify the substances for which there is an information need, the information requested, and the categories of persons who must provide the information. Only those questions and reporting requirements listed in the amendments must be complied with. For example, EPA may require manufacturers and processors of chemical "X" to respond to all of the questions in section 1 plus questions 2.3, 3.9, and 4.5 in the reporting form, while manufacturers and processors of chemical "Y" might be required to answer all of the questions in Section 1 plus questions 2.3, 5.9, 7.3, and 7.8.

Hereafter, when discussing amendments to the CAIR, the Agency is referring to amendments which will add chemicals to the rule but not alter any other parts of the regulatory text.

B. Intent of Rule

As stated earlier, the main objectives of the CAIR are to save EPA's and industry's resources when collecting information needed to support chemical risk assessment/management strategies.

EPA is proposing the CAIR as an improved method for gathering and maintaining information on substances. Generally, regulatory agencies gather information to support the assessment and management of chemical risk through a lengthy and costly process. First, an agency determines that a particular chemical under certain circumstances may present a risk to health or the environment. The agency then gathers readily available information about that chemical to determine courses of action. This information may support a determination that regulatory action may be appropriate, but precise information is usually needed to determine whether and to what degree regulation is required. Since this information is held by chemical manufacturers, importers, and processors and is not publicly available, the agency uses its statutory authority to gather the information.

This requires the agency to draft and publish a proposed rule, review public comments, draft and publish a final rule, and establish and maintain a database on the reported information. During this time the agency must either delay taking risk management action or take action without complete information. Because each information-gathering rule usually has unique reporting requirements, the agency also has to respond to numerous questions following the rule's promulgation.

Information-gathering rules may also be costly to the companies submitting the information. For each proposed rule, potential respondents review the requirements and, if necessary, submit comments. Following promulgation, the companies familiarize themselves with the final reporting requirements, locate the information in company files, complete the reporting forms, and submit them to the agency.

EPA's experience with model rules has shown that model rules offer several advantages for both EPA and respondents. For EPA, the advantages are: (1) The time to promulgate an amendment that adds chemicals to a model rule is one-quarter to one-third the time needed to publish a chemical-specific rule; (2) Since reporting and recordkeeping requirements are standardized, Agency review concentrates on the need for information

and the information request; (3) The handling and review of completed forms is standardized; and (4) Only one database is used and needed to store submitted information.

For respondents, model rules offer the advantage of certainty. No matter the substance, many of a respondent's reporting and recordkeeping obligations are standarized—including the use of the same reporting form. This reduces familiarization time and reporting costs. Also, EPA's experience with a model rule has shown that as respondents repeatedly use a form, correct errors, and resubmit the form, significantly fewer errors occur. This also ensures that the Agency can access a complete and accurate database quicker, rather than wait for corrections to be made. Thus, with model rules the cost of resubmitting reporting forms is reduced. Moreover, a respondent's start-up costs, which are incurred in reporting for the first time on any rule, are reduced or eliminated for subsequent reporting under a model rule.

C. CAIR and Other Section 8(a) Model Rules

EPA designed this rule by building on its experience with two existing section 8(a) regulations: the TSCA Inventory Update rule (51 FR 21438; June 12, 1986) and the Preliminary Assessment Information Rule (PAIR) (40 CFR 712; 47 FR 26992; June 22, 1982). The TSCA Inventory Update Rule requires manufacturers and importers of certain chemical substances to provide EPA with basic identification, production, and site limited status information every 4 years. These same questions have been added to Section 1 of the CAIR reporting form which would be answered by each person subject to the CAIR. To ensure that a company reporting for the CAIR would not have to report for the Update rule, EPA has included an exemption in the Update rule. This exemption allows persons who would report for the CAIR to refrain from submitting subsequent Inventory Update reports so long as the CAIR reporting occurred no more than 1 year prior to the period for which Inventory Update reporting is required.

The Agency also designed the CAIR reporting form to include, at a minimum, questions similar to those in the PAIR. There are three basic differences between the PAIR and the proposed CAIR: (1) Only manufacturers and importers are subject to the PAIR, whereas manufacturers, importers, and processors would be potentially subject to the CAIR; (2) under the PAIR, respondents are required to answer every question in a one-page form (EPA form 7710–35), whereas the CAIR would list the specific questions from the entire form which must be answered; and (3) the PAIR form contains only basic questions on production, use, and exposure which can support preliminary assessments of chemicals, whereas the CAIR would require more detailed information because it is designed to support all stages of assessments.

At the present time, a chemical is added to the PAIR by: (1) Notice and comment rulemaking; or (2) adding a chemical to the rule automatically without notice and comment and requiring reporting within 90 days. Only chemicals listed by the Interagency Testing Committee (ITC) are added automatically.

Once the CAIR is promulgated, any office requesting basic PAIR-type information on a substance would use the CAIR to gather this information. Such additions of chemicals would be made through normal notice and comment rulemaking. The Agency is planning to amend the CAIR, at some future date, to add the ITC automatic reporting provisions. EPA will at that time withdraw the PAIR. However, until that time, ITC listed chemicals will continue to be added to the PAIR.

III. The Proposed Rule

A. An Overview

Recognizing the need for consistency between other TSCA section 8(a) rules and the CAIR, EPA has consolidated and incorporated many requirements found in other parts of the CFR into Part 704. Part 704 would provide the framework for all section 8(a) rules and would be amended as follows: The current general provisions for all TSCA section 8(a) rules, would apply to all section 8(a) chemical-specific rules, and unless otherwise stated, to the CAIR. Subpart A contains the general reporting and recordkeeping provisions for Part 704. Subpart B lists chemical specific section 8(a) rules. The regulatory text that specifies the general provisions of the CAIR would be located in Subpart C, and Subpart D would contain tables that list the substances for which there is an information need, the information requested for each substance, and the persons who must provide the information. Subpart E would contain the CAIR reporting form and instructions.

B. Who Must Report

Whenever EPA adds a substance to the CAIR, the Agency will state who is required to report on that substance (manufacturers, importers, and/or processors) and whether reporting is needed on past, current, or future activities. Persons who are required to report must answer the CAIR reporting form questions for each activity that they engage in at a plant site. For instance, if EPA were to require manufacturers of a substance to report, then a person who both manufactures and processes the substance would answer the CAIR questions for both the manufacturing and processing activities.

For some of these substances EPA is requiring processors to report. However, since many manufacturers, importers, and processors market the listed substances under names other than a systematic or easily recognizable chemical name; i.e., the chemicals are sold under tradenames, people who buy and process the chemical under a tradename may not realize that the chemical is listed on CAIR and that they are required to report. As the CAIR is currently drafted EPA has two choices. EPA may choose to require processors of a listed substance to report and EPA would expect to receive reports from only those persons who know or can reasonably ascertain that they are processing the listed substance. EPA may also choose to use a special mechanism that would provide notification to processors of their reporting obligations or would require persons to report for their customers that process the listed substance.

This proposed reporting/notification mechanism is in § 704.208 and would require the people who manufacture, import, or process a listed substance and distribute the substance under a tradename to do one of three things: Report for their customers who process the listed substance; notify their customers that the tradename substance is listed by EPA and that the customers must meet EPA reporting requirements; or provide EPA with the tradename.

People may report for their customers only if they can supply the requested information. All reporting requirements that normally apply to a processor would then apply to a person submitting on behalf of the customer. Anyone who sells a listed chemical under a tradename and who is either unable to report for their customers or who chooses not to do so, would be required to comply with one of the other options.

People may choose to notify, in writing, their customers who would be subject to reporting and inform them of the specific section in Subpart D which identifies the substance and the processor reporting requirements. The customers would be required to be notified by certified mail no later than 10 days after the effective date of the

listing of the substance. The customers would then report to EPA within 60 days of the receipt of the notification.

Each person who does not wish to report for their customers or to notify them of their reporting obligations would, within 30 days of the publication of the amendment, submit their tradenames to EPA. EPA would then publish a technical amendment adding the tradenames to the final rule. This amendment would probably appear within 1 to 2 weeks after the rule has become effective, and the processors would then have 60 days to report. Persons who do not submit tradenames or who submit them late would be required to notify their customers or report for their customers.

Persons submitting tradenames for their products could claim the link between themselves and the tradename as confidential. However, the link between the tradename and the chemical substance it represents could not be claimed as confidential since the tradename will be published in the **Federal Register** and its link could be determined from the earlier amendment listing the chemical substance.

The Agency requests comments on: (1) The best way to minimize the release of confidential business information; (2) ways to obtain reporting from processors of tradename substances without the assistance of manufacturers, importers, and other processors; (3) whether there is another approach to processor reporting which will be less burdensome and more efficient; and (4) whether EPA should publish all known tradenames for each substance it proposes to add to the list in Subpart D.

C. Exemptions From Reporting

All persons who manufacture, import, or process a listed substance would be subject to this rule unless they meet one or more of the standard exemptions set forth in § 704.5 or 704.210. The following persons would be exempt, unless such exemption is removed on a chemical-by-chemical basis: (1) Small manufacturers (annual sales less than 40 million dollars and annual production less than 100,000 pounds, or sales less than 4 million dollars); (2) processors and importers of articles; (3) manufacturers, importers and processors of chemicals that are manufactured, imported, or processed solely as impurities or byproducts; and (4) manufacturers and processors of research and development chemicals or nonisolated intermediates. Whenever EPA intends to remove any or all of these exemptions for reporting on a particular substance, the Agency would provide notice and comment rulemaking and the removal of the exemption would be noted in Subpart D. One new exemption, which is discussed below, would be added to § 704.210.

Since EPA is proposing to require processors to report in some instances under the CAIR, EPA is also proposing to exempt small processors. The exemption will meet the TSCA statutory mandate to prescribe a small processor exemption. A processor would be exempt: (1) If total annual parent company sales are less than 40 million dollars and the company processes less than 100,000 pounds of a listed substance at a plant site; or (2) if a processor has total annual parent company sales of less than 4 million dollars. These sales and volume limits are the same limits EPA uses to define small manufacturers. Like the small manufacturer exemption, EPA intends to revise the sales figures based on the Producer Price Index for Chemicals and Allied Products.

The small processor exemption was set with the same size limitations as the small manufacturer exemption because: (1) In the aggregate, the sales and quantities produced or processed are approximately the same for manufacturers and processors, and (2) many manufacturers are also processors and therefore are potentially subject to CAIR reporting for either or both activities. Consistent standards for both will result in an insignificant difference in information loss and will minimize confusion for the reporting industry. EPA decided not to base its exemption on the quantity produced, as the TSCA Inventory Update rule does, because this exemption would lead to an excessive loss of information.

D. Reporting Frequency and Schedule

Reporting by current manufacturers, importers, or processors will probably be the most common type of reporting for chemicals added to Subpart D. "Current manufacturers, importers, and processors" are those who have manufactured, imported, or processed a listed substance during the initial reporting period, that is, the complete fiscal year that immediately precedes the effective date of a CAIR amendment.

EPA intends to monitor certain substances more closely than others, and, therefore, for these substances will require subsequent reporting. EPA will require subsequent reporting at the time it adds a chemical to the rule, if a clear need for the reporting has been identified. Although EPA considered linking subsequent reporting to triggering events, such as increases in production, the Agency decided that subsequent reporting should be tied to specific anniversary dates—yearly intervals which follow the effective date. A subsequent reporting period would be the complete corporate fiscal year that immediately precedes a specified anniversary date of a CAIR amendment. These anniversary dates would be listed in Subpart D under the column "Time period on which to report." The time period, along with the designation of who must report, determines from whom reporting is required and the time interval on which to report. Section 704.214 defines the symbols used in Subpart D. The time period and frequency of subsequent reporting along with the end of the subsequent reporting period, if one is established, will be identified on a chemical-by-chemical basis. No generic sunset provision applies for subsequent reporting, however, for some chemicals specific provisions may be applied. The Agency solicits comments on this approach.

EPA may also require reporting from people who manufactured, imported, or processed a chemical substance prior to the initial reporting period. Since EPA does not know in which corporate fiscal year a person had most recently manufactured, imported, or processed a list substance, EPA will specify in Subpart D a range of years, not to exceed 5 years, prior to the effective date for which EPA would require reporting. If a person had manufactured, imported, or processed a listed substance in the time listed, they would be required to report on their most recently concluded corporate fiscal year in which the activity occurred.

Except for persons for whom reporting is tied to an anniversary date as specified in Subpart D, under § 704.215 all persons subject to the rule would report no later than 60 days after the effective date of the amendment listing the substance. Processors who are notified of their reporting obligation by their chemical suppliers would report within 60 days of the notice. Any person who is subject to a subsequent reporting requirement would submit a report no later than 60 days after the anniversary date specified in Subpart D.

Persons who cannot meet a reporting deadline could request a reasonable extension. These requests must be received by EPA within: 30 days after the effective date listing the substance, or, 30 days after receiving notice from a chemical supplier of the processor reporting obligations.

The Agency has considered determining the reporting period on a substance-by-substance basis, rather than a fixed 60-day period. Although a 60-day response period appears to make

reporting difficult for some companies, the reporting period would actually be 104 days (44 days until the rule is effective and 60 days more to report). Further, keeping a constant reporting period for all chemicals added to the rule, is much less confusing. The Agency, however, requests comments on whether to have one constant response period or to vary the response period depending on the number of questions which must be answered.

E. Levels of Effort

Persons who are required to report would be required to respond to each part of each question of an information request. There are three permissible answers. A person may: (1) Answer the question; (2) state that it does not apply to their plant site operations; or, in certain cases, (3) state that the answer is unknown.

Under § 704.12 a person would be required to answer a required question using the level of effort associated with the question. EPA's intention for using these effort levels is to give the respondent some guidance as to what EPA expects the respondent to do in order to answer a question. These levels of effort do not go beyond the known to or reasonably ascertainable standard. Instead, they are an attempt to determine on a question-by-question basis what information is known to and reasonably ascertainable by a respondent.

There are four levels of effort. Effort level 1 restates the statutory standard—respondents must answer the question to the extent that the information is known to or reasonably ascertainable by them. If the information is known, the respondent must report it. If the information is not known, this standard allows the respondent to decide for themselves what is reasonably ascertainable. The respondent may consider it reasonable, to determine the answer by conducting a test, or through estimation. Further, if the answer is not known or reasonably ascertainable, the respondent must report "unknown." Effort level 1 is the most general level and unless otherwise stated in the question, this level would always be required.

When EPA wants to be more specific about the type of answer required, EPA would specify Effort level 2 or 3. In level 2 questions, EPA has determined that the answers are known or reasonably ascertainable. That is, if the information is known, the respondent must report it. If the information is not known, this level tells the respondent that the information is reasonably ascertainable through estimation. Respondents cannot report "unknown" for level 2 questions. Likewise, level 3 questions do not permit respondents to report "unknown." If the information is known, then the respondent must report it. If the information is not known, this standard tells the respondent that the information is reasonably ascertainable, that the respondent must ascertain the information, and that the respondent may determine the means for ascertaining the information. However, the respondent may not estimate an answer.

For level 4 questions, if respondents know the answer they must report it, if they do not know the answer, they must report "unknown"; that is, even if respondents do not know the exact answer but can estimate it, they are to report "unknown."

F. Recordkeeping

Under § 704.11, those persons subject to the requirements of the rule would retain: a copy of each report submitted, the supporting materials used to complete each report, and a copy of all notices sent to customers who are required to report along with return receipt cards. The report submitted to EPA and its supporting material would be retained for a period of between 2 and 5 years from the date of the submission of the report. The exact recordkeeping period will be established in the final rule. Notices submitted to customers, including return receipt cards, would be retained for between 2 and 5 years from the date they were sent to the customers.

G. Confidentiality

Section 14(a) of TSCA allows a person who submits information to EPA to assert a claim of confidentiality, if release of the information would reveal trade secrets or confidential commerical or financial information. Under the proposed CAIR, claims of confidentiality could be asserted only at the time information is submitted and only in the manner specified in § 704.219. Detailed instructions for asserting and substantiating confidentiality claims under this rule are contained in § 704.219. EPA's procedures for processing and reviewing confidentiality claims are set forth at 40 CFR Part 2.

Any submitter who claims information as confidential would be required to provide two copies of its submission: a complete copy of the form including all information claimed as confidential and a "sanitized" copy from which all confidential information has been deleted and replaced with generic, nonconfidential information. EPA will place the submitter's sanitized copy in the public file.

Submitters would also be required, at the time of submission, to provide substantiation for each category of information claimed as confidential. EPA intends to require substantiation on a general category basis (e.g., production volume and chemical identity) rather than on a reporting item-by-reporting item basis. The substantiation questions that submitters would have to respond to outline the analytic process the submitters should go through before asserting a claim of confidentiality and therefore will help the submitter to focus on relevant issues. EPA is committed to publicly disclose as much nonconfidential information collected under the rule as possible and therefore is proposing to require upfront substantiation of confidentiality claims and will continue to closely scrutinize claims.

In addition to providing substantiation for claims of confidentiality, submitters would also be required to provide generic information for disclosure to the public for categories of information claimed as confidential. For example, if submitter identity is claimed as confidential, the submitter must provide on its sanitized copy of its reporting form, generic information relating to its geographic location and annual sales volume. If production volume is claimed as confidential, production must be characterized on the submitter's sanitized version of its reporting. Examples of ranges include:

I. 0–100,000 kg.
II. over 100,000—1 million kg.
III. over 1 million—50 million kg.
IV. over 50 million—250 million kg.
V. over 250 million—1 billion kg.
VI. over 1 billion kg.

If use information is claimed as confidential, a generic use statement must be provided with the sanitized reporting form.

If a company fails to submit a sanitized copy of its submission to substantiate its confidentiality claims, and fails to provide required generic information, EPA would notify the company by certified mail. The respondent would have 30 days from the date of their receipt of the notice letter to submit the required second copy or substantiate its claims. If EPA does not receive the requested sanitized version, substantiation responses, or generic information, EPA would place the confidential copy of the submission in the pubic file on the 31st day after the submitter's receipt of EPA's letter. If no claim of confidentiality accompanies a

document at the time it is submitted to EPA, the document would be placed in the public file without further notice to the respondent.

EPA will attempt to provide the public with sufficient and informative access to information collected under this rule while protecting submitters' valid proprietary interests. This will be accomplished by: (1) Disclosing to the public all reported information that is not claimed as confidential; (2) disclosing submitter provided generic information in lieu of confidential information; and (3) releasing aggregates of confidential information when possible.

The Agency solicits suggestions for mechanisms for asserting confidentiality claims on the form and for submitting substantiation. EPA also requests comments on whether substantiation and generic information should be required by category, as proposed above, or on an item-by-item basis.

Commenters on an earlier public draft of this proposed rule expressed concern over the potential for releasing confidential business information (CBI) when sharing information obtained under the CAIR within EPA and with other Federal agencies. EPA feels that present and proposed security procedures will protect against any inadvertent release of confidential material. All confidential data collected under the rule would be subject to the requirements of the *TSCA Confidential Business Information Security Manual.* EPA is presently working with the participating agencies to ensure that proper physical and procedural security plans are in place to protect confidential information collected under the rule. EPA plans to store the data in a dedicated computer and to limit its use to authorized personnel.

H. The CAIR Reporting Form

EPA has compiled a comprehensive list of questions in the CAIR reporting form that provides TSCA section 8(a)(2)-type information. Since many kinds of information will be needed to support the variety of chemical risk identification, assessments, and control actions, these questions vary in type of information elements and comprehensiveness. For each listed chemical, EPA will ask only those questions that are pertinent to the risk identification, assessment, or control action. Persons subject to the CAIR would only have to answer the questions listed for the chemical in Subpart D of the rule.

The reporting form is divided into 10 sections and within each section is a list of specific questions. Altogether the form covers: plant site information; chemical identification; production, processing, and importation volumes; physical/chemical properties; environmental fate data; economic and financial information; manufacturing and processing information; waste generation and management; worker exposure; and environmental release.

Section 704.247 of the proposed rule contains instructions for the reporting form. There are instructions for all of the questions on the form, tables for converting responses to metric units, a glossary which defines key terms, and examples of completed questions.

Section 1 of the form would be completed by all respondents; the remaining parts would be completed only if specified in Subpart D. Questions in Section 1 ask for basic information for purposes of identification (e.g., plant site classification, respondent identification, and substance identification). Section 1 also contains questions for persons who sell tradename products and a certification statement for persons who had already submitted information requested in Subpart D.

Companies who voluntarily submit information to EPA or other Federal agencies are encouraged to use the CAIR form. If the chemical they are reporting on is later added to the CAIR, that company may be exempt from resubmitting the previously reported information. The company would still be required to complete and submit Section 1 of the CAIR reporting form. However, the company will be exempt from reporting any other data that were previously submitted, provided: that the previously submitted data are no more than 3 years old as of the effective data of the chemical's addition to the rule and the data are still complete and accurate. Persons who use this exemption would sign the statement in section 1 that certifies that the previously reported data meets the requirements set forth in the exemption.

As with persons who previously voluntarily reported to EPA on a chemical which later was added to the CAIR, any company which previously reported information to EPA, whether it was required or not, may be exempt from CAIR reporting provided they meet the guidelines stated above.

IV. Chemicals Listed in This Proposed Rule

After thoroughly reviewing the candidates for this rule, EPA is proposing to include 47 substances in the initial listing for the CAIR. The substances are listed in Subpart D, § 704.225, of the proposed regulatory text. The substances were nominated by two program offices in EPA and three other Federal agencies. The chemicals are substances for which: (1) The agencies know or suspect adverse health or environmental effects yet lack current exposure data; (2) The agencies believe data gaps are significant; and (3) The agencies place a priority on the need for the requested information to complete assessments of the chemicals. The substances and the Offices that nominated them are listed in the Table in this preamble. Additional background information on the chemicals is in the public record for this proposed rule.

Literature searches have been undertaken for the information requested by the offices that nominated chemicals for this rule; however, these searches did not provide the information needed to meet each requesting office's needs. A listing of the chemicals, along with the information requests, was sent for review to each office in EPA and other Federal agencies participating in the CAIR development. These offices searched their records for information on the chemicals; however, the searches proved unsuccessful. Therefore, the information needs still exist.

The following offices and agencies nominated chemicals for addition to this rule: EPA's Office of Air and Radiation, EPA's Office of Toxic Substances, the Consumer Production Safety Commission (CPSC), the Occupational Safety and Health Administration (OSHA), and the National Institute of Occupational Safety and Health (NIOSH). A total of 59 chemical nominations were made by these Offices; however, since 12 of these nominations were multiple nominations (i.e., substances nominated by 2 or more Offices), only 47 substances are listed in today's rule. The chemicals nominated by these Offices are displayed in the table in this preamble. A summary of the concerns for these chemicals and how the requested information will be used follows. More detailed discussions of each chemical are in the public record to this rulemaking.

CPSC has nominated 8 chemicals for the CAIR. These chemicals are used either in or as intermediates in the production of consumer products. Present information shows that these chemicals present health problems such as cancer, gastrointestinal necrosis, and renal toxicity. CPSC hopes that the CAIR will close the present data gap by providing information to help determine the levels of these chemicals in consumer products and consumer exposure and use.

OSHA has requested information on 7 of the chemicals listed in the proposed

CAIR. These chemicals represent a potential health hazard to a large number of workers involved in their manufacture and processing. Therefore, OSHA has requested detailed production and processing information. The CAIR information will significantly aid OSHA's assessment of the risks these chemicals pose to workers, and the actions that may be necessary to protect worker safety and health. OSHA is in the prerulemaking, information-gathering stage of its determinations.

NIOSH has requested information on one of the chemicals listed in the proposed CAIR—4,4' Methylenebis (2-chloroaniline) (MBOCA). MBOCA is a known animal carcinogen whose health effects in humans have not been adequately investigated. Potential for occupational exposure exists because there is no Federal exposure standard. OTS/EPA has promulgated a chemical specific 8(a) rule on MBOCA; however, that rule will provide information from manufacturers only. Through CAIR, NIOSH hopes to get information from processors on populations exposed and the levels of exposure to MBOCA. NIOSH hopes that the responses to the CAIR questions will assist them in identifying populations for epidemiologic study to determine the health effects of MBOCA. Given the potential for continued worker exposure in processing of MBOCA, NIOSH believes that an ongoing and comprehensive assessment of MBOCA is warranted.

The Office of Air Quality Planning and Standards (OAQPS) of the Office of Air and Radiation (OAR) has requested information on 8 of the chemicals listed in the proposed CAIR. These chemicals present potential health threats and have large production volumes. All of the chemicals nominated are volatile or emitted in particulate form to the atmosphere and can be absorbed through the respiratory tract. Human effects which result from exposure to these chemicals can include potential carcinogenic, teratogenic, or mutagenic responses; extreme eye, lung and mucous membrance irritation; or neurotoxic effects. The toxicity of these chemicals and their high level of production, has raised concerns about the potential for human health effects from ambient air exposure. OAQPS needs detailed production and exposure information to determine whether these chemicals present an actual threat to human health.

OAQPS concluded that these chemicals are undergoing, will undergo, or have undergone regulatory assessment as potentially toxic air pollutants under the Clean Air Act. OAQPS is aware of the time it will take to acquire the information under the CAIR and has planned accordingly. If the data are received after the decisions on the need to regulate are published, the data will be available by the time regulations, if necessary, are being prepared, and will therefore aid in creating the proper standards for these chemicals.

The Office of Toxic Substances (OTS) has requested information on 36 of the chemicals listed in the proposed CAIR. The chemicals have been nominated by two different Divisions of OTS and each Division's chemicals are discussed separately.

The Exposure Evaluation Division (EED) has nominated 17 of the 36 chemicals. All of these chemicals have been discovered in groundwater and may present the potential for exposure to the public. The chemicals are in two different classes: one group includes volatile organic compounds, and the other group consists of fertilizers and their co–products. All of these chemicals are being studied as part of the TSCA Groundwater Protection Strategy on which EED is working with EPA's Office of Water. The CAIR information will aid EPA in determining the sources of groundwater contamination. EED also needs information to help determine the rate of groundwater contamination. EED and the Office of Water believe that this information will help in developing regulatory strategies to identify the scope of the problem and ways to control it.

In addition, dichloromethane, tetrachloroethylene, trichloroethylene, 1,1,1-trichloroethane, CFC–113 and carbon tetrachloride are subjects of an integrated risk analysis and risk reduction project. OTS, other EPA offices, and other agencies will assess the risks associated with exposures to these chemicals, singly and in combination, and will estimate risks to workers, consumers, and the general population. EED is working with the Economics and Technology Division of OTS on this review, and some data pertaining to environmental releases have been obtained from OAR. However, there are many information gaps, and the additional data gathered by the CAIR will be of great value.

The Existing Chemical Assessment Division (ECAD) of OTS has nominated 19 of the 36 OTS chemicals. The first group of chemicals includes acid orange 7, acetamide, and Broenner's acid. Acid orange 7 is known to cause chromosome abnormalities in animals, acetamide is a known animal carcinogen, and Broenner's acid may contain the impurity beta-napthylamine a known human carcinogen. Human and environmental risk is largely unknown due to lack of available exposure data. It is for this reason that EPA has requested such a broad range of information on these chemicals. Should subsequent assessments of these chemicals indicate potential risks, OTS will consider regulations to reduce identified risks where necessary.

The second group of chemicals includes 4 chemicals that have been found in human adipose tissue. The potentially widespread exposure implied by this discovery, has prompted EPA to investigate these chemicals to find possible sources of contamination. The data received through the CAIR will be used to estimate the extent of the risk to human health and the possibility of reducing the potential for further exposures.

The third group of chemicals consists of 4 chemicals: hydroxylamine and three of its salts. The hydroxylamines are undergoing a preliminary risk assessment. The risk assessment is delayed by the lack of data on the uses of and exposures to hydroxylamines. The suspected developmental and hematological toxicity of these substances has raised EPA's concerns about these substances.

Preliminary risk assessments are being conducted by ECAD on semicarbazide, semicarbazide hydrochloride, and tetrabromoethane. These chemicals present carcinogenic, acute and chronic health concerns. OTS needs to gather current production, use, and exposure data to aid in deciding what regulatory action, if any, may be appropriate.

Risk assessments are planned for the four isomers of toluene diisocyanate (TDI). Exposure to these chemicals can cause acute and chronic adverse health effects in many physiologic systems. Of particular concern are immune and nonimmune mediated respiratory effects. Exposure scenarios of concern include: occupational exposure; exposure to persons in molding, coating and sealing trades; exposure to the general population residing in the vicinity of production, processing, and use facilities; and exposure to consumers using products containing TDI.

V. CAIR and Information Management

EPA is developing a database to store all of the reported CAIR information in a manner that: allows EPA to easily determine whether the data have already been collected under CAIR,

consolidates reports into standard formats, and protects proprietary information. The database is essential to the success of the CAIR. Offices considering the development of information-gathering rules will be able to check with the CAIR database before requesting the information from industry. This procedure will help reduce duplicative requests for information. Further, by providing the reported data to the users quickly and in the proper format, the Agency will not need to expend valuable resources to manually review each reported form.

VI. CAIR and Other Information-Gathering Mechanisms

The comprehensive nature of the CAIR and the reporting form would allow EPA in many instances to gather information for offices in EPA, and other Federal agencies; however, the CAIR is not being developed as a replacement for all other information-gathering regulations, nor has any other office delegated its information-gathering authority to the CAIR. The CAIR will be used only when it is appropriate and is the most efficient means to gather information. Other agencies or EPA offices will use their own authority under circumstances such as: (1) The chemical of interest cannot be regulated under TSCA (e.g., the chemical is not a "chemical substance" or "mixture" as defined in section 3 of TSCA); (2) the information being sought could be gathered more efficiently using another authority; or (3) the information being sought is more specific and detailed than would be elicited by the questions in the CAIR reporting form. Therefore, while other offices within EPA and other agencies would consider utilizing the CAIR for information-gathering, EPA does not expect the CAIR to be a replacement for all data-gathering regulations.

VII. Implementation of the Rule

A. The Need for Information

Prior to listing the 47 chemicals in this proposed rule, EPA searched for the requested information to determine if the information was already available. Each office and agency involved in developing the CAIR searched for this information in their data bases and the public literature; they were, however, unable to locate the requested information listed in Subpart D.

EPA intends to continue to search for requested information prior to adding chemicals to the rule. EPA has established a formal process whereby each office or agency which wants to add a chemical to the CAIR, must submit a detailed nomination sheet to the Office of Toxic Substances (OTS). The nomination sheet specifies: (1) Where the office has looked for the information it is requesting, (2) why the information is needed, and (3) what the office's concerns are about the chemical. OTS would determine whether the chemical is a potential candidate for the CAIR. Chemicals which pass OTS' initial screen are submitted to a workgroup for review. As was done for the chemicals in today's proposed rule, the workgroup (made up of representatives from program offices in EPA and other agencies) reviews the list of chemicals and information requests. If needed information is available, the requesting office is notified and the chemical withdrawn from the list of potential candidates for addition to the CAIR.

B. Budgeting for Burden

EPA has prepared an information collection request that estimates the reporting burden that the CAIR would impose. The Paperwork Reduction Act requires EPA to collect information from the public in the least burdensome way and to summarize, for the Office of Management and Budget's (OMB) review, information collection activities and their associated burden. From this process, an Information Collection Budget (ICB) is developed that specifies the total number of hours the Agency will impose on the public during a fiscal year.

The CAIR will be part of this budget process. During the summer of each year, each program office which anticipates using the CAIR, will prepare a budget item for EPA's Office of Policy Program and Evaluation (OPPE) to review. OPPE will consolidate the requests and prepare the overall Agency budget for submission to OMB. Once the budget is approved, it acts as a ceiling for information collection requests for that fiscal year. Making each office accountable for burden they impose through the CAIR will ensure that they judiciously use the rule.

C. Assistance for Submitters

Given the comprehensive nature of some questions in the CAIR reporting form, EPA is committed to providing technical assistance to companies reporting for the CAIR. Besides the instruction document that accompanies the reporting form, companies will be able to contact EPA, or its contractor for assistance. The availability of this program will be advertised once the rule is promulgated. The Agency also intends to assist respondents by providing technical support documents. Once this rule is promulgated EPA will develop sample "Questions and Answers" and supplemental instruction documents for distribution.

D. Evaluation

To ensure that the CAIR meets its objectives of providing timely, reliable, useful, and non-duplicative data while imposing a minimum burden on industry, EPA will evaluate the CAIR. The Agency will conduct follow-up studies of the listed chemicals to determine the quality of the reported data, the reporting burden (based on interviews with some of the companies that reported), EPA form processing procedures, and data usage.

VIII. Public Participation

EPA believes that the public review which occurred during the development of this rule was important. The Agency actively sought public input early in the development stages of the rule and met with any organization requesting a meeting.

Two general public meetings were held in July 1985 to discuss an early draft of the rule and reporting form. Constructive comments helped EPA refine the rule to make it more understandable and effective. After further revisions, the CAIR reporting form was circulated again for public review during the second week in December 1985. Again, more constructive comments were made and adopted.

On January 24, 1986 (51 FR 3251), EPA issued a notice asking for participation in a pretest of the reporting form. The purpose of the pretest is two-fold: (1) to test whether the questions are easily understood, and (2) to estimate the reporting burden associated with answering questions. The Agency had hoped many volunteers would participate. However, fewer applied than were expected. Therefore, the Agency will not view the results of this pretest as representative of the entire industry. The pretest will, however, provide extremely valuable "hands-on" data which will be used in making changes to the form and for determining the economic impact of this rule.

The Agency appreciates all of the comments that have been made, and this proposed rule reflects EPA's initial consideration of these comments. EPA continues to encourage manufacturers, importers, and processors to comment on this proposal, whether or not they would be subject to the reporting requirements for the substances listed in this proposed rule. Manufacturers, importers, and processors not subject to

the proposed reporting requirements for today's listed substances may become subject to the CAIR as additional substances are added.

IX. Alternatives Considered

Before deciding to develop the CAIR, the Agency considered three major alternative approaches for meeting its information-gathering objectives: (1) Chemical-specific TSCA section 8(a) rules, (2) issuing the CAIR list of questions as guidelines for incorporation in chemical-specific rules, and (3) using CAIR only for detailed information requests. After review of these approaches, the Agency decided to develop the CAIR.

Chemical-specific rules, unlike the CAIR, can be tailored to meet very specific needs. However, as discussed above, these rules are costly for EPA to establish and implement, and for industry to respond to. Further, if specific information is needed that is beyond the scope of CAIR, the Agency always has the option of issuing a chemical-specific rule for that chemical.

A variation of the chemical-specific option would be the issuance of the CAIR list of questions as guidelines. Whenever an information need arose, questions from the guidelines could be chosen and incorporated into a chemical-specific rule. The advantage of this option is that the guidelines could be modified as necessary without notice and comment.

The Agency has determined that such an option would be counterproductive because the efficiencies of issuing a model rule would be lost. Issuing chemical-specific rules, based on guidelines, would require the Agency to state, in full, the questions for which reporting would be required; compared to the CAIR under which EPA need only specify the question by number. In addition, since use of the guidelines would not be required, there would be no incentive for offices needing information from industry to use the questions in the guidelines. This removes much of the certainty that CAIR provides. With CAIR, there is an incentive to use the questions, as is, rather than amending the rule to make minor changes.

Furthermore, there is no need to issue CAIR questions as guidelines. The questions have been tested and will be tested again between proposed and final rules. Many of the questions were taken from existing forms which have been used to collect information from industry. There has also been much cooperation with industry representatives on the form. EPA does not anticipate that any further refinement of the questions will be necessary after promulgation of a final rule. Moreover, should the need arise, EPA can propose the addition of a chemical to the CAIR, and promulgate a final TSCA section 8(a) chemical-specific rule with questions tailored to the unique characteristics of the respondents.

The last option that the Agency has considered for gathering information is "staged reporting." That is, initially request under a specific rule basic information such as that found in the PAIR on a chemical substance. If, following analysis of the reported data, the Agency finds that additional information is needed, the Agency can issue another rule with more detailed questions, or finally, if needed, add the chemical to the CAIR.

EPA does not believe "staged reporting" is needed once CAIR is in place. The CAIR contains questions providing preliminary data (e.g., PAIR questions) and more detailed questions for later stages of assessment. Since all of the questions are in the same rule and the Agency will ask only for needed information, there usually will be no need to use rules other than CAIR.

EPA has decided that the CAIR approach is the most effective way of meeting Agency objectives. The Agency, however, requests comments on the options discussed above, on the Agency's rationale for choosing the CAIR, or on any other alternatives which would meet the objectives of the rule.

BILLING CODE 6560-50-M

X. CHEMICAL LIST

CPSC = Consumer Product Safety Commission
EPA/OAR = Environmental Protection Agency - Office of Air and Radition
EPA/OTS = Environmental Protection Agency - Office of Toxic Substances
NIOSH = National Institute of Occupational Health and Safety
OSHA = Occupational Safety and Health Administration

Federal Agencies Requesting Information	Who must Report and for what Year	Information Collection Requirement
		Methane, tetrachloro- (CAS No. 56-23-5)
EPA/OTS:	(M,X/P,I,P:-1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,X/P,I,P:-5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,X/P,I,P:-1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18
		Urea (CAS No. 57-13-6)
EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 tnru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Hydrazinecarboxamide (CAS No. 57-56-7)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7

Acetamide (CAS No. 60-35-5)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4 thru 3.7, 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6

Methane, trichloro- (CAS No. 67-66-3)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

EPA/OTS: (M,X/P,I,P: -5) 1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

OSHA: (M,X/P,I,P: -1,5) 1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18

Benzene (CAS No. 71-43-2)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

EPA/OTS: (M,I: -5) 1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Ethane, 1,1,1-trichloro- (CAS No. 71-55-6)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,I: -1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18

Methane, dichloro- (CAS No. 75-09-2)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,I: -1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18
CPSC:	(M,I: -1)	1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Ethene, 1,1-dichloro- (CAS No. 75-35-4)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Oxirane, methyl- (CAS No. 75-56-9)

EPA/OAR:	(M,X/P,I,P: -1)	1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

Ethane, 1,1,2-trichloro-1,2,2-trifluoro- (CAS No. 76-13-1)

EPA/OTS:	(M,X/P,I,P: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,X/P,I,P: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,X/P,I,P: -1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18

Ethene, trichloro- (CAS No. 79-01-6)

EPA/OTS:	(M,X/P,I,P: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,X/P,I,P: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,X/P,I,P: -1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18

Ethane, 1,1,2,2-tetrabromo- (CAS No. 79-27-6)

EPA/OTS: (M,X/P,I,P: -1,1,2,3) 1, 2.7, 2.8, 2.14, 2.15,

Phenanthrene (CAS No. 85-01-8)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6

Benzene, 1,3-diisocyanato-2-methyl- (CAS No. 91-08-7)

EPA/OAR: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

EPA/OTS: (M,X/P,I,P: -1) 1, 2.4 thru 2.8, 2.10 thru 2.12, 2.14 thru 2.18, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.4, 7.5, 8.1, 8.4, 8.5, 8.22, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.23

EPA/OTS: (M,X/P,I,P: 1,2,3) 1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23

2-Naphthalenesulfonic acid, 6-amino- (CAS No. 93-00-5)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4 thru 3.7, 4,1, 4.9, 4.10, 6.8, 6.9, 7.2 thru 7.5, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6

1,3-Benzenediamine, 4-methyl- (CAS No. 95-80-7)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Phenol, 2,2'-thiosbis[4,6-dichloro- (CAS No. 97-18-7)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Phenol, 2,2'-methylenebis[4-chloro-] (CAS No. 97-23-4)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Benzene, ethenyl- (CAS No. 100-42-5)

EPA/OAR: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

Benzenamine, 4,4'methylenebis[2-chloro- (CAS No. 101-14-4)

NIOSH: (X/P,P: -1) 1, 9.1, 9.3, 9.4, 9.7, 9.10, 9.14, 9.18

Urea, N-(4-chlorophenyl-N'-(3,4-dichlorophenyl)- (CAS No. 101-20-2)

CPSC: (M,X/P,I,P: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Benzene, 1,4-dichloro- (CAS No. 106-46-7)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Benzene, methyl- (CAS No. 108-88-3)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Ethanol, 2-chloro-, phosphate (3:1) (CAS No. 115-96-8)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6

1,4-Dioxane (CAS No. 123-91-1)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Ethylene, tetrachloro- (CAS No. 127-18-4)

EPA/OTS:	(M,X/P,I,P: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,X/P,I,P: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
OSHA:	(M,X/P,I,P: -1,5)	1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18

Pyrene (CAS No. 129-00-0)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6

Cyanamide, calcium salt (CAS No. 156-62-7)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

EPA/OTS: (M,I: -5) 1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Hydrazinecarboxamide, monohydrochloride (CAS No. 563-41-7)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7

Benzene, 2,4-diisocyanato-1-methyl- (CAS No. 584-84-9)

EPA/OAR: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

EPA/OTS: (M,X/P,I,P: -1) 1, 2.4 thru 2.8, 2.10 thru 2.12, 2.14 thru 2.18, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.4, 7.5, 8.1, 8.4, 8.5, 8.22, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.23

EPA/OTS: (M,X/P,I,P: 1,2,3) 1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23

Disulfide, dimethyl (CAS No. 624-92-0)

EPA/OTS: (M,I: -1) 1, 2.1 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6

Benzenesulfonic acid, 4-[2-hydroxy-1-naphthalenyl)azo]-, monosodium salt (CAS No. 633-96-5)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4, 3.5 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6

1,3-Dioxan-4-ol, 2,6-dimethyl-, acetate (CAS No. 828-00-2)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

Benzene, diisocyanatomethyl- (CAS No. 1321-38-6)

EPA/OAR: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

EPA/OTS: (M,X/P,I,P: -1) 1, 2.4 thru 2.8, 2.10 thru 2.12, 2.14 thru 2.18, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.4, 7.5, 8.1, 8.4, 8.5, 8.22, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.23

EPA/OTS: (M,X/P,I,P: 1,2,3) 1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23

Hydroxylamine, hydrochloride (CAS No. 5470-11-1)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1

Nitric acid ammonium salt (CAS No. 6484-52-2)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Nitric acid sodium salt (CAS No. 7631-99-4)

EPA/OTS:	(M,I: -1)	1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23
EPA/OTS:	(M,I: -5)	1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Ammonia (CAS No. 7664-41-7)

EPA/OAR:	(M,X/P,I,P: -1)	1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

Chlorine (CAS No. 7782-50-5)

EPA/OAR:	(M,I: -1)	1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

Hydroxylamine (CAS No. 7803-49-8)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1

Hydroxylamine, sulfate (2:1) (CAS No. 10039-54-0)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1

Hydroxylamine, sulfate (1:1) (CAS No. 10046-00-1)

EPA/OTS: (M,X/P,I,P: -1) 1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1

Nitric acid, calcium salt (CAS No. 10124-37-5)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

EPA/OTS: (M,I: -5) 1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Ammonium chloride (CAS No. 12125-02-9)

EPA/OTS: (M,I: -1) 1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

EPA/OTS: (M,I: -5) 1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23

Benzene, 1,3-diisocyanatomethyl- (CAS No. 26471-62-5)

EPA/OAR: (M,X/P,I,P: -1) 1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f), 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23

EPA/OTS: (M,X/P,I,P: -1) 1, 2.4 thru 2.8, 2.10 thru 2.12, 2.14 thru 2.18, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.4, 7.5, 8.1, 8.4, 8.5, 8.22, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.23

EPA/OTS: (M,X/P,I,P: 1,2,3) 1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23

3(2H)-Isothiazolone, 2-octyl- (CAS No. 26530-20-1)

CPSC: (M,I: -1) 1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7

BILLING CODE 6560-50-C

The 47 substances listed in this proposed rule include 18 hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). CERCLA requires persons, who are in charge of vessels or facilities, to immediately notify the National Response Center ((800) 424–8802 or (202) 426–2675) when hazardous substances are released in quantities that are equal to or greater than the reportable quantities (RQs). (See CERCLA Section 103 and 40 CFR Part 302; 50 FR 13456, April 4, 1985.) CERCLA hazardous substances are listed in Table 302.4—List of Hazardous Substances and Reportable Quantities (50 FR 13475).

XI. Economic Analysis

EPA has conducted a study to estimate the amount of secretarial, technical, and managerial time needed to respond to each question in the reporting form. This study is located in the public record for this rulemaking. The response times were derived from three sources. One source was the knowledge and experience of Federal personnel who were responsible for preparing questionnaires that contained similar questions to those in the reporting form. Another source was Federal agency documents that described, reviewed, or analyzed questionnaires that contained similar questions to those in the reporting form. The last source for response time was persons in private organizations who performed surveys with questionnaires similar to those in the CAIR. These persons were able to provide estimates of the time required to respond to certain parts of the reporting form. The Agency also intends to use the pretest to determine how much time it takes to complete questions on the reporting form.

Once the burden hours were estimated, the Agency calculated the cost per type of respondent per chemical (i.e., the reporting burden for a manufacturer who must respond to the specific questions required for a listed chemical). These figures were further multiplied by the estimated number of respondents (manufacturers, importers, and processors) for each substance to determine the total economic burden for the chemicals listed in Subpart D.

In order to identify the manufacturing plant sites for the proposed chemicals, EPA reviewed the following sources: *Chemical Economics Handbook, Directory of Chemical Producers, Importers of Benzenoid Chemicals and Products, Synthetic Organic Chemicals, Chemical Product Synopsis, Million Dollar Directory,* and *Market Identifiers,* along with articles from recent trade magazines and journals. To identify the plants that process the chemical, data were collected on the downstream uses of each listed substance for which processor reporting is proposed. Each identified use was examined to determine the identity of those uses that involved processing the listed substances.

The estimated cost of complying with the proposed reporting requirements for the substances listed today will be between $2.5 million to $3.0 million. These figures were calculated by multiplying the average cost per respondent for each chemical times the estimated number of respondents per chemical minus those companies that would not report because of the small manufacturer and processor exemptions.

Based on the information collection requirements in this rule, EPA expects respondents to spend:

Per report:

51 hours to gather and report the requested information—$1,404
8 hours to substantiate CBI claims—$216
2 hours to file the records that support a report—$25

Per site:

32 hours for rule and form familiarization—$804
22 hours to set up a recordkeeping system—$479

EPA assumes that these per site costs will be incurred one time only. Such that a respondent who must submit 2 reports for one site, or who must report in a following year, will incur only the per report costs for the second report.

The Agency solicits comments on the methodology used in calculating the reporting burden for the form and estimating the total number of persons that would be subject to reporting.

XII. Rulemaking Record

The following documents constitute the public record for this proposed rule (docket control number OPTS–82013A). All documents, including the index to this public record, are available to the public in the OTS Reading Room from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The OTS Reading Room is located at EPA Headquarters, Rm. NE–G004, 401 M St. SW., Washington, DC 20460. The public record includes the following information:

1. **Federal Register** Notices: (April 4, 1985; 50 FR 13391), (June 17, 1985; 50 FR 25095), and (January 24, 1986; 51 FR 3251).

2. Transcript of public meeting held on July 17, 1985.

3. Transcript of public meeting held on July 30, 1985.

4. Minutes of meetings held with the Chemical Manufacturers Association, the Synthetic Organic Chemical Manufacturers Association and the American Petroleum Institute.

5. Copy of memorandum and CAIR reporting form circulated to the public for review on December 9, 1985.

6. CAIR reporting form response times and labor costs analysis, Centaur Associates, April 21, 1986.

7. Economic analysis of the CAIR.

8. Comments received on earlier drafts of the CAIR preamble and reporting form.

9. Background information on chemicals appearing in this proposed rule.

EPA will identify the complete rulemaking record on or before the date of promulgation, and will accept additional material for inclusion in the record between the date of this document and that designation.

XIII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore requires a Regulatory Impact Analysis. The Agency has determined that this proposed rule is not "major" because it does not have an effect of $100 million or more on the economy. EPA also anticipates that this proposed rule will not have a significant effect on competition, costs, or prices. This regulation was submitted to the OMB for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA certifies that this proposed rule will not have a significant impact on a substantial number of small businesses. Small businesses are defined in this proposed rule and are exempt from reporting except under certain circumstances defined in TSCA.

C. Paperwork Reduction Act

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

List of Subjects in 40 CFR Part 704

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements.

Dated: August 22, 1986.

Lee M. Thomas,

Administrator.

Therefore, it is proposed that 40 CFR Part 704 be amended as follows:

1. The authority citation for Part 704 would continue to read as follows:

Authority: 15 U.S.C. 2607(a).

PART 704—REPORTING AND RECORDKEEPING REQUIREMENTS

2. By revising the Part heading to read as set forth above.

Subpart A—General Reporting and Recordkeeping Provisions for Section 8(a) Information Gathering Rules

3. By revising the Subpart A heading to read as set forth above.

4. By revising §§ 704.1, 704.3, and 704.5 to read as follows:

§ 704.1 Scope.

(a) This Part 704 specifies reporting and recordkeeping procedures under section 8(a) of the Toxic Substances Control Act (TSCA) for manufacturers, importers, and processors of chemical substances and mixtures (hereinafter collectively referred to as substances) that are identified in Subpart B or D of this Part. The reporting and recordkeeping provisions in Subpart A of this Part apply throughout this Part 704 unless revised in any other subpart.

(b) Subpart B of this part sets out chemical-specific reporting and recordkeeping requirements under section 8(a) of TSCA. These chemical-specific rules rely heavily on Subpart A of this part. They typically do not require the submission of a reporting form, and they do not have uniform information collection requirements, or reporting periods.

(c) Subpart C of this part sets out the general reporting provisions for the Comprehensive Assessment Information Rule (CAIR). CAIR standardizes certain section 8(a) rules by: providing a set of uniform questions for EPA and other agencies to use in assembling specific information collection requirements; requiring the submission of information on a standard reporting form; and establishing uniform reporting and recordkeeping provisions that supplement the reporting and recordkeeping provisions in Subpart A of this part. CAIR provisions apply only to those persons who manufacture, import, or process a substance identified in Subpart D of this part.

(d) Subpart D of this part uses a matrix to identify the substances for which there is an information need, the persons who must provide the information to EPA, the information that must be provided, and the time period on which the respondents must report.

(e) Subpart E of this part sets forth the CAIR reporting form, which identifies the set of uniform questions from which EPA may assemble an information collection requirement.

§ 704.3 Definitions.

All definitions as set forth in section 3 of TSCA apply in this part. In addition, the following definitions are provided for the purposes of this part.

"Annual" means the corporate fiscal year.

"Article" means a manufactured item which is formed to a specific shape or design during manufacture, which has end use function(s) dependent in whole or in part upon its shape or design during end use, and which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the article, and that result from a chemical reaction that occurs upon end use of other chemical substances, mixtures, or articles; except that fluids and particles are not considered articles regardless of shape or design.

"Byproduct" means a chemical substance produced without a separate commercial intent during the production, processing, use, or disposal of another chemical substance(s) or mixture(s), and, following its production, separated from that other chemical substance or mixture.

"CAS Number" means Chemical Abstracts Service Registry Number.

"Coproduct" means a chemical substance produced for a commercial purpose during the production, processing, use, or disposal of another chemical substance(s) or mixture(s).

"Customer" means any person to whom a manufacturer, importer, or processor directly distributes any quantity of a chemical substance, mixture, mixture containing the substance or mixture, or article containing the substance or mixture, whether or not a sale is involved.

"Domestic" means within the geographical boundaries of the 50 United States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

"Enclosed process" means a manufacturing or processing process that is designed and operated so that there is no intentional release into the environment of any substance present in the process. A process with fugitive, inadvertent, or emergency pressure relief releases remains an enclosed process so long as measures are taken to prevent worker exposure to and environmental contamination from the releases.

"EPA" means the United States Environmental Protection Agency.

"Import" means to import for commercial purposes.

"Import for commercial purposes" means to import with the purpose of obtaining an immediate or eventual commercial advantage for the importer, and includes the importation of any amount of a chemical substance or mixture. If a chemical substance or mixture containing impurities is imported for commercial purposes, then those impurities also are imported for commercial purposes.

"Import in bulk form" means to import a chemical substance (other than as part of a mixture or article) in any quantity, in cans, bottles, drums, barrels, packages, tanks, bags, or other containers, if the chemical substance is intended to be removed from the container and the substance has an end use or commercial purpose separate from the container.

"Importer" means (1) any person who imports any chemical substance or any chemical substance as part of a mixture or article into the customs territory of the United States, and includes:

(i) The person primarily liable for the payment of any duties on the merchandise, or

(ii) An authorized agent acting on his behalf (as defined in 19 CFR 1.11).

(2) Importer also includes, as appropriate:

(i) The consignee.

(ii) The importer of record.

(iii) The actual owner if an actual owner's declaration and superseding bond has been filed in accordance with 19 CFR 141.20.

(iv) The transferee, if the right to draw merchandise in a bonded warehouse has been transferred in accordance with Subpart C of 19 CFR Part 144. For the purposes of this definition, the customs territory of the United States consists of the 50 States, Puerto Rico, and the District of Columbia.

"Impurity" means a chemical substance which is unintentionally present with another chemical substance.

"Intermediate" means any chemical substance that is consumed, in whole or in part, in chemical reactions used for the intentional manufacture of other chemical substances or mixtures, or that is intentionally present for the purpose of altering the rates of such chemical reactions.

"Known to or reasonably ascertainable by" means all information in a person's possession or control, plus all information that a reasonable person similarily situated might be expected to possess, control, or know.

"Manufacture" means to manufacture for commercial purposes.

"Manufacture for commercial purposes" means: (1) To produce, with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes among other things such "manufacture" of any amount of a chemical substance or mixture:

(i) For commercial distribution, including for test marketing.

(ii) For use by the manufacturer, including use for product research and development, or as an intermediate.

(2) Manufacture for commercial purposes also applies to substances that are produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture, including byproducts and impurities. Such byproducts and impurities may, or may not, in themselves have commercial value. They are nonetheless produced for the purpose of obtaining a commercial advantage since they are part of the manufacture of a chemical product for a commercial purpose.

"Manufacturer" means a person who produces or manufactures a chemical substance. A person who extracts a component chemical substance from a previously existing chemical substance or a complex combination of substances is a manufacturer of that component chemical substance.

"Non-isolated intermediate" means an intermediate that is used in an enclosed process, not stored after its manufacture, or intentionally removed from the equipment in which it was manufactured. The manufacturing equipment includes the reaction vessel in which the intermediate was manufactured, equipment which is ancillary to the reaction vessel, and any equipment through which the substance passes during a continuous flow process.

"Own or control" means ownership of 50 percent or more of a company's voting stock or other equity rights, or the power to control the management and policies of that company. A company may own or control one or more sites. A company may be owned or controlled by a foreign or domestic parent company.

"Parent company" is a company that owns or controls another company.

"Person" includes any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.

"Possession or control" means in the possession or control of the designated respondent, or of any subsidiary, partnership in which the designated respondent is a general partner, parent company, or any company or partnership which the parent company owns or controls, if the subsidiary, parent company, or other company or partnership is associated with the designated respondent in the research, development, test marketing, or commercial marketing of the substance in question. Information is included within this definition if it is:

(1) In the designated respondent's own files including files maintained by employees in the course of their employment.

(2) In commercially available data bases to which the designated respondent has purchased access.

(3) Maintained in the files in the course of employment by other agents of the designated respondent who are associated with research, development, test marketing, or commercial marketing of the chemical substance in question.

"Process" means to process for commercial purposes.

"Process for commercial purposes" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or (2) as part of a mixture or article containing the chemical substance or mixture. Processing of any amount of a chemical substance or mixture is included. If a chemical substance or mixture containing impurities is processed for commercial purposes, then those impurities also are processed for commercial purposes.

"Production volume" means the quantity of a substance which is produced by a manufacturer, as measured in kilograms or pounds.

"Propose to manufacture, import, or process" means that a person has made a firm management decision to commit financial resources for the manufacture, import, or processing of a specified chemical substance or mixture.

"Site" means a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. There may be more than one plant on a single site. The site for a person who imports a substance is the site of the operating unit within the person's organization which is directly responsible for importing the substance and which controls the import transaction. The site of importation may in some cases be the organization's United States headquarters office.

"Small manufacturer or importer" means a manufacturer or importer that meets either of the standards set forth below. Small manufacturers and importers should read the introductory paragraph and paragraph (f) of § 704.5 to obtain complete information on the TSCA section 8(a) small business exemption.

(1) *First standard.* A manufacturer or importer of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $40 million. However, if the annual production or importation volume of a particular substance at any individual site owned or controlled by the manufacturer or importer is greater than 45,400 kilograms (100,000 pounds), the manufacturer or importer shall not qualify as small for purposes of reporting on that substance at that site, unless the manufacturer or importer qualifies as small under paragraph (2) of this definition.

(2) *Second standard.* A manufacturer or importer of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $4 million, regardless of the quantity of substances produced or imported by that manufacturer or importer.

(3) *Inflation index.* EPA shall make use of the Producer Price Index for Chemicals and Allied Products, as compiled by the U.S. Bureau of Labor Statistics, for purposes of determining the need to adjust the total annual sales values and for determining new sales when adjustments are made. EPA may adjust the total annual sales values whenever the Agency deems it necessary to do so, provided that the Producer Price Index for Chemicals and Allied Products has changed more than 20 percent since either the most recent previous change in sales values or the date of promulgation of this rule, whichever is later. EPA shall provide

Federal Register notification when changing the total annual sales values.

"Substance" means either a chemical substance or mixture unless otherwise indicated.

"Test marketing" means distributing in commerce a limited amount of a chemical substance or mixture, or article containing such substance or mixture, to a defined number of customers, during a predetermined testing period, to explore market capability prior to broader distribution in commerce.

"Total annual sales" means the total annual revenue (in dollars) generated by the sale of all products of a company. Total annual sales must include the total annual sales revenue of all sites owned or controlled by that company, and the total annual sales revenue of that company's subsidiaries and foreign or domestic parent company, if any.

"TSCA" means the Toxic Substances Control Act, 15 U.S.C. 2601 et seq.

§ 704.5 Exemptions.

A person who is subject to reporting and recordkeeping requirements for a substance identified in this Part 704 is exempt from those requirements to the extent that the person and that person's use of the substance is described in this section. However, this section is superseded by any section 8(a) rule that adds to, removes, or revises the exemptions described in this section. Any manufacturer, importer, or processor who is subject to reporting and recordkeeping requirements in this Part should examine those requirements to determine whether the exemptions contained in this section apply. Additionally, paragraph (f) of this section contains a specific exception to the small manufacturer and importer exemption.

(a) *Articles.* A person who imports, processes, or proposes to import or process a substance identified in this Part 704 solely as part of an article is exempt from the reporting and recordkeeping requirements of this Part 704.

(b) *Byproducts.* A person who manufactures, imports, or proposes to manufacture or import a substance identified in this Part 704 solely as a byproduct is exempt from the reporting and recordkeeping requirements of this Part 704.

(c) *Impurities.* A person who manufactures, imports, processes, or proposes to manufacture, import, or process a substance identified in this Part 704 solely as an impurity is exempt from the reporting and recordkeeping requirements of this Part 704.

(d) *Non-isolated intermediate.* A person who manufactures, processes, or proposes to manufacture or process a substance identified in this Part 704 solely as a non-isolated intermediate is exempt from the reporting and recordkeeping requirements of this Part 704.

(e) *Research and development.* A person who manufactures, imports, processes or proposes to manufacture, import, or process a substance identified in this Part 704 only in small quantities solely for research and development is exempt from the reporting and recordkeeping requirements of this Part 704. Small quantities solely for research and development (i.e., for purposes of scientific experimentation, analysis, or chemical research on, or analysis of, such substance or another substance, including research or analysis for the development of a product) means quantities of a substance that are not greater than reasonably necessary for such purposes.

(f) *Small manufacturers, importers, or processors.* A person who qualifies as a small manufacturer, importer, or processor as these terms are defined in § 704.3 and § 704.210 is exempt from the reporting and recordkeeping requirements of this Part 704. Notwithstanding this exemption, the Administrator may, for any rule promulgated under section 8(a), require reporting or recordkeeping from any small manufacturer, importer, or processor of a substance that is the subject of a rule, proposed or promulgated under TSCA section 4, 5(b)(4), or 6, or is the subject of an order in effect under TSCA section 5(e), or is the subject of relief granted under a civil action brought under TSCA section 5 or 7.

5. By revising the heading for § 704.7 to read as follows:

§ 704.7 Confidential business information claims.

* * * * *

6. By adding §§ 704.9, 704.11, and 704.13 to read as follows:

§ 704.9 Where to send reports.

Reports must be submitted by certified mail to the United States Environmental Protection Agency, Document Processing Center, P.O. Box 2080, Rockville, MD 20852. ATTN: (Insert the name of the substance for which you are submitting a report).

§ 704.11 Recordkeeping.

Each person who is subject to the reporting requirements of this part must retain the following records for a period of (2 to 5 years, the exact recordkeeping period to be established in the final rule) following the creation or compilation of the record.

(a) A copy of each report submitted by the person in response to the requirements of this part.

(b) All supporting materials and documentation used by the person to complete each report.

(c) A copy of each notice sent by the person, return receipt requested, to that person's customers for the purpose of notifying their customers of the customer's reporting obligations under this part.

(d) All return receipts signed by the person's customers who received the notice described in paragraph (c) of this section.

§ 704.13 Compliance and enforcement.

Violators of the requirements of this part may be subject to the civil penalties or criminal prosecution, as provided in sections 15 and 16 of TSCA. In addition, under section 17, the Government may seek judicial relief to compel submission of required information.

Subpart B—Chemical-Specific Reporting and Recordkeeping Rules

7. By amending Subpart B as follows:

a. By adding the heading for Subpart B to read as set forth above.

§§ 704.83, 704.85, and 704.195 [Redesignated]

b. By redesignating existing §§ 704.83, 704.85, 704.142 under Subpart B as §§ 704.43, 704.45, 704.102 respectively.

§§ 704.195 and 704.205 [Removed]

c. By removing §§ 704.195 and 704.205.

8. By adding Subpart C to read as follows:

Subpart C—CAIR: Comprehensive Assessment Information Rule—General Reporting and Recordkeeping Provisions

Sec.

704.200 Overview of CAIR provisions—Subparts C, D, and E.
704.203 CAIR: definitions. [Reserved].
704.205 CAIR: identifying substances for which reporting is required.
704.207 CAIR: persons who must report.
704.208 CAIR: special reporting/notification requirements.
704.210 CAIR: exemptions.
704.212 CAIR: information collection requirements.
704.214 CAIR: designated time periods for which information must be reported.
704.215 CAIR: when to submit reports.
704.216 CAIR: how to obtain a CAIR reporting form.
704.217 CAIR: how to submit completed CAIR reporting forms.
704.219 CAIR: confidential business information (CBI) claims.

Subpart C—CAIR: Comprehensive Assessment Information Rule—General Reporting and Recordkeeping Provisions

§ 704.200 Overview of CAIR provisions—Subparts C, D, and E.

Although the provisions in Subpart A of this part apply to all of Part 704, EPA may in Subparts C, D, and E of this part add to, revise, or remove the Subpart A provisions of this part for the purposes of requiring reporting and recordkeeping provisions on specified substances. In the event of a conflict between the provisions of Subparts A and C of this Part, the provisions of Subpart C of this part shall govern. Subpart C of this part explains the reporting and recordkeeping provisions for persons who manufacture, import, or process the substances identified in Subpart D of this part. Subpart D of this part identifies: The substances for which EPA requires the reporting of information under CAIR; the persons who are required to submit the information; the questions from the CAIR reporting form that must be answered; and the time period on which to report. The text of Subpart D of this part is set out in a matrix format and uses symbols to identify reporting requirements. These symbols are explained in §§ 704.207 and 704.214. Subpart E of this part sets out the CAIR reporting form.

§ 704.203 CAIR: definitions. [Reserved]

§ 704.205 CAIR: identifying substances for which reporting is required.

To the extent described below, the following qualifications apply to the reporting and recordkeeping requirements of Subpart D of this part.

(a) *Report on TSCA-regulable quantities.* A person must report on only the quantity of a substance that is defined as a chemical substance under TSCA section 3(2).

(b) *Chemical substances from natural sources.* A manufacturer of a chemical substance which is extracted from minerals, ores, petroleum, natural gas, quarried non-metallic minerals (including extraction of salts from seawater or brines), coal or atmospheric gases, or from any other natural source must report only about the manufacturing steps from, and the uses of, that chemical, and not about production of the natural source material or other crude precursors derived from the natural source material.

(c) *Substances as marketed or used.* A person must report only on a substance as the substance is marketed or used in practice. The following preparations of a substance must be reported as the substance itself, not as a mixture, since these preparations are regarded as the substance in practice:

(1) The substance in an aqueous solution.

(2) The substance containing an additive (such as a stabilizer or other chemical) to maintain the integrity or physical form of the substance.

(3) The chemical substance in any grade of purity.

§ 704.207 CAIR: persons who must report.

(a) *General requirements.* Manufacturers, importers, and processors must report on each substance identified in Subpart D of this part if: (1) they are designated in Subpart D as a person who must report on the substance, and (2) they manufactured, imported, or processed the substance during the time period for which reporting is required. Persons who are required to report on a substance identified in Subpart D of this Part should review §§ 704.5 and 704.210 of this part to determine if any exemptions apply to their circumstances.

(b) *Symbols for designating persons who must report.* EPA will designate who must report on each substance identified in Subpart D of this Part by using the following symbols:

(1) "M" means each person who manufactured the substance for commercial purposes.

(2) "I" means each person who imported the substance for commercial purposes.

(3) "P" means each person who processed the substance for commercial purposes.

(4) "X/P" means each person who manufactured, imported, or processed the substance for commercial purposes and distributed the substance under a tradename. For additional information see § 704.208.

(c) *Special provisions for importers.*

(1) When two or more persons are involved in a particular import transaction of a substance identified in Subpart D of this Part, and two or more of these persons meet the definition of "importer" for this transaction, they may determine among themselves who should complies with the CAIR reporting and recordkeeping requirements for the substance. If none of these persons comply with the CAIR reporting and recordkeeping requirements for that substance, then EPA will hold each of these persons liable for failure to comply.

(2) The site for a person who imports a listed substance is the site of the operating unit within the person's organization which is directly responsible for importing the substance and which controls the import transaction. The site of importation may in some cases be the organization's United States headquarters office.

(d) *Dual designations.* If a person is engaged in more than one activity at the same site (i.e., manufacture and processing), then that person must answer the information collection requirement for both activities (i.e., using one form, answer both the manufacturer and processor information collection requirements).

§ 704.208 CAIR: special reporting/notification requirements.

(a) The X/P designation requires each person who manufactured, imported, or processed the listed substance for commercial purposes and who distributed the substance under a tradename to do one of the following.

(1) *Tradename list.* Submit to EPA a list of all tradenames under which the person distributes the substance. EPA will publish all submitted tradenames in a **Federal Register** notice in order to notify all processors of their CAIR reporting and recordkeeping obligations.

(2) *Customer reporting.* Submit to EPA a CAIR reporting form that answers the processor's information collection requirement for each customer who would be required to report if the customer knew they were processing the substance.

(3) *Customer notification.* Notify each customer, who would be required to report if the customer knew they were processing the substance, of the specific section in Subpart D of this part which identifies the substance and the processor reporting requirements. The customer notification must be in writing and sent return receipt requested.

(b) *Initial reports.*

(1) *Tradename list.* A person who chooses to submit a list of tradenames, must submit the list within 30 days of the **Federal Register** publication that lists, by final rule, the substance in Subpart D of this part.

(2) *Customer reporting.* A person who chooses to report for their customers that process the listed substance, must submit the completed CAIR forms no later than 60 days after the effective date of the rule that listed the substance in Subpart D of this part.

(3) *Customer notification.* A person who chooses to notify their customers that process the listed substance, must send the notice within 10 days of the effective date of the rule that listed the substance in Subpart D of this part.

(c) *Subsequent reports.*

(1) *Tradename list.* A person who chooses to submit a list of tradenames, must submit the list no later than 30 days after the anniversary date of the effective date of the rule that listed the substance in Subpart D of this part.

(2) *Customer reporting.* A person who chooses to report for their customers that process the listed substance, must submit the completed CAIR forms no later than 60 days after the anniversary date of the effective date of the rule that listed the substance in Subpart D of this part.

(3) *Customer notification.* A person who chooses to notify their customers that process the listed substance, must send the notice within 10 days after the anniversary date of the effective date of the rule that listed the substance in Subpart D of this part.

§ 704.210 CAIR: exemptions.

The reporting and recordkeeping exemptions set out in § 704.5 apply to all CAIR reporting and recordkeeping requirements. This section contains additional exemptions that only apply to CAIR reporting and recordkeeping requirements. EPA may remove or add an exemption for any information collection requirement by specifying its removal or addition in Subpart D of this part.

(a) *Small processors.* Means a processor that meets either of the standards set forth below. Small processors should read the introductory paragraph and paragraph (f) of § 704.5 to obtain complete information on the TSCA section 8(a) small business exemption.

(1) *First standard.* A processor of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $40 million. However, if the annual processing volume of a particular substance at any individual site owned or controlled by the processor is greater than 45,400 kilograms (100,000 pounds), the processor shall not qualify as small for purposes of reporting on that substance at that site, unless the processor qualifies as small under paragraph (a)(2) of this section.

(2) *Second standard.* A processor of a substance is small if its total annual sales, when combined with those of its parent company (if any), are less than $4 million, regardless of the quantity of substances processed by that processor.

(3) *Inflation index.* EPA shall make use of the Producer Price Index for Chemicals and Allied Products, as compiled by the U.S. Bureau of Labor Statistics, for purposes of determining the need to adjust the total annual sales values and for determining new sales when adjustments are made. EPA may adjust the total annual sales values whenever the Agency deems it necessary to do so, provided that the Producer Price Index for Chemicals and Allied Products has changed more than 20 percent since either the most recent previous change in sales values or the date of promulgation of this rule, whichever is later. EPA shall provide **Federal Register** notification when changing the total annual sales values.

(b) *Previous submission of data.* A person may, in response to a specified information collection requirement on a substance identified in Subpart D of this part, submit only a completed section 1 of the CAIR reporting form. To use this exemption the person must sign the certification set out in section 1 of the CAIR reporting form that pertains to the use of this exemption and have done the following.

(1) They have previously and voluntarily provided EPA with the information on a CAIR reporting form for that site.

(2) The report covered a complete corporate fiscal year that ended no more than 3 years prior to the effective date of the listing of the substance.

(3) The answers to the previously submitted CAIR form are current, accurate, and complete for the time period specified in Subpart D of this part.

§ 704.212 CAIR: information collection requirements.

(a) *The information collection requirement.* Each person who is required to report on a substance identified in Subpart D of this part must answer each question within the information collection requirement for that substance. The information collection requirement for each substance will consist of CAIR reporting form questions. The CAIR reporting form questions are set out in Subpart E of this part.

(b) *Specifying the information collection requirement.*

(1) The information collection requirement will always include section 1 of the CAIR reporting form.

(2) The information collection requirement will be specified by section or question number (i.e., 3 all or 3.1 and 3.2).

(i) Whenever the information collection requirement specifies a section of the CAIR reporting form, each person who is required to report on the identified substance must answer all parts of each question within the section.

(ii) Whenever the information collection requirement specifies a question of the CAIR reporting form, each person who is required to report on the identified substance must answer all parts of the question.

(c) *One report per site.* Each person who is required to report on a substance identified in Subpart D of this part must report the required information separately for each site at which they manufactured, imported, or processed the substance.

(d) *Activities on which to report.* Each person who is required to report on a substance identified in Subpart D of this part must report the required information for each activity which occurs at the site. For example, if a person is a manufacturer of a listed substance and is required to answer certain questions, and this person both manufactures and processes the substance at the same site, then the person must answer the questions for both the manufacturing and processing activities.

(e) *Level of effort.* Each person who is required to report on a substance identified in Subpart D of this part must: report the required information using the level of effort specified for each question; or indicate, by using the symbol (NA), that the question is not applicable to their site operations. There are four effort levels. Respondents must comply with effort level 1 unless a specific question states otherwise. The effort levels are as follows:

(1) Level 1 requires a respondent to answer a question to the extent that the information is known to or reasonably ascertainable by that person. If the answer is not known and is not reasonably ascertainable, then the respondent must state that the answer is unknown.

(2) Level 2 requires a respondent to answer the question if the answer to the question is known to the person. If the answer is unknown, then the respondent must use professional judgment to make a reasonable estimate of the answer and report this information.

(3) Level 3 requires a respondent to answer a question if the answer to the question is known to the person. If the answer is unknown, then the respondent must ascertain the answer, by means other than estimation, and report this information.

(4) Level 4 requires a person to answer the question if the answer to the question is known to the person. If the answer is unknown to the person, then the person must state that the answer is unknown.

§ 704.214 CAIR: designated time periods on which information must be reported.

(a) Each person who is required to report on a substance identified in Subpart D of this part must answer the information collection requirement for the corporate fiscal years designated in the Subpart D matrix. If a person did not operate a site for the complete corporate fiscal year on which they are required to report, then they must report for only that part of the year in which they operated the site.

(b) *Symbols for designating the time periods on which information must be reported.* EPA will specify for each information collection requirement the time periods on which the information must be reported. Each time period will encompass one complete corporate fiscal year. EPA will specify which corporate fiscal year by using the symbols set out in this paragraph:

The symbol "-5" means of the 5 complete corporate fiscal years that precede the effective date of a rule that lists a substance in Subpart D of this part, report on the most recently concluded corporate fiscal year in which the substance was manufactured, imported, or processed.

The symbol "-4" means of the 4 complete corporate fiscal years that precede the effective date of a rule that lists a substance in Subpart D of this part, report on the most recently concluded corporate fiscal year in which the substance was manufactured, imported, or processed.

The symbol "-3" means of the 3 complete corporate fiscal years that precede the effective date of a rule that lists a substance in Subpart D of this part, report on the most recently concluded corporate fiscal year in which the substance was manufactured, imported, or processed.

The symbol "-2" means of the 2 complete corporate fiscal years that precede the effective date of a rule that lists a substance in Subpart D of this part, report on the most recently concluded corporate fiscal year in which the substance was manufactured, imported, or processed.

The symbol "-1" means report on the most recently concluded corporate fiscal year that precedes the effective date of a rule that lists the substance in Subpart D of this part.

A person who is required to report on a substance identified in Subpart D of this part for a past time period (i.e., -3) and time period (-1) for the same activity (i.e., manufacturing), and who has engaged in the activity during both time periods, must report for only the -1 time period.

The symbol "1" means report on the most recently concluded corporate fiscal year that precedes the first anniversary date of the rule. The first anniversary date is one year after the effective date of a rule that lists a substance in Subpart D of this part.

The symbol "2" means report on the most recently concluded corporate fiscal year that precedes the second anniversary date of the rule. The second anniversary date is two years after the effective date of a rule that lists a substance in Subpart D of this part.

The symbol "3" means report on the most recently concluded corporate fiscal year that precedes the third anniversary date of the rule. The third anniversary date is three years after the effective date of a rule that lists a substance in Subpart D of this part.

The symbol "4" means report on the most recently concluded corporate fiscal year that precedes the fourth anniversary date of the rule. The fourth anniversary date is four years after the effective date of a rule that lists a substance in Subpart D of this part.

The symbol "CM" means report on the corporate fiscal year, which follows the effective date of the rule that lists a substance in Subpart D of this part, and in which the manufacture of the substance was commenced.

The symbol "CI" means report on the corporate fiscal year, which follows the effective date of the rule that lists a substance in Subpart D of this part, and in which the importation of the substance was commenced.

The symbol "CP" means report on the corporate fiscal year, which follows the effective date of the rule that lists a substance in Subpart D of this part, and in which the processing of the substance was commenced.

§ 704.215 CAIR: when to submit reports.

(a) *Initial reporting.* Each person who is required to report on a substance identified in Subpart D of this part for a negative numbered time period must submit their completed CAIR forms no later than 60 days after the effective date of the rule that listed the substance in Subpart D of this part.

(b) *Subsequent or recurring reporting.* Each person who is required to report on a substance listed in Subpart D of this part for a positive numbered time period must submit their completed CAIR forms no later than 60 days following the anniversary date of the effective date of the rule that listed the substance in Subpart D of this part.

(c) *Reporting by processors who were notified of their reporting obligations.* A processor who is notified, in writing, of their reporting obligations on a substance identified in Subpart D of this part must submit their completed CAIR forms no later than 60 days following the receipt of the notification.

(d) *Reporting extensions.* Any person who cannot submit their reports by their deadline specified in this section may apply for a reasonable extension of time. Requests for extensions must be made in writing and addressed to: Director, Office of Toxic Substances (TS–792), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, ATTN: CAIR reporting extension. Extension requests must be postmarked on or before 40 days after the effective date of the listing of a substance or mixture in Subpart D of this part. The Director of the Office of Toxic Substances will grant or deny extension requests.

§ 704.216 CAIR: how to obtain a CAIR reporting form.

CAIR forms and instructions may be obtained by telephoning or writing the TSCA Assistance Office. Telephone Number: 202–554–1404. Address: TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

§ 704.217 CAIR: how to submit completed CAIR reporting forms.

(a) Each person who is required to report on a substance listed in Subpart D of this part may submit their reports from the individual sites or through company headquarters as they chose. However, a separate report must be submitted for each substance for each site at which they engage in one or more of the activities for which EPA is requesting information.

(b) Respondents must send their completed forms to: Document Control Officer, Office of Pesticides and Toxic Substances, Environmental Protection Agency, P.O. Box 2080, Rockville, MD 20852. ATTN: CAIR reporting.

§ 704.219 CAIR: confidential business information (CBI) claims.

(a) Respondents may assert a CBI claim for information submitted to EPA only if: the claim is asserted in accordance with this section; and release of the information would reveal trade secrets or confidential commercial or financial information, as provided in section 14(a) of TSCA. EPA may place all information not claimed as confidential in the public file without further notice to the respondent.

(b) Respondents who assert a CBI claim for submitted information must provide EPA with 2 copies of their submission. The first copy must be complete and contain all information being claimed as confidential. The second copy must contain only information not claimed as confidential and all generic information required by paragraph (c) of this section. EPA may place the second copy of the submission in the public file. Failure to submit the second copy of the form at the time the respondent submits the reporting form containing confidential information may result in a waiver of the respondent's claims of confidentiality.

(c) Respondents who claim information on a reporting form as confidential must submit to EPA generic information for the categories of information claimed as confidential. The categories for which generic information must be submitted are those listed in paragraph (f) of this section. The generic information must be provided on the second or nonconfidential copy of the submission required by paragraph (b) of this section. Failure to submit generic information may result in a waiver of the respondent's claims of confidentiality.

(d) Respondents who assert CBI claims must certify that the following statements truthfully and accurately apply to all of the confidentiality claims asserted in the report:

(1) My company has taken measures to protect the confidentiality of the information, and it will continue to take these measures;

(2) The information is not, and has not been, reasonably ascertainable by other persons (other than governmental bodies) by using legitimate means (other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding) without my company's consent;

(3) The information is not publicly available elsewhere; and

(4) Disclosure of the information would cause substantial harm to my company's competitive position.

(e) Respondents may assert CBI claims only at the time a completed CAIR form is submitted and only in the specified manner.

(1) Respondents must clearly mark all information claimed as confidential. Respondents can claim information submitted on a reporting form as confidential only by placing in the CBI box, which is adjacent to the question, the letter or letters that describe the confidential nature of the information. These letters correspond to paragraphs (h) through (m) of this section. If a question does not contain a CBI box, respondents cannot claim their answer to that question as confidential information. Respondents can claim information submitted on supplemental pages to the form as confidential only: if the information answers a question that contains a CBI box; and if the top of the page on which the information appears is marked "CONFIDENTIAL," and the confidential information is bracketed.

(2) Except as noted in this section, respondents must substantiate all claims of confidentiality at the time the respondent asserts the claim (i.e., when the reporting form is submitted). Failure to provide adequate substantiation of a claim at the time the respondent submits the reporting form may result in a waiver of the confidentiality claim.

(3) Respondents who assert any CBI claims must answer the following questions:

(i) For what period do you assert a claim of confidentiality? If a claim is to extend until a certain event or point in time, please indicate that event or time period. If the period indicated is longer than 2 calendar years, please explain why. If different periods of protection are required for different categories of information, please so indicate.

(ii) Has the information that you are claiming as confidential been or will it be disclosed to individuals outside your company? If so, what, if any, restrictions apply to use or further disclosure of the information?

(iii) Please briefly describe the physical and procedural restrictions, if any, within your company on the use and storage of the information you are claiming as confidential. What other steps have you taken to prevent the undesired disclosure of the information by others?

(iv) Does the information you are claiming as confidential appear or is it referred to in advertising, promotional, or safety materials for the substance or an end-product containing the substance? Does it appear or is it referred to in professional or trade publications? If so, indicate why the information should nonetheless be considered confidential.

(v) If the information you wish to claim as confidential were to be disclosed to the public by EPA, how much difficulty would a new competitor have in entering the market for this substance, considering such constraints as capital and marketing cost, specialized technical expertise, or unusual production processes? Provide the Chemical Abstract Service Registry Number for the substance, if known.

(vi) Has EPA, another Federal agency, or a Federal court made any pertinent confidentiality determinations for information regarding this substance? If so, provide EPA with copies of such determinations.

(f) EPA has identified six information categories as those which will encompass most claims of confidentiality:

Submitter identity = h,
Substance identity = i,
Volume manufactured, imported, or processed = j,
Use information = k,
Process information = l, and
Other information = m.

Respondents who assert a CBI claim on the reporting form must mark the letter or letters [h—m] that represent(s) the appropriate category(ies) of confidentiality for the information in the box adjacent to the question. For example, if a respondent answers an occupational exposure question that contains a CBI box and the respondent wants to assert that the information is confidential to protect production volume or process information, then the respondent must place the letter j or l, respectively, in the CBI box. If the respondent wanted to claim both production volume and process information as CBI, then the respondent must place both letters j and l in the CBI box. Confidentiality claims for information in supplemental pages are asserted by placing the appropriate letter(s) in the margin by the confidential information.

(g) Respondents who assert CBI claims must provide detailed responses to the questions provided for each information category. The respondent must answer the questions only once for each information category [h—m] claimed as confidential on an individual submission. For example, if a respondent claimed answers to three questions as CBI in order to protect production volume information, then the respondent must answer the questions in paragraph (j) of this section. The respondent must answer these questions only once for that reporting form.

(h) *Submitter identity.* Respondents who assert CBI claims for submitter identity must answer the following questions:

(1) Approximately how many competitors do you have in the market for this substance or the end-product from this substance?

(2) If you have asserted a claim of confidentiality for substance identity, what harm, if any, would you be caused if your company's identity were publicly disclosed by EPA if the substance identity were to remain as confidential?

(3) What harm, if any, would result from EPA's disclosure of the submitter identity? Please provide detailed descriptions of both the probable harm from disclosure and the causal relationship between disclosure and harm.

(i) *Substance identity.* Specific substance identity can be claimed as confidential only if that substance identity is confidential for purposes of the TSCA Chemical Substances Inventory. Respondents who assert CBI claims for substance identity must answer the following questions:

(1) Has the substance been patented or disclosed in a patent in the U.S. or elsewhere? If so, indicate the relevant patent(s) and the reasons why the

substance identity should nonetheless be considered confidential. Exactly what information which does not appear in the patent would be disclosed to competitors by releasing the specific substance identity? Explain in detail how competitors could use this information. Since the patent provides protection for the substance, why are you asserting confidentiality?

(2) In what form (i.e. product, effluent, emission, etc.) does this substance leave your site? What measures have you taken to guard against the discovery of the substance identity by others? If the substance is formulated with other chemicals, list them, and state the concentration of the claimed substance in the mixture.

(3) If the substance leaves the site in a product that is available to the public or your competitors, can the substance be identified by analysis of the product?

(4) Is the market for the substance or the end product containing the substance competitive? Is it likely that a competitor has attempted or will attempt to chemically analyze the substance? How long would it take before competitors would find it attractive to analyze the substance? Would the cost and difficulty of such analysis be great or small? Why?

(5) What harm, if any, would result from EPA's public disclosure of this substance name? Please provide detailed descriptions of both the probable harm to your company from disclosure and the causal relationship between release and harm.

(6) Would public disclosure of the specific substance identity reveal to your competitors the use of the substance or the process by which this substance is manufactured?

(j) *Volume manufactured, imported, or processed.* Respondents who assert CBI claims for volume manufactured, imported, or processed must answer the following questions:

(1) If you have claimed submitter's identity as confidential and EPA keeps confidential the link between your company identity and the volume manufactured, imported, or processed, your identity will not be associated in any way with that volume. In this case, what harm to your company's competitive position would result from disclosing that volume? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

(2) If you have claimed substance identity as confidential so that the substance identity is not associated in any way with the volume manufactured, imported, or processed, what harm to your competitive position would result from disclosing that volume? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

(3) If you have claimed neither submitter nor substance identity as confidential, what harm, if any, would result from release of your volume manufactured, imported, or processed? Please provide a detailed description of both the harm and the causal relationship between disclosure and harm.

(k) *Use information.* Respondents who assert CBI claims for use information must answer the following questions:

(1) If you have claimed submitter identity as confidential and EPA keeps confidential the link between your company identity and the use data, your identity will not be associated in any way with the use data. In this case, what harm to your competitive position would result from disclosing the use data? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

(2) If you have claimed substance identity as confidential so that the substance identity is not associated in any way with the use data, what harm to your company's competitive position would result from disclosing the use data? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

(3) If you have claimed neither submitter nor substance identity as confidential, what harm, if any, would result from release of your use information? Please provide a detailed description of both the harm and the causal relationship between disclosure and harm.

(l) *Process information.* Respondents who assert CBI claims for process information must answer the following questions:

(1) If you have claimed submitter identity as confidential and EPA keeps confidential the link between your company identity and process information, your identity will not be associated in any way with this information. In this case, what harm to your competitive position would result from disclosing the process information? What is the causal relationship between the disclosure and the harmful effects?

(2) If you have claimed neither submitter nor substance identity as confidential, what harm, if any, would result from release of your process information? Please provide a detailed description of both the harm and the causal relationship between disclosure and harm.

(m) *Other information.* Respondents who assert CBI claims using the other information category, must answer the following questions each time the respondent uses this category. Responses to these questions can be claimed as confidential in their own right by marking the first page.

(1) Is the item confidential in and of itself? If so, what is revealed by its disclosure?

(2) Is the item confidential because it will reveal some other confidential information, whether or not that other information is reported on this form? If so, what is the information that will be revealed?

(3) Is the item confidential because it will reveal other confidential information when the item is disclosed in association with some other item(s) submitted on this form? If so, what are those item(s)?

(4) If the answer to 1, 2, or 3 of this paragraph is yes, what harm to your company's competitive position would result from disclosing the information? How would disclosure lead to this harm?

(5) If you have claimed submitter identity as confidential and EPA maintains the confidentiality of the link between your company identity and this information, your identity will not be associated in any way with the item claimed. In this case, what harm to your competitive position would result from disclosing the item? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

(6) If you have claimed substance identity as confidential so that the substance identity (other than category name) is not associated in any way with the item claimed, what harm to your company's competitive position would result from disclosing the item? How could a competitor use this information? What is the causal relationship between the disclosure and the harm?

9. Subpart D is added to read as follows:

Subpart D—CAIR: Chemical-Specific Reporting Rules

Sec.

704.220 CAIR: matrices.
704.225 Chemical substance matrix in CAS registry number and alphabetical order.

§ 704.220 CAIR: matrices.

Subpart D of this part contains four matrices. These matrices all operate in the same fashion but are separated by the type of substance for which reporting is required. For each substance listed in a matrix, EPA has identified the

persons who must report on that substance. These designated respondents must respond to all of the matrix's requirements.

They must answer the information collection requirement for the specified time period that is adjacent to their designation. A person who engaged in more than one activity at a site (i.e., manufacturing and processing) must answer the information request for both activities at that site in one CAIR form.

All of the symbols and CAIR reporting and recordkeeping requirements are explained in Subpart C of this part. Persons who are required to report must comply with Subpart C of this part.

§ 704.225 Chemical substance matrix in CAS registry number and alphabetical order.

(a) CAS registry number order.

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective Date
56-23-5	Methane, tetrachloro-(Carbon tetrachloride).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
57-13-6	Urea (Carbamide)	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
57-56-7	Hydrazinecarboxamide (Semicarbazide).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7	-1	
60-35-5	Acetamide (Ethanamide)	M,I,		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4 thru 3.7, 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6.	-1	
67-66-3	Methane, trichloro-(Chloroform).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
71-43-2	Benzene	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
71-55-6	Ethane, 1, 1, 1-trichloro-(Methyl chloroform).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
75-09-2	Methane, dichloro-(methylene chloride).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.2, 2.4, 2.8, 2.12 thru 2.16, 2.18, 3.4 thru 3.6, 5 all, 6.1, 6.2, 6.7, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective Date
75-35-4	Ethene, 1,1,-dichloro-(Vinylidene chloride).	M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
75-56-9	Oxirane, methyl-(1,2-Propylene oxide).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1(a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
76-13-1	Ethane, 1,1,2-trichloro-1,2,2-trifluoro-(CFC 113).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
79-01-6	Ethene, trichloro-(1,1,2-Trichloroethylene).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
79-27-6	Ethane, 1,1,2,2-tetrabromo-(Acetylene tetrabromide).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15	-1,1,2,3	
85-01-8	Phenanthrene	M,X/P,I,P		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
91-08-7	Benzene, 1,3-diisocyanato-2-methyl-(2,6-Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
93-00-5	2-Naphthalenesulfonic acid, 6-amino-(Broenner's acid).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1 thru 3.5, 3.4 thru 3.7, 4.1, 4.9, 4.10, 6.8, 6.9, 7.2 thru 7.5, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5 10.6.	-1	
95-80-7	1,3-Benzenediamine, 4-methyl-(4-Methyl-*para*-phenylene-diamine).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
97-18-7	Phenol, 2,2'-thiobis-[4,6-dichloro-(Bithionol).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
97-23-4	Phenol, 2,2'-methylenebis-[4-chloro-(Dichlorophene).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
100-42-5	Benzene, ethenyl-(Styrene)	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1 thru 3.5, 3.7, 3.4, 3.6, 4.1, 5.1(a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-(4,4'-Methylenebis[2-chloroaniline]) (MBOCA).	X/P,P		1, 9.1, 9.3, 9.4, 9.7, 9.10, 9.14, 9.18	-1	
101-20-2	Urea, *N*-(4-chlorophenyl)-*N'*-(3,4-dichlorophenyl)-(Trichlorocarbanilide).	M,X/P,I,P		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective Date
106-46-7	Benzene, 1,4-dichloro- (*para*-Dichlorobenzene).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
108-88-3	Benzene, methyl-(Toluene)	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
115-96-8	Ethanol, 2-chloro-, phosphate (3:1) (Tris(2-chloroethyl) phosphate).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
123-91-1	1,4-Dioxane (Glycol ethylene ether).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
127-18-4	Ethene, tetrachloro- (Perchloroethylene) (PERC).	M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
129-00-0	Pyrene (Benzo[def]phenanthrene).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
156-62-7	Cyanamide, calcium salt (Calcium cyanamide).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
563-41-7	Hydrazinecarboxamide, monohydrochloride, (Semicarbazide hydrochloride).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7	-1	
584-84-9	Benzene, 2,4-diisocyanato-1-methyl-(2,4-Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
624-92-0	Disulfide, dimethyl (Dimethyl disulfide).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
633-96-5	Benzenesulfonic acid, 4-[(2-hydroxy-1-naphthalenyl)azo]-, monosodium salt (Acid Orange 7).	M,I		1, 2.1, 2.4, thru 2.9, 2.12 thru 2.19, 3.1, 3.4, 3.5, 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6.	-1	
828-00-2	1,3 Dioxan-4-ol, 2,6-dimethyl-, acetate (Dimethoxane).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
1321-38-6	Benzene, diisocyanatomethyl- (Unspecified toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective Date
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
5470-11-1	Hydroxylamine hydrochloride (Hydroxylammonium chloride).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6,7, 6.8, 9.1.	-1	
6484-52-2	Nitric acid ammonium salt (Ammonium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
7631-99-4	Nitric acid sodium salt (Sodium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
7664-41-7	Ammonia	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
7782-50-5	Chlorine	M,I		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
7803-49-8	Hydroxylamine (Oxammonium).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
10039-54-0	Hydroxylamine, sulfate (2:1) (Hydroxylammonium sulfate).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
10046-00-1	Hydroxylamine, sulfate (1:1) (Hydroxylamine acid sulfate).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
10124-37-5	Nitric acid, calcium salt (Calcium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
12125-02-9	Ammonium chloride (Sal ammoniac).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
26471-62-5	Benzene, 1,3-diisocyanatomethyl-(2,4- and 2,6-(80:20) Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
26530-20-1	3(2*H*)-Isothiazolone, 2-octyl-(2-(*n*-Octyl)-4-isothiazolin-3-one).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	

(b) Alphabetical order.

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective date
60-35-5	Acetamide (Ethanamide)	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4 thru 3.7, 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6.	-1	
7664-41-7	Ammonia	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2., 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
12125-02-9	Ammonium chloride (Sal ammoniac).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1,2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
101-14-4	Benzenamine, 4,4'-methylene[2-chloro-(4,4'-methylenebis [2-chloroaniline]) (MBOCA).	X/P,P		1, 9.1, 9.3, 9.4, 9.7, 9.10, 9.14, 9.18	-1	
71-43-2	Benzene	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
106-46-7	Benezne, 1,4-dichloro-(*para*-Dichlorobenzene).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
1321-38-6	Benzene, diisocyanatomethyl-(Unspecified toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
26471-62-5	Benzene, 1,3-diisocyanatomethyl-(2,4- and 2,6-(80:20) Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
91-08-7	Benzene, 1,3-diisocyanato-2-methyl- (2,6-Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7, thru 10.16, 10.23.	1, 2, 3	
584-84-9	Benzene, 2,4-diisocyanato-1-methyl-(2,4-Toluene diisocyanate).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10 thru 2.19, 3 all, 4.1, 4.2, 4.9, 4.10, 4.12, 4.17, 4.21, 5 all, 6.2, 6.7, 6.8, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 9.1 thru 9.18, 9.21, 9.23 thru 9.25, 9.27 thru 9.29, 10.1, 10.2, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
		M,X/P,I,P		1, 2.14, 6.8, 9.3, 9.7, 9.9, 9.14, 9.16, 9.23, 10.1, 10.7 thru 10.16, 10.23.	1, 2, 3	
100-42-5	Benzene, ethenyl-(Styrene)	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
108-88-3	Benzene, methyl-(Toluene)	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective date
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
95-80-7	1,3-Benzenediamine, 4-methyl-(4-Methyl-*meta*-phenylenediamine).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
633-96-5	Benzenesulfonic acid, 4-[(2-hydroxy-1-naphthalenyl)azo]-, monosodium salt (Acid Orange 7).	M,I		1, 2.1, 2.4, thru 2.9, 2.12 thru 2.19, 3.1, 3.4, 3.5, 4.9, 4.10, 5.1 thru 5.4, 6.8, 6.9, 7.1, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1 10.5, 10.6.	-1	
7782-50-5	Chlorine	M,I		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
156-62-7	Cyanamide, calcium salt (Calcium cyanamide).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
123-91-1	1,4-Dioxane (Glycol ethylene ether).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
828-00-2	1,3-Dioxan-4-ol, 2,6-dimethyl-, acetate (Dimethoxane).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
624-92-0	Disulfide, dimethyl (Dimethyl disulfide).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
79-27-6	Ethane, 1,1,2,2-tetrabromo-(Acetylene tetrabromide).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15	-1,1,2,3	
71-55-6	Ethane, 1,1,1-trichloro-(Methyl chloroform).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
76-13-1	Ethane, 1,1,2-trichloro-1,2,2,-trifluoro-(CFC 113).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
115-96-8	Ethanol, 2-chloro-, phosphate (3:1) (Tris(2-chloroethyl) phosphate).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
75-35-4	Ethene, 1,1-dichloro-(Vinylidene chloride).	M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective date
127-18-4	Ethene, tetrachloro-(Perchloroethylene) (PERC).	M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4, thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7. 9.9, 9.10, 9.14 thru 9.18	5	
79-01-6	Ethene, trichloro-(1,1,2-Trichloroethylene).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
57-56-7	Hydrazinecarboxamide (Semicarbazide).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7	-1	
563-41-7	Hydrazinecarboxamide, monohydrochloride (Semicarbazide hydrochloride).	M,X/P,I,P		1, 2.7, 2.8, 2.14, 2.15, 9.2, 9.3, 9.7	-1	
7803-49-8	Hydroxylamine (Oxammonium).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
5470-11-1	Hydroxylamine, hydrochloride (Hydroxylammonium chloride).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
10046-00-1	Hydroxylamine, sulfate (1:1) (Hydroxylamine acid sulfate).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
10039-54-0	Hydroxylamine, sulfate (2:1) (Hydroxylammonium sulfate).	M,X/P,I,P		1, 2.7, 2.14 thru 2.16, 2.18, 3.4, 3.6 thru 3.8, 6.7, 6.8, 9.1.	-1	
26530-20-1	3(2*H*)-Isothiazolone, 2-octyl-(2-(*n*-Octyl)-4-isothiazolin-3-one).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
75-09-2	Methane, dichloro-(Methylene chloride).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.2, 2.4, 2.8, 2.12 thru 2.16, 2.18, 3.4 thru 3.6, 5 all, 6.1, 6.2, 6.7, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,I		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
56-23-5	Methane, tetrachloro-(Carbon tetrachloride).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
67-66-3	Metnane, trichloro-(Chloroform).	M,X/P,I,P		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,X/P,I,P		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18, 10.1 thru 10.6, 10.17 thru 10.23.	-1	

CAS No.	Chemical name	Who must report	Exemptions	Information collection requirement	Time period on which to report	Effective date
		M,X/P,I,P		1, 9.3, 9.6, 9.7, 9.9, 9.10, 9.14 thru 9.18	5	
93-00-5	2-Naphthalenesulfonic acid, 6-amino- (Broenner's acid).	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 3.1, 3.4 thru 3.7, 4.1, 4.9, 4.10, 6.8, 6.9, 7.2 thru 7.5, 9.2, 9.5 thru 9.9, 9.14, 9.15, 9.24, 10.1, 10.5, 10.6.	-1	
6484-52-2	Nitric acid ammonium salt (Ammonium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
10124-37-5	Nitric acid, calcium salt (Calcium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
7631-99-4	Nitric acid sodium salt (Sodium nitrate).	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 5 all, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8, 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
75-56-9	Oxirane, methyl-(1,2-Propylene oxide).	M,X/P,I,P		1, 2.1, 2.4 thru 2.8, 2.10, 2.12 thru 2.19, 3.1, 3.3, 3.4, 3.6, 4.1, 5.1 (a,b,d,e,f) 5.2, 6.2, 7.1, 7.3 thru 7.5, 8.2 thru 8.5, 8.10 thru 8.19, 8.22 thru 8.31, 10.1, 10.5 thru 10.16, 10.18, 10.19, 10.23.	-1	
85-01-8	Phenanthrene	M,X/P,I,P		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
97-23-4	Phenol,2,2'-methylenebis-[4-chloro-(Dichlorophene).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
97-18-7	Phenol,2,2'-thiobis-[4,6-dichloro-(Bithionol).	M,I		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	
129-00-0	Pyrene (Benzo[def]phenanthrene].	M,I		1, 2.1, 2.4 thru 2.9, 2.12 thru 2.19, 9.2, 10.1, 10.5, 10.6	-1	
57-13-6	Urea (Carbamide)	M,I		1, 2.1, 2.4, 2.12 thru 2.14, 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-5	
		M,I		1, 2.1, 2.4, 2.8 2.12 thru 2.16, 3.4 thru 3.6, 6.2, 8.1, 8.3 thru 8.5, 8.7, 8.10 thru 8.14, 8.25 thru 8.31, 10.1 thru 10.6, 10.17 thru 10.23.	-1	
,01-20-2	Urea,*N*-(4-chlorophenyl)-*N'*-(3,4-dichlorophenyl)-(Trichlorocarbanilide).	M,X/P,I,P		1, 2.2, 2.12 thru 2.16, 2.18, 3.4, 3.5, 6.1, 6.2, 6.7	-1	

10. Subpart E is added to read as follows:

Subpart E—CAIR: Reporting Form and Instructions

Sec.
704.245 The CAIR reporting form.
704.247 Instructions and glossary of terms.

BILLING CODE 6560-50-M

Subpart E—CAIR: Reporting Form and Instructions

§ 704.245 The CAIR reporting form.

EPA

United States Environmental Protection Agency
Washington, DC 20460
Comprehensive Assessment Information
Rule Reporting Form

Form Approved
OMB No. xxxx-xxxx
Approval Expires xx-xx-xx

For Agency Use Only

When completed, send this form to:

Document Control Officer
Office of Toxic Substances, TS-793
U.S. Environmental Protection Agency
401 M. Street, SW
Washington, DC 20460

Date of Receipt

Document Control Number

Docket Number

Before completing any portion of this form, you should read the instruction booklet. The booklet contains general instructions on complying with the requirements of the rule, supplemental instructions for and examples of questions involving complex answers, and a glossary containing definitions of selected terms. If you cannot determine your reporting obligations, you should call toll-free to the TSCA Assistance Office, U.S. EPA, at (800) 424-9065, or if in the Washington, D.C., Metropolitan area, at 554-1404. If outside the USA, call the operator at (202) 554-1404. *Please note: all respondents must complete section 1 in its entirety.*

This form is intended to gather information on a specific listed substance that is manufactured, imported, or processed at one plant site. If you are required to report on more than one listed substance, you must submit a separate form for each substance. Similarly, if you manufacture, import, or process a listed substance at more than one plant site, you must submit a separate form for each plant site.

For each question that you are required to answer, you must respond by either providing the data, stating not applicable "NA," or if the question permits, stating unknown "UK." All reports with incomplete responses will be assessed as invalid and may be returned to you for completion.

Terms that appear in italics throughout the form are defined in the glossary provided in the instruction booklet. Refer to the glossary whenever a term appears in italics, and interpret these terms according to the definitions provided.

If you need additional space to report the required data, you should attach additional copies of the specific part of this form and/or a separate sheet of paper. Provide a list of attachments in the appendix as described in the instruction booklet.

EPA Form 7710-52

SECTION 1 GENERAL MANUFACTURER, IMPORTER, AND PROCESSOR INFORMATION

PART A GENERAL REPORTING INFORMATION

1.1 This Comprehensive Assessment Information Rule (CAIR) Reporting Form has been completed in response to the Federal Register Notice of _____, 19__ for _____ (state name of substance as listed in the Federal Register Notice).

1.2 If the above-listed Federal Register Notice contained the "x/p" designation, respond to the statement below:

a. Mark (X) this box [ ] if you manufacture, import, or process the listed substance and distribute it under a trade name different than that listed above (in question 1.1); and if you have chosen to report on behalf of your customers who process the listed substance rather than:

1) notify them of their reporting obligations; or
2) submit to EPA within 30 days of this Federal Register Notice names under which you distribute the listed substance.

1.3 Mark (X) the box corresponding to each section containing questions that you are required to submit.

SECTIONS SUBMITTED		SECTION TITLES	
[ ]	1	General Manufacturer, Importer, and Processor Information (always complete this section).....	Page 2
[ ]	2	Manufacturer, Importer, and Processor Volume and Use.....	Page 8
[ ]	3	Processor Raw Material Identification.....	Page 17
[ ]	4	Physical/Chemical Properties.....	Page 21
[ ]	5	Environmental Fate.....	Page 27
[ ]	6	Economic and Financial Information.....	Page 30
[ ]	7	Manufacturing and Processing Information.....	Page 34
[ ]	8	Residual Treatment, Generation, Characterization, Management, and Transportation.....	Page 40
[ ]	9	Worker Exposure.....	Page 65
[ ]	10	Environmental Release.....	Page 81
[ ]		Appendix List of Continuation Sheets.....	Page 101

[ ] Mark (X) this box if you attach a continuation sheet.

CBI

[ ] 1.4 Certification -- The person who is responsible for the completion of this form must sign the certification statement below: "I hereby certify that, to the best of my knowledge and belief, all information entered on this form is complete and accurate. I agree to permit access to, and the copying of records by, a duly authorized representative of the EPA Administrator to document any reported information.

NAME _____ SIGNATURE _____ DATE SIGNED _____

TITLE _____ (___) ____ - _____ TELEPHONE NO.

[ ] 1.5 Exemptions from reporting -- If you voluntarily have provided EPA with the required information on a CAIR report for the listed substance within the past 3 years, and this information is current, accurate, and complete for the time period specified in the rule, then sign the certification below. You are required to complete section 1 of this CAIR form and any information now required but not previously submitted.

"I hereby certify that, to the best of my knowledge and belief, all required information which I have not included in this CAIR Reporting Form has been submitted to EPA within the past 3 years and is current, accurate, and complete for the time period specified in the rule."

NAME _____ SIGNATURE _____ DATE SIGNED _____

TITLE _____ (___) ____ - _____ TELEPHONE NO.

[ ] Mark (X) this box if you attach a continuation sheet.

PART B CORPORATE DATA

1.6 Plant Identification

CBI

[ ] Name of Plant _____

Address _____

City _____

State _____ Zip _____

EPA ID No. _____

Employer ID No. _____-_____-_____

Standard Industrial Classification (SIC) Code _____

Dun & Bradstreet No. _____

Location: Latitude ° ' "

Longitude ° ' "

Year Operations Began _____

1.7 Company Identification

CBI

[ ] Name of Company _____

Address _____

City _____

State _____ Zip _____

EPA ID. No. _____

Employer ID No. _____-_____-_____

Dun & Bradstreet No. _____

1.8 Parent Company

CBI

[ ] Name of Parent Company _____

_____

Address _____

City _____

State _____ Zip _____

Dun & Bradstreet No. _____

1.9 Technical Contact

CBI

[ ] Name _____

Title _____

Telephone Number _____

Address _____

City _____

State _____ Zip _____

[ ] Mark (X) this box if you attach a continuation sheet.

1.10 This *reporting year* is from _____ (month) 19__ to _____ (month) 19__.

1.11 Plant Site Acquired -- If plant site was acquired during the *reporting year*, provide the following information:

CBI

[ ] Name of Former Owner or Operator

_____

Address _____

City _____

State _____ Zip _____

Employer ID No. _____-_____-_____

[ ] Date of Acquisition

_____

1.12 Plant Site Sold -- If plant site was sold to another company during the *reporting year*, provide the following information:

CBI

[ ] Name of Former Owner or Operator

_____

Address _____

City _____

State _____ Zip _____

Employer ID No. _____-_____-_____

[ ] Date of Sale

_____

1.13 Plant Site Leased -- If plant site was leased to another company during the *reporting year*, provide the following information:

CBI

[ ] Name of Lessee

_____

_____

Address _____

City _____

State _____ Zip _____

Employer ID No. _____-_____-_____

[ ] Date of Lease

_____

[ ] Term of Lease

_____

1.14 Plant Site Leased -- If plant site was leased from another company during the *reporting year*, provide the following information:

CBI

[ ] Name of Lessor

_____

_____

Address _____

City _____

State _____ Zip _____

Employer ID No. _____-_____-_____

[ ] Date of Lease

_____

[ ] Term of Lease

_____

[ ] Mark (X) this box if you attach a continuation sheet.

1.15 Specify each of the following classifications that describe the activities that occur at this plant site. For each classification, state the quantity of the listed substance that was manufactured, imported, or processed at this plant site in the *reporting year*.

CBI		Quantity (kg/yr)
	a. Manufacturer for Commercial Purposes	
☐	1) For use by the manufacturer	_____
☐	2) Coincidental production	_____
☐	3) For commercial distribution	_____
	b. Importer for Commercial Purposes	
☐	1) For use by the importer	_____
☐	2) For commercial distribution	_____
	c. Processor for Commercial Purposes	
☐	1) Repackager	_____
☐	2) Chemical producer	_____
☐	3) Mixture producer	_____
☐	4) Article producer	_____

CBI

☐ 1.16 Is the listed substance distributed for a *commercial* purpose outside the boundaries of this plant site?

☐ YES ☐ NO

☐ Mark (X) this box if you attach a continuation sheet.

PART C TRADE NAMES AND SUBSTANCE IDENTIFICATION

CBI

[ ] 1.17 Market Names -- List the trade name(s) under which you distribute the listed substance.

_____ _____

_____ _____

_____ _____

1.18 (Level of Effort 2) If you are reporting on a chemical that is within a category listed in 40 CFR 704.235, enter the CAS number and chemical name (do not report on more than one chemical per form).

CBI

[ ] CAS No. [ ][ ][ ][ ][ ][ ]-[ ][ ]-[ ]

[ ] Chemical Name [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ]
(first 15 characters)

CBI

[ ] 1.19 If the listed substance on which you are required to report is a *mixture* listed in 40 CFR 704.240, provide the following information: (Do not report on more than one *mixture* per form.)

Component or Trade Name and Manufacturer	Average % Composition by Weight (specify precision, e.g., 45% ± .5%)
	Total 100%

[ ] Mark (X) this box if you attach a continuation sheet.

SECTION 2 MANUFACTURER, IMPORTER, AND PROCESSOR VOLUME AND USE

CBI

☐ 2.1 State the number of years your plant has manufactured, imported, or processed the listed substance.

Manufactured	Imported	Processed
_____ years	_____ years	_____ years

CBI

☐ 2.2 State the quantity of the listed substance your plant manufactured, imported, or processed during the *reporting year* and the prior year.

Year Ending	Quantity Manufactured (kg)	Quantity Imported (kg)	Quantity Processed (kg)
_____ (month) 19__			
_____ 19__			

2.3 State the quantity of the listed substance your plant manufactured, imported, or processed during the reporting year and the 3 fiscal years preceding the *reporting year* (in descending order).

CBI	Year Ending	Quantity Manufactured (kg)	Quantity Imported (kg)	Quantity Processed (kg)
☐	_____ (month) 19__			
☐	_____ 19__			
☐	_____ 19__			
☐	_____ 19__			

☐ Mark (X) this box if you attach a continuation sheet.

2.4 State the quantity of the listed substance your plant manufactured, imported, or processed during the reporting year and the 5 fiscal years preceding the *reporting year* (in descending order).

CBI	Year Ending	Quantity Manufactured (kg)	Quantity Imported (kg)	Quantity Processed (kg)
☐	_____ (month) 19__	_____	_____	_____
☐	_____ 19__	_____	_____	_____
☐	_____ 19__	_____	_____	_____
☐	_____ 19__	_____	_____	_____
☐	_____ 19__	_____	_____	_____
☐	_____ 19__	_____	_____	_____

CBI ☐

2.5 Specify the manner in which you manufacture the listed substance.

☐ Continuous process ☐ *Semicontinuous process* ☐ Batch process

CBI ☐

2.6 Specify the manner in which you process the listed substance.

☐ Continuous process ☐ *Semicontinuous process* ☐ Batch process

CBI ☐

2.7 (Level of Effort 2) State your plant's current manufacturing, importing, or processing *capacity* for the listed substance. If you are a batch manufacturer, do not answer this question.

Manufacture	Import	Process
_____ kg/yr	_____ kg/yr	_____ kg/yr

☐ Mark (X) this box if you attach a continuation sheet.

2.8 If you *intend to increase or decrease* the quantity of the listed substance manufactured, imported, or processed during the current corporate fiscal year, complete the following table.

CBI		Manufacturing Quantity (kg)	Importing Quantity (kg)	Processing Quantity (kg)
[ ]	Amount of increase	_____	_____	_____
[ ]	Amount of decrease	_____	_____	_____

2.9 For each month during which you manufactured, imported, or processed the listed substance during the *reporting year*, indicate whether you manufactured (M), imported (I), or processed (P) the listed substance.

CBI		M,I,P	CBI		M,I,P	CBI		M,I,P
[ ]	January	_____	[ ]	May	_____	[ ]	September	_____
[ ]	February	_____	[ ]	June	_____	[ ]	October	_____
[ ]	March	_____	[ ]	July	_____	[ ]	November	_____
[ ]	April	_____	[ ]	August	_____	[ ]	December	_____

2.10 (Level of Effort 2) Specify the duration for which manufacturing or processing the listed substance was conducted in the *reporting year*.

CBI	Manufacturing		CBI	Processing	
[ ]	Days per year	_____	[ ]	Days per year	_____
[ ]	Average hours per day	_____	[ ]	Average hours per day	_____

2.11 (Level of Effort 2) State the maximum and minimum daily quantities, and average monthly quantities of the listed substance that were stored on site during the *reporting year*.

CBI			
[ ]	Maximum daily quantity	_____	kg
[ ]	Minimum daily quantity	_____	kg
[ ]	Average monthly quantity	_____	kg

[ ] Mark (X) this box if you attach a continuation sheet.

2.12 (Level of Effort 2) Related Substances -- List any *byproducts*, *coproducts*, or *impurities* present with the listed substance in concentrations greater than 0.1 percent as it is manufactured or imported.

CBI	CAS No. and Name	Byproduct (B) Coproduct (C) or Impurity (I)	Concentration (%) (specify ± % precision)	Source of Impurities
☐				
☐				
☐				
☐				
☐				
☐				

2.13 *Additives* -- List all substances that you add to the listed substance as it is manufactured, imported, or processed. Include the *additive's* chemical name (or trade name if chemical name is not known), CAS number, function in the listed substance, and maximum concentration in the listed substance.

CBI	Additive (by Name and CAS No.)	Function	Maximum Concentration (%) (specify ± % precision)
☐			
☐			
☐			

☐ Mark (X) this box if you attach a continuation sheet.

2.14 In the table below, list the categories of existing uses for which you manufacture, import, or process the listed substance.

CBI	a. Categories of Existing Use(s)	b. Percent of Quantity Manufactured, Imported, or Processed	c. Percent of Quantity Used Captively On Site
☐			
☐			
☐			
☐			
☐			
	Non-TSCA Uses (specify)		
☐			
☐			
☐			
	Total percent of quantity manufactured, imported, or processed:	100 %	

☐ Mark (X) this box if you attach a continuation sheet.

2.15 Identify all *uses* of the substance that you expect will occur during the next year. For each *use*, specify the quantity you expect to manufacture, import, or process as a percentage of your current production volume (refer to question 1.15).

CBI	a. Use(s)	b. Percent of Quantity Manufactured, Imported, or Processed	c. Percent of Quantity Used Captively On Site
☐			
☐			
☐			
☐			
☐			
	Non-TSCA Uses (specify)		
☐			
☐			
☐			

☐ Mark (X) this box if you attach a continuation sheet.

2.16 *Final Product* (Level of Effort 2)

a. For each *final product* produced at your site that contains the listed substance, complete the following table.

CBI	Product Name	Physical Form[1]	Container Size (kg)	Container Type[2]	Quantity of Listed Substance Per Container	Type of End Users (I, CM, CS)[3]	Unit Price	Total Number of Containers
☐								
☐								
☐								
☐								
☐								

b. If you incorporate the listed substance into an *article*, list the product name and describe the *article*.

CBI	Product Names	Description of Article
☐		
☐		

1. A = Gas; B = Liquid; C = Aqueous solution; D = Paste; E = Slurry; F = Solid: F1 = Powder, F2 = Crystalline solid, F3 = Granules, F4 = Other solid; G = Gel; H = Other (specify) _____.

2. A = Aerosol or mist dispenser; B = Pressurized package; C = Nonaerosol package; D = Single-unit *container* (e.g., bottle, box, bag); E = Multiunit *container* (e.g., box of tablets); F = *Article*; G = Other (specify) _____.

3. I = *Industrial*; CM = *Commercial*; CS = *Consumer*.

☐ Mark (X) this box if you attach a continuation sheet.

2.17 For each type of packaging specified below, check the method of transportation used in delivering your product to off-site customers.

Type of Packaging	Truck	Railcar	Barge, Vessel	Pipeline	Plane	Other (specify)
Bulk	____	_____	_____	_____	____	_____
Nonbulk	____	_____	_____	_____	____	_____

2.18 (Level of Effort 2) Customer Use -- For each category of end use (i-iv) that applies to the listed substance, estimate the quantity of the listed substance that your customers use or prepare.

CBI

[ ] i. Industrial Products

Chemical or mixture _____ (kg/yr)

Article _____ (kg/yr)

[ ] ii. Commercial Products

Chemical or mixture _____ (kg/yr)

Article _____ (kg/yr)

[ ] iii. Consumer Products

Chemical or mixture _____ (kg/yr)

Article _____ (kg/yr)

[ ] iv. Other

Distribution (excluding export) _____ (kg/yr)

Export _____ (kg/yr)

Quantity of substance consumed as reactant _____ (kg/yr)

Unknown customer uses _____ (kg/yr)

[ ] Mark (X) this box if you attach a continuation sheet.

CBI

[ ] 2.19 State the quantity of the listed substance that you exported in the *reporting year*.

_____ kg/yr in bulk _____ kg/yr as a *mixture* _____ kg/yr in *articles*

[ ] Mark (X) this box if you attach a continuation sheet.

SECTION 3 PROCESSOR RAW MATERIAL IDENTIFICATION

PART A GENERAL DATA

3.1 Identify your source for obtaining the listed substance and specify, where appropriate, the quantity obtained and the price paid.

CBI		Quantity (kg)	Cost ($/kg)
[ ]	The listed substance was purchased directly from the manufacturer.	_____	_____
[ ]	The listed substance was purchased from a distributor or repackager.	_____	_____
[ ]	The listed substance was purchased from a mixture producer.	_____	_____
[ ]	The listed substance was manufactured on site.	_____	_____
[ ]	The listed substance was transferred from a different company site.	_____	_____

3.2 State the mode of transportation used to deliver the listed substance to your plant site.

_____

3.3 a. Indicate the type of equipment used to transport the listed substance to your plant site.

[ ] Bags [ ] Boxes [ ] Tank cylinders [ ] Tank rail cars

[ ] Tank trucks [ ] Drums [ ] Pipes

[ ] Other (specify) _____

b. If the listed substance is transported in pressurized tank cylinders, tank rail cars, or tank trucks, state the pressure of the tanks.

Tank cylinders	Tank rail cars	Tank trucks
_____ mm Hg	_____ mm Hg	_____ mm Hg

[ ] Mark (X) this box if you attach a continuation sheet.

PART B RAW MATERIAL IN THE FORM OF A MIXTURE

CBI 3.4 If you process the listed substance in the form of a *mixture*:

☐ a. How much of the mixture did you process? _____ kg/yr.

b. (Level of Effort 4) List the known components of the mixture by CAS number, chemical name, or trade name.

	Component	% Composition by Weight
☐		
☐		
☐		
☐		
☐		

3.5 (Level of Effort 2) If more than 50 percent (by weight) of the *mixture's* components are unknown, list the trade name of the *mixture*, the name of its manufacturer, and an estimate of the percent composition by weight of the listed substance in the *mixture*.

CBI	Trade Name	Manufacturer	% Composition by Weight (specify ± % precision)
☐			
☐			

☐ Mark (X) this box if you attach a continuation sheet.

PART C RAW MATERIAL VOLUME

3.6 List all of the products that you produce using the listed substance as a feedstock.

CBI	Product	% Total Capacity	CBI	Product	% Total Capacity
☐	_____	_____	☐	_____	_____
☐	_____	_____	☐	_____	_____
☐	_____	_____	☐	_____	_____
☐	_____	_____	☐	_____	_____
☐	_____	_____	☐	_____	_____

State the total *capacity* of plant: _____

3.7 (Level of Effort 2) State the quantity of the listed substance that you use as a feedstock in the form of a *class I chemical*.

CBI	Total Mass	% Composition by Weight (specify ± % precision)
☐	_____ kg	_____
☐	_____ kg	_____

3.8 (Precision Level 2) State the quantity of the listed substance that you use as a feedstock in the form of a *class II chemical*.

CBI	Total Mass	% Composition by Weight (specify ± % precision)
☐	_____ kg	_____
☐	_____ kg	_____

☐ Mark (X) this box if you attach a continuation sheet.

3.9 (Level of Effort 2) State the quantity of the listed substance that you use as a feedstock in the form of a *polymer*.

CBI	Total Mass		% Composition by Weight (specify ± % precision)
☐	_____	kg	_____
☐	_____	kg	_____
☐	_____	kg	_____

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 4 PHYSICAL/CHEMICAL PROPERTIES

PART A PHYSICAL/CHEMICAL DATA SUMMARY

4.1 (Level of Effort 3) Specify the technical grade(s) of the listed substance as it is manufactured, imported, or processed.

	Manufacture	Import	Process
Technical grade #1	_____ % purity	_____ % purity	_____ % purity
Technical grade #2	_____ % purity	_____ % purity	_____ % purity
Technical grade #3	_____ % purity	_____ % purity	_____ % purity

4.2 (Level of Effort 3) Report the information required in a-i for one of the technical grades of the listed substance identified in question 4.1. Specify the technical grade in the space provided and list the accuracy of each response. If you have completed a Material Safety Data Sheet (MSDS) for one of the identified technical grades of the listed substance, you may submit the MSDS in lieu of answering this question. If you submit an MSDS, you must check the box below and identify the technical grade on the MSDS.

Technical grade # _____ Precision (± %)

MSDS submitted in lieu of response ☐

a. Boiling point @ 760 mm Hg _____ °C _____

@ other pressure (specify):
_____ mm Hg _____ °C _____

b. Melting point @ 760 mm Hg _____ °C _____

c. Sublimation point _____ °C _____

@ _____ mm Hg _____

d. Latent heat of vaporization @ 760 mm Hg _____ Btu/lb _____

e. Vapor pressure _____ mm Hg at _____ °C _____

f. Color (describe) _____

4.2 continued below

☐ Mark (X) this box if you attach a continuation sheet.

4.2 (continued)

g. Odor (describe) _____

	Precision (± %)
h. Odor threshold _____ ppm	_____
i. Vapor density (Air=1) _____ @ _____ °C	_____

4.3 (Level of Effort 3) State the density of the listed substance at the technical grade as specified in question 4.2 and indicate the accuracy of your response.

Density _____ g/cm^3 ± _____ %

4.4 (Level of Effort 3) State the specific gravity of the listed substance at the technical grade as specified in question 4.2 and indicate the accuracy of your response.

Specific gravity _____ ± _____ %

4.5 (Level of Effort 3) State the pH of the listed substance at the technical grade specified in question 4.2. Specify the temperature and concentration of the listed substance in water and indicate the accuracy of your response.

Temperature	Concentration in Water	pH
± _____ %	± _____ %	± _____ %

4.6 (Level of Effort 3) Specify the viscosity of the listed substance at the technical grade specified in question 4.2. Indicate the accuracy of your response.

_____ Centipoise ± _____ % @ _____ °C

4.7 (Level of Effort 3) Express the solubility of the listed substance in each of the specified media, and other media if known, for the technical grade specified in question 4.2.

	Other Media (if known)
____ mg/l in Acetone at _____ °C	____ mg/l in _____ at ____ °C
____ mg/l in Benzene at _____ °C	____ mg/l in _____ at ____ °C
____ mg/l in Ethanol at _____ °C	____ mg/l in _____ at ____ °C
____ mg/l in Ethyl Ether at ____ °C	____ mg/l in _____ at ____ °C
____ mg/l in Water at _____ °C	____ mg/l in _____ at ____ °C

[ ] Mark (X) this box if you attach a continuation sheet.

4.8 Spectra -- Indicate characteristic/distinctive absorption for the listed substance.

Ultraviolet		Visible		Infrared	
_____	± ____%	_____	± ____%	_____	± ____%

4.9 Physical State -- Indicate the physical state of the listed substance as you engage in the following activities:

Physical State	Manufacture	Import	Process	Store	Dispose	Transport
Solid	_____	_____	_____	_____	_____	_____
Slurry	_____	_____	_____	_____	_____	_____
Liquid (including in solution)	_____	_____	_____	_____	_____	_____
Liquified compressed gas	_____	_____	_____	_____	_____	_____
Gas	_____	_____	_____	_____	_____	_____

[ ] Mark (X) this box if you attach a continuation sheet.

If you have completed a MSDS or have prepared any hazard warning statement, label, or other notice that addresses the information requested in questions 4.10-4.15, you may submit a copy or reasonable facsimile in lieu of answering these questions. If you do attach this information, check the box below:

Hazard information submitted in lieu of response [ ]

4.10 (Level of Effort 2) Particle Size -- If the listed substance exists in particulate or gas form during any of the following activities, indicate for each applicable physical state the size[1] and distribution of the listed substance.

Physical State	Manufacture	Import	Process	Store	Dispose	Transport	Total
Dust							
Powder							
Fiber							
Aerosol							
Gas							
Other (specify)							

1. Size Range: A = < 1 micron; B = 1 to < 5 microns; C = 5 to < 30 microns

PART B FIRE, EXPLOSION, AND OTHER HAZARD DATA

4.11 State the flashpoint of the listed substance, specify the corresponding physical state, and identify the test method used.

Flashpoint _____ °C Physical state _____ Test method _____

Flashpoint _____ °C Physical state _____ Test method _____

4.12 Indicate temperature at which the listed substance undergoes *autopolymerization* or *autodecomposition*.

Autopolymerizes at _____ °C

Autodecomposes at _____ °C

[ ] Mark (X) this box if you attach a continuation sheet.

4.13 Flammable Limits in Air (% by volume) at standard temperature and pressure.

Lower limit: _____ Upper limit: _____

4.14 (Level of Effort 4) Extinguishing Media -- Indicate all known methods for extinguishing flames (e.g., CO_2, foam, water).

_____

_____

4.15 Special Firefighting Procedures (e.g., "Do not use water").

_____

_____

4.16 List all chemicals or materials that are *incompatible* with the listed substance.

CAS No.	Name	Reaction (specify)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4.17 Provide a copy or reasonable facsimile of any hazard information that is provided to your customers/users regarding the listed substance and check the box below.

[ ] Hazard information attached.

4.18 Self-oxidation -- Is the listed substance capable of self-oxidation?

[ ] Yes [ ] No [ ] Unknown

4.19 Autoignition temperature _____ °C Test method _____

[ ] Mark (X) this box if you attach a continuation sheet.

4.20 Vapor in Cargo Tanks -- If storing the listed substance in a cargo tank causes vapor problems, such as peroxide formation, reaction with moisture, and/or combustion, specify the problem and necessary control or restrictions using the following table

Vapor Problem	Control/Restrictions
Peroxide formation	
Reaction with moisture	
Combustion	
Other (specify)	

4.21 Shipment Procedures -- If you use an inhibitor (I) or stabilizer (S) when shipping the listed substance, specify its name, whether it inhibits or stabilizes the listed substance, the amount normally added, and the duration of its effectiveness.

CBI	Name of Additive	Inhibitor (I) or Stabilizer (S)	Amount Normally Added (mg/kg)	Duration of Effectiveness
☐				
☐				
☐				

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 5 ENVIRONMENTAL FATE

PART A RATE CONSTANTS AND TRANSFORMATION PRODUCTS

5.1 (Level of Effort 4) Indicate the rate constants for the following transformation processes.

a. Photolysis:

Absorption spectrum (peak) _____

Reaction quantum yield, ø _____ at _____ nm

Direct photolysis rate constant, k_p, at _____ latitude _____ 1/hr

b. Oxidation constants at 25°C:

For $^1O_2$ (singlet oxygen), k_{ox} _____ 1/M hr

For RO_2 (peroxy radical), k_{ox} _____ 1/M hr

c. Five day biochemical oxygen demand, BOD_5 _____

d. Biotransformation rate constant:

For bacterial transformation in water, k_b _____ hr^{-1}

Specify culture _____

e. Hydrolysis rate constants:

For base-promoted process, k_B _____ 1/M hr

For acid-promoted process, k_A _____ 1/M hr

For neutral process, k_N _____ 1/M hr

f. Chemical reduction rate (specify)

_____

_____

g. Other (such as spontaneous degradation)

_____

_____

☐ Mark (Y) this box if you attach a continuation sheet.

PART B PARTITION COEFFICIENTS -- (Level of Effort 4) Provide the following partition coefficients in the specified units.

5.2 a. (Level of Effort 4) Specify the half-life of the listed substance.

Half-life	Media
_____	in groundwater
_____	in atmosphere
_____	in surface water
_____	in soil

b. (Level of Effort 4) Identify the listed substance's known *transformation products* that have a half-life greater than 24 hours.

CAS No.	Name	Half-life (specify units)	Media
_____	_____	_____	in _____
_____	_____	_____	in _____
_____	_____	_____	in _____
_____	_____	_____	in _____

5.3 Octanol-water partition coefficient, K_{ow} = _____ at 25°C

Method of calculation _____

5.4 Soil-water partition coefficient, K_d = _____ at 25°C

Soil type _____

5.5 Organic carbon-water partition coefficient, K_{oc} = _____ at 25°C

5.6 Henry's Law Constant, H = _____ atm-m^3/mole

☐ Mark (X) this box if you attach a continuation sheet.

5.7 Bioconcentration factor, BCF = _____ for _____ (species) _____ test[1]

= _____ for _____ _____

= _____ for _____ _____

[1] static (s) or flowthrough (f)

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 6 ECONOMIC AND FINANCIAL INFORMATION

6.1 Company Type -- Specify which of the following terms most appropriately describes your company.

[ ] Corporation [ ] Partnership

[ ] Sole proprietorship [ ] Other (specify) _____

6.2 SIC Codes -- Provide your plant's 4-digit Standard Industrial Classification (SIC) Code(s) and describe the type of industry.

SIC Code	Industry Type
_____	_____
_____	_____
_____	_____
_____	_____

6.3 a. State the year your plant was built. _____ Year

b. State the year, if any, in which the plant experienced a major reconstruction/remodification. _____ Year

6.4 (Level of Effort 2) State the current estimated replacement value of your plant.
$_____

6.5 (Level of Effort 2) Provide the remaining life expectancy of your plant. _____ No. of years

6.6 At the end of the *reporting year*, were you constructing additional facilities for manufacturing, importing, or processing the listed substance at this site?

[ ] Yes [ ] No

[ ] Mark (X) this box if you attach a continuation sheet.

6.7 (Level of Effort 2) If you sell or transfer the listed substance, specify the quantity and sales value of the listed substance for each applicable market.

CBI	Market	Quantity Sold or Transferred (kg/yr)	Total Sales Value ($/yr)
☐	Retail sales		
☐	Distribution -- Wholesalers		
☐	Distribution -- Retailers		
☐	Intra-company transfer		
☐	Repackaging		
☐	Mixture production		
☐	Article production		
☐	Other chemical manufacturers or processors		
☐	Export		
☐	Other (specify)		
	_____		

6.8 (Level of Effort 2) Substitutes -- List all known commercially available substitutes for the listed substance and state the costs of the substitutes.

CBI	Substitute	Cost ($/kg)
☐		
☐		
☐		

☐ Mark (X) this box if you attach a continuation sheet.

6.9 State your total and variable costs of manufacturing, importing, or processing the listed substance. Refer to the instructions for explanations of these costs.

CBI	Costs	Manufacturing	Importing	Processing
[ ]	Total	_____ $/kg	_____ $/kg	_____ $/kg
[ ]	Variable	_____ $/kg	_____ $/kg	_____ $/kg

6.10 State your purchase price of the listed substance. $ _____/kg

6.11 State your company's total sales and sales of the listed substance for the *reporting year* and the year preceeding the reporting year.

Year Ending	Company's Total Sales ($ million)	Sales of the Listed Substance ($ million)
_____ (month) 19__	_____	_____
_____ 19__	_____	_____

6.12 State your company's total sales and sales of the listed substance for the 3 years preceding the *reporting year* (and for the *reporting year*).

Year Ending	Company's Total Sales ($ million)	Sales of the Listed Substance ($ million)
_____ (month) 19__	_____	_____
_____ 19__	_____	_____
_____ 19__	_____	_____
_____ 19__	_____	_____

[ ] Mark (X) this box if you attach a continuation sheet.

6.13 State your company's total sales and sales of the listed substance for the 5 years preceding the *reporting year* (and for the *reporting year*).

Year Ending	Company's Total Sales ($ million)	Sales From Sale of the Listed Substance ($ million)
_____ 19__		
_____ 19__		
_____ 19__		
_____ 19__		
_____ 19__		
_____ 19__		

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 7 MANUFACTURING AND PROCESSING INFORMATION

PART A PROCESS DESCRIPTION

CBI

☐ 7.1 (Level of Effort 2) In accordance with the instructions, provide your process block flow diagram, identifying all input and output streams that contain the listed substance.

Product/process _____

☐ Mark (X) this box if you attach a continuation sheet.

CBI

☐ 7.2 (Level of Effort 2) In accordance with the instructions, provide your process block flow diagram, identifying all input and output streams.

Product/process _____

☐ Mark (X) this box if you attach a continuation sheet.

7.3 (Level of Effort 2) List the equipment identified in the process block flow diagram.

CBI

☐ Product/process _____

	Equipment ID Number	Equipment Type	Operating Temperature Range (°C)	Operating Pressure Range (mm Hg)	Vessel Composition
☐					
☐					
☐					
☐					
☐					
☐					
☐					
☐					
☐					
☐					

☐ Mark (X) this box if you attach a continuation sheet.

7.4 (Level of Effort 2) Describe the input and output streams identified in the process block flow diagram.

CBI

☐ Product/process _____

	Process Stream ID Letter	Process Stream Description	Physical State[1]	Stream Flow (kg/yr)
☐				
☐				
☐				
☐				
☐				
☐				
☐				
☐				

1. Describe the physical state for each output stream:

GC = Gas (condensible at ambient temperature and pressure)
GU = Gas (uncondensible at ambient temperature and pressure)
SO = Solid
SY = Sludge or slurry
AL = Aqueous liquid
OL = Organic liquid
IL = Immiscible liquid (specify phases, e.g., 90% water, 10% toluene)

☐ Mark (X) this box if you attach a continuation sheet.

7.5 Characterize those input and output streams identified in the process block flow diagram.

CBI

☐ Product/process _____

	Process Stream ID Letter	Known Compounds	Concentrations (% or ppm)	Expected Compounds	Estimated Concentrations (% or ppm)[1]
☐	_____	_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
☐	_____	_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
☐	_____	_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
☐	_____	_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
☐	_____	_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____
		_____	_____	_____	_____

[1]Specify "A" (actual) or "E" (estimate).

☐ Mark (X) this box if you attach a continuation sheet.

7.6 Identify the media (atmosphere, land, groundwater, surface water) to which the listed substance is released via each process stream. Specify the control technology that is used to limit release of the substance to the environment. Identify destination of releases to water.

CBI

☐ Product/process _____

	Process Stream ID Letter	Media Affected[1]	Control Technology Used
☐	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
☐	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
☐	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

☐ [1]For releases to water, mark (X) the destinations of releases

- ☐ Publicly owned treatment works
- ☐ Navigable waterway
- ☐ Other (specify) _____

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 8 RESIDUAL TREATMENT GENERATION, CHARACTERIZATION, TRANSPORTATION, AND MANAGEMENT

PART A RESIDUAL TREATMENT PROCESS AND EQUIPMENT

8.1 (Level of Effort 2) According to the instructions, provide your *residual* treatment block flow diagram, identifying all inputs and outputs containing the listed substance.

CBI

☐ Product/process _____

☐ Mark (X) this box if you attach a continuation sheet.

8.2 (Level of Effort 2) According to the instructions, provide your *residual* treatment block flow diagram, identifying all inputs and outputs.

CBI

☐ Product/process _____

☐ Mark (X) this box if you attach a continuation sheet.

8.3 List the equipment identified in the *residual* treatment block flow diagram.

CBI

☐ Product/process _____

	Equipment ID Number	Equipment Type
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

☐ Mark (X) this box if you attach a continuation sheet.

PART B RESIDUAL GENERATION AND CHARACTERIZATION

8.4 (Level of Effort 2) In accordance with the instructions, complete the following table.

CBI

☐ Product/process _____

	A. Stream ID Letter[1]	B. Residual ID Number	C. RCRA ID (I,C,R,E, T, or H) or RCRA Waste No.[2]	D. Properties of Residual	E. Known Compounds	F. Concentrations (% or ppm)[3,4]	G. Other Expected Compounds
☐							
☐							
☐							

1. Includes Process Stream Identification Letters and Residual Treatment Stream Identification Letters.
2. RCRA Hazardous Waste Identification Number.
3. Specify "A" (actual) or "E" (estimate)
4. Using the table below, specify the test method by assigning a code to each test method used. List the appropriate code in column F.

8.4 continued below

☐ Mark (X) this box if you attach a continuation sheet.

8.4 (continued)

4(continued). Analytical test methods used

CBI

☐

Code	Method	Detection Limit (± ug/l)
____	_____	____
____	_____	____
____	_____	____
____	_____	____
____	_____	____
____	_____	____

☐ Mark (X) this box if you attach a continuation sheet.

8.5 In accordance with the instructions, complete the following table.

CBI

☐ Product/process _____

	A. Residual ID Number	B. Residual Category Code[1]	C. Management Method Code[2]	D. Residual Quantities (kg)	E. Management of Residual		F. Costs for Off-site Management (per kg)	G. Changes in Management Methods
					On Site	Off Site		
☐								
☐								
☐								
☐								
☐								

☐ Mark (X) this box if you attach a continuation sheet.

1. Specify residual category in accordance with the codes provided.

Code	Categories of Residuals
C1.	Precipitates or filtration *residuals*
C2.	Decantates or filtrates
C3.	Sludges a) biological; b) other (specify)
C4.	Spent activated carbon or other absorber
C5.	Spent catalyst
C6.	Heavy ends: a) distillation residues; b) miscellaneous heavy ends
C7.	Spent solvents
C8.	Untreated process wastewater: a) acid (pH $\leq$ 2); b) caustic (pH $\geq$ 12); c) neutral
C9.	Treated wastewater discharge
C10.	Containers, liners, cleaning rags, gloves, etc.
C11.	Off-specification products and feedstock
C12.	Other (specify) _____.
C13.	*Byproduct*
C14.	Light ends: a) condensable; b) noncondensable
C15.	Miscellaneous wastewaters: a) equipment washdown; b) steam jet condensate; c) other nonprocess wastewater (specify)
C16.	Spent scrubber liquid: a) aqueous; b) organic
C17.	Treated organics
C18.	Treatment solids

2. Specify management methods in accordance with the codes provided. If a *residual* is subject to a sequence of methods (e.g., storage in a tank, incineration), list the methods in sequence. If a *residual* is handled alternately by more than one method (e.g., incinerated or burned in a *boiler*), identify the alternate methods. If treatment is performed (M2, M3, M5, or M8), specify the treatment method using the handling codes listed in Exhibit 8-1.

Code	Management Methods
M1.	Storage in: a) *tank*; b) *container*; c) pile; d) *surface impoundment*
M2.	Treatment of organics in: a) *tank*; b) *container*; c) *surface impoundment*
M3.	Burning in a *boiler*
M4.	Recovery/reclamation: a) recovery; b) reuse same process; c) reuse different process; d) sales
M5.	Incineration
M6.	Landfill
M7.	Underground injection
M8.	On-site wastewater treatment: a) *tank*; b) *surface impoundment*
M9.	Discharge to publicly owned wastewater treatment works
M10.	Discharge to surface water under NPDES
M11.	Discharge to off-site, privately owned wastewater treatment works
M12.	Other (specify)_____.
M13.	Scrubber: a) caustic; b) water; c) other
M14.	Land farm/land application
M15.	Vent to: a) atmosphere; b) flare; c) other (specify)

☐ Mark (X) this box if you attach a continuation sheet.

Exhibit 8-1.

Title 40—Protection of Environment **Chapter I—Environmental Protection Agency**

TABLE 2—HANDLING CODES FOR TREATMENT, STORAGE, AND DISPOSAL METHODS

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.

1. Storage
- S01 Container (barrel, drum, etc.)
- S02 Tank
- S03 Waste pile
- S04 Surface impoundment
- S05 Other (specify)

2. Treatment
- (a) Thermal Treatment
- T06 Liquid injection incinerator
- T07 Rotary kiln incinerator
- T08 Fluidized bed incinerator
- T09 Multiple hearth incinerator
- T10 Infrared furnace incinerator
- T11 Molten salt destructor
- T12 Pyrolysis
- T13 Wet Air oxidation
- T14 Calcination
- T15 Microwave discharge
- T16 Cement kiln
- T17 Lime kiln
- T18 Other (specify)
- (b) Chemical Treatment
- T19 Absorption mound
- T20 Absorption field
- T21 Chemical fixation
- T22 Chemical oxidation
- T23 Chemical precipitation
- T24 Chemical reduction
- T25 Chlorination
- T26 Chlorinolysis
- T27 Cyanide destruction
- T28 Degradation
- T29 Detoxification
- T30 Ion exchange
- T31 Neutralization
- T32 Ozonation
- T33 Photolysis
- T34 Other (specify)
- (c) Physical Treatment
- (1) Separation of components
- T35 Centrifugation
- T36 Clarification
- T37 Coagulation
- T38 Decanting
- T39 Encapsulation
- T40 Filtration
- T41 Flocculation
- T42 Flotation
- T43 Foaming
- T44 Sedimentation
- T45 Thickening
- T46 Ultrafiltration
- T47 Other (specify)
- (2) Removal of Specific Components
- T48 Absorption-molecular sieve
- T49 Activated carbon
- T50 Blending
- T51 Catalysis
- T52 Crystallization
- T53 Dialysis
- T54 Distillation
- T55 Electrodialysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
- (d) Biological Treatment
- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Tricking filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 [Reserved]

3. Disposal
- D80 Underground injection
- D81 Landfill
- D82 Land treatment
- D83 Ocean disposal
- D84 Surface impoundment (to be closed as a landfill)
- D85 Other (specify)

PART C TRANSPORTATION

If you have completed a Uniform Hazardous Waste Manifest that addresses the information requested in questions 8.6 and 8.7, you may submit a copy or reasonable facsimile in lieu of answering the questions.

Hazard information submitted in lieu of response. ☐

8.6 If some or all *residuals* are transported by another company, complete the table below. If *residuals* are combined before they are transported, list those *Residual* Identification Numbers on the same line.

CBI	Residual ID Number	Transportation Method (T,R,B,P,O)[1]	Transporter Company Name	Transporter Phone Number	RCRA Transporter ID Number[2]	Distance Transported (miles)
☐				(__)__		
☐				(__)__		
☐				(__)__		
☐				(__)__		
☐				(__)__		
☐				(__)__		

1. T = Truck; R = Railcar; B = Barge; P = Pipeline; O = Other (specify) _____.
2. If not a RCRA Hazardous Waste Transporter, provide State Identification Number.

8.7 List the number of *containers* and the total quantity of the listed waste transported annually. If *residuals* are combined before they are transported, list those *Residual* Identification Numbers on the same line.

CBI	Residual ID Number	Number of Containers	Container Type[1]	Weight/Volume per Container[2]
☐				
☐				
☐				
☐				

☐ Mark (X) this box if you attach a continuation sheet.

1. Types of containers: DM = Metal drums, barrels, kegs
DW = Wooden drums, barrels, kegs
DF = Fiberboard or plastic drums, barrels, kegs
TP = Portable tanks
TT = Cargo tanks (tank trucks)
TC = Tank cars
DT = Dump truck
CY = Cylinders
CM = Metal boxes, cartons, cases (including roll-offs)
CW = Wooden boxes, cartons, cases
CF = Fiber or plastic boxes, cartons, cases
BA = Burlap, cloth, paper, or plastic bags

2. Weight or volume units: l = Liters (liquids only)

kg = Kilograms

m^3 = Cubic meters

8.8 (Level of Effort 4) For those *residuals* that have special handling instructions, identify the *residual* by its Residual Identification Number and specify the special handling instructions. If *residuals* are combined before they are handled, list those *Residual* Identification Numbers on the same line.

CBI	Residual ID Number	Special Handling Instructions
☐	_____	_____
☐	_____	_____
☐	_____	_____

8.9 (Level of Effort 4) List those construction materials that could cause a dangerous reaction or significant corrosion if they were used in a containment system to transport *residuals*. If *residuals* are combined before they are transported, list those *Residual* Identification Numbers on the same line.

CBI	Residual ID Number	Construction Materials
☐	_____	_____
☐	_____	_____
☐	_____	_____

☐ Mark (X) this box if you attach a continuation sheet.

8.10 For each *residual*, identify each off-site *facility* (including POTWs) that manages your *residuals*. Attach additional pages as necessary.

CBI	Residual ID Number	Annual Quantity
☐		
☐		
☐		

☐ Name of Facility _____

Facility Mailing Address:

☐ Street or P.O. Box _____

City or Town _____

State _____ Zip _____

☐ Dun & Bradstreet No.

☐☐-☐☐☐-☐☐☐☐

Facility Location (if different from above):

☐ Street Address _____

City or Town _____

State _____ Zip _____

☐ EPA Identification Number (if any)

_____

Latitude _____ ° _____ ' _____ "

Longitude _____ ° _____ ' _____ "

CBI	Residual ID Number	Annual Quantity
☐		
☐		
☐		

☐ Name of Facility _____

Facility Mailing Address:

☐ Street or P.O. Box _____

City or Town _____

State _____ Zip _____

☐ Dun & Bradstreet No.

☐☐-☐☐☐-☐☐☐☐

Facility Location (if different from above):

☐ Street Address _____

City or Town _____

State _____ Zip _____

☐ EPA Identification Number (if any)

_____

Latitude _____ ° _____ ' _____ "

Longitude _____ ° _____ ' _____ "

☐ Mark (X) this box if you attach a continuation sheet.

PART D ON-SITE RESIDUALS MANAGEMENT INFORMATION

8.11 Identification Permit Numbers -- List any applicable identification or permit numbers for your plant.

a. EPA National Pollutant Discharge Elimination System (NPDES) Permit No.(s) _____
(discharges to surface water) _____
_____

b. EPA Underground Injection Well (UIC) Permit No.(s) _____
(underground injection of fluids) _____
_____

c. EPA Point Source Discharge (PSD) Permit No.(s) _____
(air emissions from proposed sources) _____
_____

d. EPA Hazardous Waste Management Facility Permit No.(s) _____

8.12 (Level of Effort 2) On-site Pile Information -- Complete this table for those *residuals* identified on your process or *residual* treatment flow diagram that were stored or treated in on-site piles during the *reporting year*.

CBI	Residual ID Number	Pile Name or ID Number	Quantity Managed per Year (cubic meters)	Under Roofed Structure (Y/N)	Containment Provided (Y/N)[1]	Synthetic Liner Base (Y/N)[2]	Frequency of Transfer and/or Handling Operations[3]
☐							
☐							
☐							
☐							
☐							

8.12 continued below

☐ Mark (X) this box if you attach a continuation sheet.

Footnotes for 8.12

1. Containment is provided when the pile is designed, operated, and maintained to contain leachate and runoff.

2. Is a synthetic liner installed in the pile base? Waste may lie directly on the synthetic liner or the liner may be covered with a clay layer.

3. A = Daily; B = Weekly; C = Monthly; D = Other (specify) _____

[ ] Mark (X) this box if you attach a continuation sheet.

8.13 (Level of Effort 2) Storage or Treatment in *Tanks* -- Identify those *residuals* included on your process or *residual* treatment flow diagram that were stored or treated in on-site *tanks* during the *reporting year* and complete the following table for those *tanks*.

CBI	Residual ID Number	Tank ID Number	Design Capacity (liters)	Quantity per Year (kg)	Treatment Types[1]	Average Length of Storage (days)	Part of Wastewater Treatment Train (Y/N)[2]	Tank Covered (Y/N)	Containment Provided (Y/N)[3]
☐									
☐									
☐									
☐									

1. Indicate "S" for storage and use the following codes to designate treatment types:

   A = Neutralization
   B = Settling (clarification)
   C = Aeration
   D = Equalization
   E = Mixing
   F = Evaporation
   G = Other (specify)_____

2. Treatment train from which wastewater is discharged under a NPDES permit or through a sewer system to a publicly owned treatment works.

3. Secondary containment is provided when the *tank* is located inside a diked area where the volume of liquid that the diked area can contain is at least equivalent to the capacity of the largest *tank*.

☐ Mark (X) this box if you attach a continuation sheet.

8.14 (Level of Effort 2) Storage or Treatment in *Containers* -- Complete the following table for those *residuals* identified on your process or *residual* treatment flow diagram that were stored or treated on site in *containers* during the *reporting year*.

CBI	Residual ID Number	Container ID Number	Design Capacity (liters)	Quantity per Year (kg)	Treatment Types[1]	Average Length of Storage (days)	Quantity Stored-Typical Amount (liters)	Quantity Stored-Maximum Amount (liters)	Storage Base Material[2]
☐									
☐									
☐									
☐									

1. Indicate "S" for storage and use the following codes to designate treatment types:

A = Neutralization
B = Settling (clarification)
C = Aeration
D = Equalization
E = Mixing
F = Evaporation
G = Other (specify) _____

If residual is stored, indicate whether the storage area is designed and operated to collect and contain surface runoff (Y/N).

2. Use the following codes to identify base materials:

A = Concrete
B = Asphalt
C = Soil
D = Other (specify) _____

☐ Mark (X) this box if you attach a continuation sheet.

8.15 (Level of Effort 2) Complete this table for those *residuals* identified on your process or *residual* treatment flow diagram that were burned in an on-site *boiler* during the *reporting year*.

CBI	Residual ID Number	Boiler Type Fire Tube (F) or Water Tube (W)	Boiler ID Number	Average Boiler Load[1]	Average Fuel Replacement Ratio[2]
☐					
☐					
☐					
☐					
☐					

1. Designate the average *boiler* load when firing residual (percent of capacity).

2. Designate the average fuel replacement ratio as a percentage (heat-input basis).

8.16 Complete the following table for those on-site *boilers* that were used during the *reporting year* to burn *residuals* identified on your process or *residual* treatment flow diagram.

CBI	Boiler ID Number	Boiler Capacity (heat input in million J/hr)	Primary Boiler Fuel[1]
☐			
☐			
☐			
☐			
☐			

1. Use the following codes to designate primary *boiler* fuel:
   O = Oil
   G = Gas
   C = Coal
   W = Wood
   Other (specify letter designation and fuel)
   _____ = _____

☐ Mark (X) this box if you attach a continuation sheet.

8.17 Provide the following information for each *residual* identified on your process or *residual* treatment flow diagram that was burned in on-site *boilers* during the *reporting year*.

CBI

☐ Residual Identification Number _____

	Residual as Fired (or residual mixture, if residuals are blended)	Boiler Fuel, as Fired (residual(s) plus primary fuel)
Btu content (J/kg)		
☐ Average	_____	_____
☐ Minimum	_____	_____
Total metals content (% by wt.)		
☐ Average	_____	_____
☐ Maximum	_____	_____
Total halogen content (% by wt.)		
☐ Average	_____	_____
☐ Maximum	_____	_____
Concentration of listed		
☐ substance	_____	_____

8.18 Answer the following questions for those on-site *boilers* that were used during the *reporting year* to burn *residuals* that were identified on your process or *residual* treatment flow diagram.

CBI

☐ a. Boiler Identification _____

☐ b. Specify the type(s) of air pollution control device:

☐ Scrubber ☐ Electrostatic precipitator

☐ Other (specify) _____

8.18 continued below

☐ Mark (X) this box if you attach a continuation sheet.

8.18 (continued)

CBI Provide the following information on stack parameters:

☐ c. Stack height _____ m

☐ d. Stack diameter _____ m

☐ e. Gas flow rate _____ m/sec

☐ f. Exhaust temperature _____ °C

☐ g. Vertical or horizontal stack _____ (V or H)

☐ h. Annual emissions for the listed substance _____ kg/yr

☐ i. Building cross-sectional area _____ m^2

☐ j. Maximum emission rate _____ g/sec

☐ k. Duration of maximum emission rate _____ min

☐ l. Frequency of maximum emission rate _____ times/year

8.19 (Level of Effort 2) Complete this table for those *residuals* that were identified on your process or *residual* treatment flow diagram and were incinerated on site during the *reporting year*.

CBI	Residual ID Number	Incinerator Type[1]	Incinerator ID Number	Typical Auxiliary Fuel	Percentage of Auxiliary Fuel[2]
☐					
☐					
☐					
☐					
☐					

1. Use the following codes to designate the incinerator type:
   A = Liquid injection
   B = Rotary kiln
   C = Hearth
   D = Other (specify) _____

2. Designate the percentage of auxiliary fuel required on a heat-input basis.

☐ Mark (X) this box if you attach a continuation sheet.

8.20 (Level of Effort 2) Complete the following table for those on-site incinerators that were used during the *reporting year* to burn *residuals* identified on your process or *residual* treatment flow diagrams.

CBI	Incinerator ID Number	Incinerator Capacity (heat input in million J/hr)	Feed Type[1]
☐			
☐			
☐			
☐			
☐			

1. Use the following codes to designate feed type:
   A = Liquid nozzle type (specify) _____
   B = Atomizing pressure (specify) _____
   C = Solid-batch charge
   D = Solid-continuous charge

8.21 For each on-site incinerator that was used during the *reporting year* to burn *residuals* identified on your process or *residual* treatment flow diagram, describe the combustion chamber design parameters.

CBI

☐ Incinerator Identification Number _____

	Primary Chamber	Secondary Chamber
☐ Combustion chamber temperature (°C)		
☐ Location of temperature monitor		
☐ Residence time in combustion chamber (seconds)		

☐ Mark (X) this box if you attach a continuation sheet.

8.22 Answer the following questions for those on-site incinerators that were used during the *reporting year* to burn *residuals* identified on your process or *residual* treatment flow diagram.

CBI

☐ a. Incinerator Identification Number _____

☐ b. Specify the type(s) of air pollution control device(s) used:

☐ Scrubber ☐ Electrostatic precipitator

☐ Other (specify) _____

Provide the following information on stack parameters:

☐ c. Stack height _____ m

☐ d. Stack diameter _____ m

☐ e. Gas flow rate _____ m/sec

☐ f. Exhaust temperature _____ ^{o}C

☐ g. Vertical or horizontal stack _____ (V or H)

☐ h. Annual emissions for the listed substance _____ kg/yr

☐ i. Building cross-sectional area _____ m^2

☐ j. Maximum emission rate _____ g/sec

☐ k. Duration of maximum emission rate _____ min

☐ l. Frequency of maximum emission rate _____ times/year

☐ Mark (X) this box if you attach a continuation sheet.

8.23 Provide the following information on the incinerator feed for incinerators used during the *reporting year* to burn *residuals* identified on your process or *residual* treatment block flow diagram.

CBI

☐ Incinerator Identification Number _____

		Corresponding Feed Rate (kg or liters/hour, specify)
	Btu content (J/kg)	
☐	Average _____	_____
☐	Minimum _____	_____
	Total metals content (% by wt.)	
☐	Average _____	_____
☐	Maximum _____	_____
	Total halogen content (% by wt.)	
☐	Average _____	_____
☐	Maximum _____	_____
☐	Total concentration of listed substance in feed	_____

8.24 (Level of Effort 2) Provide the following information for each *residual* that was identified on your process or *residual* treatment flow diagram and that was burned in an incinerator during the *reporting year*:

CBI	Residual ID Number	Average Joule Feed Rate (kg/hour x J/kg)	Average Total Ash Content (% by wt.)	Average Total Halogen Content (% by wt.)	Total Water Content (% by wt.)
☐	_____	_____	_____	_____	_____
☐	_____	_____	_____	_____	_____

☐ Mark (X) this box if you attach a continuation sheet.

8.25 Complete the following table for those *residuals* identified in your process or *residual* treatment flow diagram that were managed in an on-site land treatment operation during the *reporting year*.

CBI	Residual ID Number	Land Treatment ID Number	Year Land Treatment Initiated	Methods Used to Apply Residuals[1]	Application Rate[2]	Average Slope of Site (degree incline)	Surface Water Runoff Management[3]
☐							
☐							
☐							
☐							

1. Use the following codes to describe the method(s) used to apply *residuals* to the land treatment site.

   A = Surface spreading or spray irrigation without plow or disc incorporation.
   B = Surface spreading or spray irrigation with plow or disc incorporation to a depth of _____ cm.
   C = Subsurface injection to a depth of _____ cm.

   Other methods (specify)

   D = _____

   E = _____

2. A = Daily; B = Weekly; C = Monthly; D, E = Specify number of times per year and amount of time between applications _____.

3. Use the following codes to describe the management practices for surface water runoff: A = Collection prior to treatment; B = Reapplication to the site; C = Canalization prior to treatment; Other methods (specify), D = _____; E = _____

8.26 (Level of Effort 2) State the total area actively used for land treatment during the *reporting year*. _____ km^2

☐ Mark (X) this box if you attach a continuation sheet.

8.27 (Level of Effort 2) Identify by the *Residuals* Identification Numbers assigned in question 8.1 each *residual* in question 8.4 that was stored, treated, or disposed in an on-site *surface impoundment* during the *reporting year*. (If you were not required to complete question 8.4, refer to the instructions for question 8.4). Assign a number to each impoundment and enter the number in the appropriate column. Provide the information requested using the codes or units indicated.

If a *residual* is subject to a sequence of treatment methods (e.g., settling, equalization, and evaporation), list the methods in sequence.

If a *residual* is treated alternately by more than one method (e.g., neutralization or equalization), identify the alternate methods.

CBI	Residual ID Number	Impoundment ID Number	Total Capacity (gallons)	Specify Storage or Treatment Type if Applicable[1]	Average Residency Time (days)	SYNTHETIC LINER		CLAY LINER		LEACHATE COLLECTION SYSTEM	
						Thickness (cm)	No. of Liners	Thickness (cm)	No. of Liners	Installed (Y/N)	Leachate Generated (Y/N)
☐											
☐											
☐											
☐											

1. Indicate "S" for storage or use the following codes to specify treatment type:
   - A = Neutralization
   - B = Settling/Clarification
   - C = Aeration (specify horsepower [hp] of aerator)
   - D = Equalization
   - E = Mixing
   - F = Evaporation
   - G = Other (specify) _____

☐ Mark (X) this box if you attach a continuation sheet.

8.28 Identify by *Residual* Identification Number each *Residual* that was landfilled on site at any time during the *reporting year*. Refer to the instructions for question 8.4 for *Residual* Identification Numbers. Assign a number to identify each cell and provide the requested information on drainage layer, clay liner, and synthetic liner.

			DRAINAGE LAYER			CLAY LINER		SYNTHETIC LINER		
CBI	Residual ID Number	Landfill Cell ID Number	Quantity per year (Kg)	Installed (Y/N)	Thickness (cm)	Installed (Y/N)	Thickness (cm)	No. of Liners Installed	Material	Thickness (cm)
☐										
☐										
☐										
☐										
☐										

☐ Mark (X) this box if you attach a continuation sheet.

8.29 (Level of Effort 2) State the total area actively used for landfill during the *reporting year*. _____ km^2

8.30 (Level of Effort 2) Complete the following table for each landfill cell that contains *residuals* identified on your process or *residual* treatment flow diagram.

		WORKING COVER		CAP DESIGN CLAY LAYER		LEACHATE COLLECTION SYSTEM	
CBI	Landfill Cell ID Number	Use (times/ month)	Thickness (cm)	Installed (Y/N)	Thickness (cm)	Installed (Y/N)	Leachate Generated (Y/N)
☐							
☐							
☐							
☐							
☐							

8.31 (Level of Effort 2) Complete this table for those *residuals* identified on your process or *residual* treatment flow diagram that were disposed via deep well injection on site during the *reporting year*.

CBI	*Residual* ID Number	Well ID Number	Disposal Quantity (liters)	Well Type (A,B,C)[1]
☐				
☐				
☐				
☐				

1. State the type of well for each well identification number according to the following codes:
   A = Wells that dispose below deepest groundwater with < 10,000 mg/l of total dissolved solids.
   B = Wells that dispose into a formation containing groundwater with < 10,000 mg/l of total dissolved solids.
   C = Wells that dispose above all groundwater.

☐ Mark (X) this box if you attach a continuation sheet.

SECTION 9 WORKER EXPOSURE

PART A EMPLOYMENT AND POTENTIAL EXPOSURE PROFILE

9.1 Mark (X) the appropriate column to indicate whether your company maintains records on the following data elements for hourly and salaried *workers*. Specify for each data element the year in which you began maintaining records and the number of years the records for that data element are maintained.

CBI	Data Element	Data are Maintained for: Hourly Workers	Data are Maintained for: Salaried Workers	Year in Which Data Collection Began	Number of Years Records Are Maintained
☐	Date of hire				
☐	Age at hire				
☐	Work history of individual before employment at your facility				
☐	Sex				
☐	Race				
☐	Job titles				
☐	Start date for each job title				
☐	End date for each job title				
☐	Work area industrial hygiene monitoring data				
☐	Personal employee monitoring data				
☐	Employee medical history				
☐	Employee smoking history				
☐	Accident history				
☐	Retirement date				
☐	Termination date				
☐	Vital status of retirees				
☐	Cause of death data				

☐ Mark (X) this box if you attach a continuation sheet.

9.2 (Level of Effort 2) Complete the following table for each activity in which you engage.

CBI	Activity	Process Category	Quantity (kg)	Total Workers	Total Worker Hours
☐	a. Manufacture of the listed substance	1. Enclosed 2. Controlled Release 3. Open			
☐	b. On-site use as reactant	1. Enclosed 2. Controlled Release 3. Open			
☐	c. On-site use as nonreactant	1. Enclosed 2. Controlled Release 3. Open			
☐	d. On-site preparation of products	1. Enclosed 2. Controlled Release 3. Open			

9.3 List the labor categories at your plant site that encompass persons who are exposed to the listed substance and provide a descriptive job title for each category.

CBI	Labor Category	Descriptive Job Title
☐	I	
☐	II	
☐	III	
☐	IV	
☐	V	
☐	VI	
☐	VII	
☐	VIII	
☐	IX	
☐	X	

☐ Mark (X) this box if you attach a continuation sheet.

9.4 For each labor category identified in question 9.3, specify the number of employees by sex, age range, average age, and average number of years on the job.

CBI	Labor Category	Number of Employees		Employee Age (years)				Employee Average Years on Job	
				Male		Female			
		Male	Female	Range	Average	Range	Average	Male	Female
☐	I	___	___	___	___	___	___	___	___
☐	II	___	___	___	___	___	___	___	___
☐	III	___	___	___	___	___	___	___	___
☐	IV	___	___	___	___	___	___	___	___
☐	V	___	___	___	___	___	___	___	___
☐	VI	___	___	___	___	___	___	___	___
☐	VII	___	___	___	___	___	___	___	___
☐	VIII	___	___	___	___	___	___	___	___
☐	IX	___	___	___	___	___	___	___	___
☐	X	___	___	___	___	___	___	___	___
☐	TOTALS	___	___	___	___	___	___	___	___

☐ Mark (X) this box if you attach a continuation sheet.

9.5 (Level of Effort 2) In accordance with the instructions, provide your process block flow diagram and indicate associated *work areas*.

CBI

☐ Product/process _____

☐ Mark (X) this box if you attach a continuation sheet.

9 6 List and describe the various *work areas* where employees may come in contact with or be exposed to the listed substance. Add any additional areas not shown in the block flow diagram.

CBI

☐ Product/process _____

	Work Area ID	Description of Worker Activities
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____
☐	_____	_____

☐ Mark (X) this box if you attach a continuation sheet.

9.7 (Level of Effort 2) For employees who are *exposed* to the listed substance, designate the number of employees exposed, the mode of exposure, the levels of exposure, and the length of time exposed by labor category. Specify units of measurement in the exposure level column; e.g., ppm, mg/m^3, mg/cm^2, etc.

CBI

☐ Product/process _____

☐ Work area _____

	Labor Category	Number of Employees Exposed	Mode of Exposure (e.g., direct skin contact)	Physical State of Listed Substance[1]	Average Length of Exposure[2] (A,B,C,D,E,F)	Number of Days per Year Exposed
☐	I					
☐	II					
☐	III					
☐	IV					
☐	V					
☐	VI					
☐	VII					
☐	VIII					
☐	IX					
☐	X					

1. Physical state:
GC = Gas (condensible at ambient temperature and pressure)
GU = Gas (uncondensible at ambient temperature and pressure)
SO = Solid
SY = Sludge or slurry
AL = Aqueous liquid
OL = Organic liquid
IL = Immiscible liquid (specify phases, e.g., 90% water, 10% toluene)

2. Use the following codes to designate average length of exposure:

A = 15 minutes or less.
B = Greater than 15 minutes, but not exceeding 1 hour.
C = Greater than one hour, but not exceeding 2 hours.
D = Greater than 2 hours, but not exceeding 4 hours.
E = Greater than 4 hours, but not exceeding 8 hours.
F = Greater than 8 hours.

☐ Mark (X) this box if you attach a continuation sheet.

9.8 (Level of Effort 3) For employees with a single exposure time of 15 minutes or less (as identified in question 9.7) indicate the number of employees whose daily total number of exposures is described best by the the daily exposure frequencies provided.

CBI

☐ Product/process _____

☐ Work area _____

☐	Total Number of Daily Exposures	Number of Employees
	1	
	2	
	3-4	
	5-8	
	9 or more	

9.9 (Level of Effort 2) For each labor category represented in question 9.7, indicate the 8-hour Time Weighted Average (TWA) exposure levels and 15-minute peak exposure levels in the appropriate units.

CBI

☐ Product/process _____

☐ Work area _____

	Labor Category	8-hour TWA Exposure Level (ppm, mg/m^3, other-specify)	15-Minute Peak Exposure Level (ppm, mg/m^3, other-specify)
☐	I		
☐	II		
☐	III		
☐	IV		
☐	V		
☐	VI		
☐	VII		
☐	VIII		
☐	IX		
☐	X		

☐ Mark (X) this box if you attach a continuation sheet.

PART B WORK PLACE MONITORING PROGRAM

9.10 If you monitor your *workers'* exposure to the listed substance, complete the following table.

CBI	Sample/Test	Work Area(s)	Frequency (per year)	Number of Samples	Analyzed Who Samples[1]	In-house (Y/N)	Number of Years Records Maintained
[ ]	Personal breathing zone						
[ ]	General work area (air)						
[ ]	Wipe samples						
[ ]	Adhesive patches						
[ ]	Blood samples						
[ ]	Urine samples						
[ ]	Respiratory samples						
[ ]	Allergy tests						
[ ]	Other _____						
[ ]	Other _____						
[ ]	Other _____						

1. Specify who takes the monitoring samples.

A = Plant Industrial Hygienist
B = Insurance Carrier
C = OSHA Consultant
D = Other (specify) _____

[ ] Mark (X) this box if you attach a continuation sheet.

9.11 For each sample type, describe the methodology used to analyze the sample.

Sample Type	Methodology

9.12 If you conduct air monitoring for the listed substance, specify the type of equipment used.

CBI	Equipment Type	Manufacturer	Model Number
☐			
☐			
☐			
☐			
☐			

9.13 If you conduct routine medical tests for monitoring the health effects of exposure to the listed substance, specify the type and frequency of tests.

CBI

☐

Test Description	Frequency

☐ Mark (X) this box if you attach a continuation sheet.

PART C ENGINEERING CONTROLS

9.14 For each product/process and each *work area*, describe all of the engineering controls that you use to reduce or eliminate *worker* exposure to the listed substance.

CBI

[ ] Product/process _____

[ ] Work area _____

9.15 For each product/process and each *work area* affected, describe the equipment or process modifications you have made within the last 5 years that have resulted in a reduction of *worker* exposure to the listed substance. For each equipment or process modification described, state the reduction in exposure that resulted.

CBI

[ ] Product/process _____

[ ] Work area _____

[ ] Mark (X) this box if you attach a continuation sheet.

PART D PERSONAL PROTECTIVE AND SAFETY EQUIPMENT

9.16 For each *work area*, describe all of the personal protective and safety equipment that you require your *workers* to wear or use in order to reduce or eliminate their exposure to the listed substance. Indicate whether or not your company provides the equipment to the *workers*.

CBI

[ ] Product/process _____

[ ] Work area _____

9.17 For each *work area*, describe all of the personal protective and safety equipment that you recommend, but do not require your *workers* to wear or use in order to reduce or eliminate their exposure to the listed substance. Indicate whether or not your company provides the equipment to the *workers*.

CBI

[ ] Product/process _____

[ ] Work area _____

[ ] Mark (X) this box if you attach a continuation sheet.

9.18 If you require *workers* to use respirators when working with the listed substance, specify for each product/process the *work areas* where the respirators are used, the type of respirator used, and the type and frequency of fit tests.

CBI

☐ Product/process _____

	Work Area	Type Respirator	Fit Tested (Y/N)	Qualitative (QL) or Quantitative (QT) Tests	Frequency of Fit Tests (per year)
☐	___	_____	___	_____	_____
☐	___	_____	___	_____	_____
☐	___	_____	___	_____	_____
☐	___	_____	___	_____	_____

9.19 Describe your respirator maintenance program.

9.20 Describe your respirator training program.

☐ Mark (X) this box if you attach a continuation sheet.

9.21 (Level of Effort 2) If you require *workers* to use protective clothing when working with the listed substance, answer the following questions:

a. Who launders reusable clothing items?

[ ] On-site facility [ ] Commercial laundry [ ] Worker [ ] Not laundered

[ ] Other (specify) _____

b. How often are the clothing items laundered?

[ ] Daily [ ] Twice a week [ ] Once a week [ ] Twice a month

[ ] Once a month [ ] Other (specify) _____

c. Do you make rooms available to *workers* for changing their clothes?

[ ] Yes [ ] No

d. Do *workers* change out of dirty clothes in one room and into clean clothes in a different room?

[ ] Yes [ ] No

e. Is the use of these rooms voluntary or mandatory?

[ ] Voluntary [ ] Mandatory

f. If the use of these rooms is voluntary, approximately what percentage of *workers* use these rooms? _____ %

9.22 List the types of personal protective clothing and safety equipment for which permeation tests have been conducted.

_____ _____

_____ _____

_____ _____

[ ] Mark (X) this box if you attach a continuation sheet.

PART E WORK PRACTICES

9.23 For each product/process and *work area*, describe all of the work practices that you use to reduce or eliminate *worker* exposure to the listed substance (e.g., restrict entrance to only authorized *workers* or mark areas with warning signs).

CBI

[ ] Product/process _____

[ ] Work area _____

9.24 Describe your *hazard communication program* for informing *workers* who are exposed directly to the listed substance.

9.25 How do you assess the *workers'* knowledge of the information presented in the *hazard communication program*? (Specify frequency of assessment, type of test if applicable, and identify the person/company making the assessment.)

Frequency	Type of Test	Person Making Assessment

[ ] Mark (X) this box if you attach a continuation sheet.

9.26 Do you have a written medical action plan for responding to exposure to the listed substance?

[ ] Yes [ ] No

If yes, where are copies of the plan maintained? _____

9.27 Do you have a written leak and spill cleanup plan that addresses the listed substance?

[ ] Yes [ ] No

If yes, where are copies of the plan maintained? _____

Has this plan been coordinated with state or local government response organizations?

[ ] Yes [ ] No

9.28 Indicate (X) which housekeeping tasks you use to clean up the listed substance and how often you perform each task.

Housekeeping Tasks	Less Than Once Per Day	1-2 Times Per Day	3-4 Times Per Day	More Than 4 Times Per Day
Sweeping				
Vacuuming				
Water flushing of floors				
Other (specify) _____				

[ ] Mark (X) this box if you attach a continuation sheet.

9.29 How often were the *work areas* identified in question 9.5 formally inspected for safety violations?

Product/Process	Work Area	Frequency of Inspection (per year)	Inspection Conducted by	Written Results (Y/N)	Results Available (Y/N)

9.30 Who is responsible for monitoring worker safety in your *facility*?

[ ] Plant safety specialist [ ] Insurance carrier [ ] OSHA consultant

[ ] Other (specify) _____

9.31 Who is responsible for safety and health training in your *facility*?

[ ] Plant safety specialist [ ] Insurance carrier [ ] OSHA consultant

[ ] Other (specify) _____

9.32 Who is responsible for your medical program?

[ ] Plant physician [ ] Plant nurse

[ ] Consulting physician [ ] Consulting nurse

[ ] Other (specify) _____

[ ] Mark (X) this box if you attach a continuation sheet.

SECTION 10 ENVIRONMENTAL RELEASE

PART A GENERAL INFORMATION

CBI

[ ] 10.1 Describe the area where your plant site is located by checking all appropriate boxes.

[ ] Industrial area [ ] Urban area [ ] Residential area

[ ] Agricultural area [ ] Rural area

[ ] Adjacent to a park or recreational area

[ ] Within 1 mile of a navigable waterway

[ ] Within 1 mile of a school, university, or hospital

[ ] Within 1 mile of a non-navigable waterway

10.2 If you monitor meteorological conditions in the vicinity of your plant site, provide the following information:

a. Average annual precipitation _____ inches/year

b. Predominant wind direction _____

10.3 Depth to groundwater below the plant site _____ meters

10.4 Describe the *aquifer* types underlying the plant site

a. [ ] Confined [ ] Unconfined [ ] Other

b. Rock type: [ ] Igneous [ ] Metamorphic [ ] Sandstone

[ ] Limestone [ ] Shale [ ] Other

[ ] Mark (X) this box if you attach a continuation sheet.

10.5 For each on-site activity, indicate (by checking the appropriate column(s)) all routine releases of the listed substance to the environment.

CBI	On-site Activity	Environmental Release Air	Water	Land
☐	Manufacturing	____	____	____
☐	Importing	____	____	____
☐	Processing	____	____	____
☐	Product storage	____	____	____
☐	Disposal	____	____	____
☐	Transportation	____	____	____
☐	Consumer use	____	____	____

10.6 Provide the following information for the listed substance and specify the level of precision for items b-d.

CBI

☐ a. Quantity lost during manufacture _____ kg/yr

☐ b. Quantity lost to the environment _____ kg/yr ± ____ %

☐ c. Quantity remaining in treated wastes _____ kg ± ____ %

☐ d. Quantity remaining in untreated wastes _____ kg ± ____ %

☐ Mark (X) this box if you attach a continuation sheet.

PART B RELEASE TO AIR

10.7 Based on your process block flow and *residual* treatment block flow diagrams (questions 7.1 or 7.2, and 8.1 or 8.2), identify all emission point sources and provide a description of each source. Do not include raw material and product storage vents or fugitive emission sources (e.g., equipment leaks).

Emission Point Source	Product/Process	Stream ID Number[1]	Description of Emission Point Source (e.g., process vent, equipment opening discharge, pressure release devices)
I			
II			
III			
IV			
V			
VI			
VII			
VIII			
IX			
X			

1. This identification number includes both the Process Stream Identification Letter and any applicable *Residual* Treatment Stream Identification Numbers as assigned in question 8.4.

☐ Mark (X) this box if you attach a continuation sheet.

10.8 (Level of Effort 2) Emission Characteristics -- Characterize the emissions from each emission point source identified in question 10.7 by completing the following table.

CBI	Emission Point	Physical State[1]	Average Emissions (kg/day)	Frequency[2] (days/yr)	Duration[3] (min/day)	Maximum Emission Factor[4]	Maximum Emission Rate (g/sec)	Maximum Emission Rate Frequency (events/yr)	Maximum Emission Rate Duration (min/event)
☐	I								
☐	II								
☐	III								
☐	IV								
☐	V								
☐	VI								
☐	VII								
☐	VIII								
☐	IX								
☐	X								

1. Use the following codes to designate physical state at the point of release: G = Gas; V = Vapor; P = Particulate; A = Aerosol; O = Other (specify) _____
2. Frequency of emission at any level.
3. Duration of emission at any level.
4. Maximum Emission Factor -- Provide estimated (± 25 percent) emission factor (kg of emission per kg of production of processing unit).

☐ Mark (X) this box if you attach a continuation sheet.

10.9 Control Equipment -- For those emission points identified in question 10.7 that have control equipment, describe the control equipment and state its percent efficiency.

CBI	Emission Point Source	Control Equipment	Efficiency (%)
☐	I		
☐	II		
☐	III		
☐	IV		
☐	V		
☐	VI		
☐	VII		
☐	VIII		
☐	IX		
☐	X		

10.10 Emission Rates -- For those emission point sources identified in question 10.7, state the concentration of the listed substance in emissions after controls are applied. Use appropriate units of measure (e.g., mg/m^3 for gases).

CBI	Emission Point Source	Concentration of Listed Substance in Emission
☐	I	
☐	II	
☐	III	
☐	IV	
☐	V	
☐	VI	
☐	VII	
☐	VIII	
☐	IX	
☐	X	

☐ Mark (X) this box if you attach a continuation sheet.

10.11 Emission Parameters -- Specify the following emission parameters for each emission point described in question 10.7.

CBI	Emission Point Source	Height[1]	Diameter[2]	Temperature[3]	Velocity[4]	Building Height[5]	Building Width[6]	Vent Type[7]
☐	I							
☐	II							
☐	III							
☐	IV							
☐	V							
☐	VI							
☐	VII							
☐	VIII							
☐	IX							
☐	X							

1. Height of release above ground (m).
2. Inside diameter of stack or vent (m).
3. Effluent temperature (°C).
4. Effluent exit velocity (m/sec).
5. Height of attached or adjacent building (m).
6. Width of attached or adjacent building (m).
7. Vent type: H = horizontal, V = vertical.

☐ Mark (X) this box if you attach a continuation sheet.

10.12 If the listed substance is emitted in particulate form, indicate particle size distribution for each emission point source identified in question 10.7.

CBI

[ ] Emission Point Source _____

[ ] Size Range (microns)	Mass Fraction (%)
< 1	_____
≥ 1 to < 10	_____
≥ 10 to < 30	_____
≥ 30 to < 50	_____
≥ 50 to < 100	_____
≥ 100 to < 500	_____
≥ 500	_____
	Total = 100%

[ ] Mark (X) this box if you attach a continuation sheet.

CBI ☐ 10.13 Equipment Leaks -- Provide the number of process components in service by completing the following table. Do not include components having no exposure to the listed substance. If this is a batch or intermittently operated process, give an overall percentage of time per year that these process components are exposed to the listed substance.

Product/process _____

Percentage of time per year that the listed substance exists within these process components: _____%

Equipment Type	Number of Components in Service by Weight Percent of Listed Substance					
	Less than 5%	5-10%	11-25%	26-75%	76-99%	Greater than 99%
Pump seals[1]						
Packed						
Mechanical						
Double mechanical[2]						
Compressor seals[1]						
Flanges						
Valves						
Gas[3]						
Liquid						
Pressure relief devices[4]						
Sample connections						
Gas						
Liquid						
Open-ended lines[5]						
(e.g., purge, vent)						
Gas						
Liquid						

1. List the number of pump and compressor seals, rather than the number of pumps or compressors.
2. If double mechanical seals are operated with the barrier (B) fluid at a pressure greater than the pump stuffing box pressure and/or equipped with a sensor (S) that will detect failure of the seal system, the barrier fluid system, or both, indicate with a "B" and/or an "S," respectively.
3. Conditions existing in the valve during normal operation.
4. Report all pressure relief devices in service, including those equipped with control devices.
5. Lines closed during normal operation that would be used during maintenance operations.

☐ Mark (X) this box if you attach a continuation sheet.

10.14 Pressure Relief Devices with Controls -- Complete the following table to indicate which pressure relief devices in service are controlled.

Number of Pressure Relief Devices	Percent Chemical in Vessel	Control Device	Estimated Control Efficiency[1]

1. The EPA assigns a control efficiency of 100 percent for rupture discs and O-rings, and 98 percent for a flare.

☐ Mark (X) this box if you attach a continuation sheet.

CBI ☐ 10.15 Equipment Leak Emissions -- If a formal leak detection and repair program is in place, complete the following table regarding leak detection and repair procedures.

Product/process _____

Equipment Type	Leak Detection: Concentration (ppm or mg/m^3)	Leak Detection: Measured at ____ Inches from Source	Leak Detection: Detection Device[1]	Frequency of Leak Detection (per year)	Repairs Initiated (days after detection)	Repairs Completed (days after initiated)
Pump seals						
Packed						
Mechanical						
Double mechanical						
Compressor seals						
Flanges						
Valves						
Gas						
Liquid						
Pressure relief devices (gas only)						
Sample connections						
Gas						
Liquid						
Open-ended lines						
Gas						
Liquid						

1. Portable organic vapor analyzer (POVA); fixed point monitoring (FPM); other (O) (specify) _____.

☐ Mark (X) this box if you attach a continuation sheet.

CBI 10.16 Raw Material and Product Storage Emissions -- Provide information on each raw material, intermediate, and product storage tank or vessel containing the listed substance by filling in the table below.

☐

Tank Type[1]	Floating Roof Seals[2]	Composition of Stored Materials[3]	Throughput (10^6 gallons per year)	Tank Filling Rate (gpm)	Tank Filling Duration (min)	Tank Diameter (ft)	Tank Height (ft)	Rated Tank Volume (gal)	Tank Emission Controls[4]	Design Flow Rate[5]	Estimated Vent Diameter (inches)	Control Efficiency (%)	Basis for Estimat

1. F = Fixed roof
   CIF = Contact internal floating roof
   NCIF = Noncontact internal floating roof
   EFR = External floating roof
   P = Pressure vessel (indicate pressure rating)
   H = Horizontal
   U = Underground

2. MS1 = Mechanical shoe, primary
   MS2 = Shoe-mounted secondary
   MS2R = Rim-mounted, secondary
   LM1 = Liquid-mounted resilient filled seal, primary
   LM2 = Rim-mounted shield
   LMW = Weather shield
   VM1 = Vapor mounted resilient filled seal, primary
   VM2 = Rim-mounted secondary
   VMW = Weather shield

3. Indicate weight percent of the listed substance and total volatile organic content.
4. Other than floating roofs.
5. Gas/vapor flow rate the control device was designed to handle. Also note flow rate units.
6. C = Calculations; S = Sampling.

☐ Mark (X) this box if you attach a continuation sheet.

PART C RELEASE TO WATER

10.17 NPDES Discharges

Specify if discharge is to a moving (e.g., river) or standing (e.g., lake) body of water, and estimate the flow or volumes of each during the *reporting year* in part a below.

CBI

☐ a. ☐ Moving body of water _____ Estimated base flow (10^6l/day)

☐ ☐ Standing body of water _____ Estimated average volume (10^6l/day)

b. Quantities:

☐ Average discharge _____ 10^6l/day Maximum discharge _____ 10^6l/day

☐ _____ days/year _____ days/year

c. Concentration of listed substance:

☐ Average concentration _____ mg/l or ppm

Maximum concentration _____ mg/l or ppm

10.18 Publicly Owned Treatment Works (POTW)

CBI a. Quantities:

☐ Average discharge _____ 10^6l/day Maximum discharge _____ 10^6l/day

☐ _____ days/year _____ days/year

b. Concentrations of listed substance:

☐ Average concentration _____ mg/l or ppm

Maximum concentration _____ mg/l or ppm

☐ Mark (X) this box if you attach a continuation sheet.

10.19 Nonpoint Sources

CBI Specify if discharge is to a moving (e.g., river) or standing (e.g., lake) body of water, and estimate the flow or volumes of each for the *reporting year* in part a below.

☐ a. ☐ Moving body of water (10^6l/day) _____ Estimated base flow (10^6l/day)

☐ ☐ Standing body of water _____ Estimated average volume (10^6l/day)

b. Quantities:

☐ Average discharge _____ 10^6l/day Maximum discharge _____ 10^6l/day

☐ _____ days/year _____ days/year

c. Concentration of listed substance:

☐ Average concentration _____ mg/l or ppm

Maximum concentration _____ mg/l or ppm

10.20 Releases to Soils, Groundwater, and Drinking Water -- Estimate the following information for at least three random soil core samples that were taken at your plant site during the reporting year. State the precision of your concentration value.

CBI	Sample	Concentration (ug/kg) of Listed Substance (± % precision)	Distance from Plant (m)	Soil Texture[1]	Sample Depth (cm)
☐	1				
☐	2				
☐	3				
☐	____				

1. Soil Texture:
A = Sand
B = Loamy sand
C = Sandy loam
D = Loam
E = Silty loam
F = Silt
G = Sandy clay loam
H = Clay loam
I = Silty clay loam
J = Sandy clay
K = Silty clay
L = Clay

(Refer to glossary for definitions of soil texture.)

☐ Mark (X) this box if you attach a continuation sheet.

10.21 Estimate the following information for at least three random samples of groundwater from monitoring wells that were taken at your plant site during the reporting year. State the precision of your concentration values.

Sample	Monitoring Well	Distance from Plant (m)	Depth of Well (m)	Average Concentration (mg/l) (± % precision)	Maximum Concentration (mg/l) (± % precision)
A					
B					
C					

10.22 Report the following information for drinking water wells monitored by your plant during the reporting year.

Well	Well Depth (m)	Distance from Plant (m)	On Site (OS) or Off Site (OF)	Average Concentration (mg/l)	Maximum Concentration (mg/l)
D1					
D2					
D3					
D4					

☐ Mark (X) this box.if you attach a continuation sheet.

PART D NON-ROUTINE RELEASES

Complete this section for each non-routine release involving the listed substance that occurred during the reporting year. Report on only those releases that are greater than the listed substance's reportable quantity value. Reportable quantities are codified in 40 CFR Part 302. If a listed substance does not have a reportable quantity value, then report on those releases that exceeded 5,000 lbs. Assign a number to each release and use this number throughout this section to identify the release.

10.23 State the date and time when the release occurred and when the release ceased or was stopped. If there were more than three releases, attach a continuation sheet and list all releases.

Release	Date Started	Time (am/pm)	Date Stopped	Time (am/pm)
1				
2				
3				

10.24 Specify the weather conditions at the time of each release

Release	Wind Speed (mi/hr)	Wind direction	Humidity (%)	Temperature (^{o}F)	Precipitation (Y/N)
1					
2					
3					

For questions 10.25 - 10.37 (except 10.34) specify the release by recording the release number in the space provided. If more than one release occurred, photocopy these questions and complete them for each release.

[ ] Mark (X) this box if you attach a continuation sheet.

10.25 (Level of Effort 2) State the quantity of material containing the listed substance that was released to each of the following media. Specify the method used to estimate the quantity released. Specify whether or not the release migrated beyond facility boundaries.

Release No. _____

Media	Quantity (kg)	Method	Migration Beyond Boundaries (Y/N)
Land			
Air			
Groundwater			
Surface water			

10.26 (Level of Effort 2) Specify the concentration and physical state of the listed substance at the time of release.

Release No. _____

Physical State	Concentration (%)

10.27 (Level of Effort 2) Describe the cause and the effects of the release by checking the appropriate responses.

Release No. _____

Cause of Release

_____ Equipment failure
_____ Operator error
_____ Bypass condition
_____ Upset condition
_____ Fire
_____ Other (please specify)
_____
_____

Effects of Release

_____ Spill
_____ Vapor release
_____ Explosion
_____ Fire
_____ Other (please specify)
_____
_____

[ ] Mark (X) this box if you attach a continuation sheet.

10.28 Specify which authorities were notified of the release.

Release No. _____

Authority	Agency/Office	Contact Person and Telephone No. (if known)	Date and Time Notified
Federal			
State			
Local			

No authorities notified (explain).

_____

_____

_____

_____

10.29 For each of the proximities defined below, specify by checking the applicable column(s) whether the population living within that proximity was notified of, alerted to, or evacuated because of the release. Specify who notified the population.

Release No. _____

Proximity to the Release	Notification (agency/phone no.)	Evacuation (Y/N)
1/4 mile		
1/2 mile		
1 mile		
Other (specify) _____		

10.30 Specify the number of personal injuries or casualties resulting from the release.

Release No. _____

Number of injuries to facility employees _____
Number of injuries to general population _____
Number of deaths to facility employees _____
Number of deaths to general population _____

☐ Mark (X) this box if you attach a continuation sheet.

10.31 Describe all property damage resulting from the release.

Release No. _____

10.32 Describe the terrain in the pathway of the release.

Release No. _____

10.33 (Level of Effort 2) State who conducted cleanup activities and estimate the level of cleanup that was obtained. Specify what method was used to estimate the level of cleanup.

Release No. _____

Name _____

Address _____

Level of Cleanup	% removal	Method Used to Measure Level of Cleanup
Land	_____	_____
Surface water	_____	_____
Groundwater	_____	_____

[ ] Mark (X) this box if you attach a continuation sheet.

10.34 Briefly describe release prevention practices and policies (backup systems and containment systems) used by the facility.

10.35 Indicate which of the prevention practices and policies listed in question 10.34 were ineffective in preventing the release from reaching the environment.

Release No. _____

10.36 Describe all repairs and/or replacements made to equipment as a result of the release.

Release No. _____

☐ Mark (X) this box if you attach a continuation sheet.

10.37 Describe additional preventative measures that will be taken to minimize the possibilities of recurrence.

Release No. _____

Measures Planned	Timetable for Completion	Cost of Preventive Measures
_____	_____	$_____
_____	_____	$_____
_____	_____	$_____

10.38 If you have a facility contingency plan for future releases, has the plan ever been tested?

[ ] Yes [ ] No

If yes, what was learned from the test?

_____

_____

_____

[ ] We do not have a facility contingency plan.

10.39 Have community relations activities been initiated to keep nearby residents informed of the likelihood of releases?

[ ] Yes [ ] No

If yes, describe these activities.

_____

_____

_____

[ ] Mark (X) this box if you attach a continuation sheet.

APPENDIX LIST OF CONTINUATION SHEETS

Attach continuation sheets for sections of this form and optional information after this page. In column 1, clearly identify the attachment by listing the question number to which it relates. In column 2, enter the inclusive page numbers of each attachment. Refer to section 704.219 (c)(1) for instructions on claiming confidentiality.

Question Number (1)	Attachment Page Numbers (2)

☐ Mark (X) this box if you attach a continuation sheet.

§ 704.247 Instructions and glossary of terms.

EPA

GENERAL INSTRUCTIONS
EPA FORM 7710-52, COMPREHENSIVE ASSESSMENT INFORMATION RULE REPORTING FORM

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Part I Introduction

These instructions are for persons who manufacture, import, or process a substance listed in 40 CFR Part 704, Subpart D, and are required to submit EPA Form 7710-52, also listed in 40 CFR Part 704, Subpart E.

1. *Appropriate Number of Forms.* This form is intended to gather information on a specific listed substance that is manufactured, imported, or processed at one plant site. If you are required to report on more than one listed substance, you must submit a separate form for each substance. Similarly, if you manufacture, import, or process a listed substance at more than one plant site, you must submit a separate form for each plant site.

2. *Activities to Report.* Report on all manufacturing, importing, and processing activities in which you engaged. For instance, if EPA requests information on manufacturing, then a manufacturer who also processes the listed substance at a single site must report the manufacturing and processing activities on the same form. Similarly, if EPA requests information on processing, then a processor who also imports the listed substance to a single site must report both the processing and importing activities on the same form.

3. *Information to Report.* EPA will specify an information requirement for each substance identified in Subpart D. EPA will assemble the information requirement from the questions set out in Subpart E, and will specify the information requirement by stating each question's number. Whenever EPA specifies in the information requirement individual

questions, the designated respondents must answer only the questions specified. EPA will always include section 1 in the questions specified. Whenever EPA specifies in the information requirement a section of the CAIR form, those persons who are required to report must answer all of the questions within the section. EPA will always include section 1 of the CAIR form as part of the information requirement.

4. *Reporting Level of Effort.* For each question that you are required to answer, report the required information to the level of effort specified for each question; or indicate, by using the symbol (NA), that the question is not applicable to your site operations. There are four levels of effort. Respondents must comply with level of effort 1 unless a specific question states otherwise. The levels of effort are as follows:

(1) Level 1 requires a person to answer a question to the extent that the information is known to or reasonably ascertainable by that person.

(2) Level 2 requires a person to answer the question if the answer to the question is known to the person. If the answer is unknown, the person must use professional judgment to make a reasonable estimate of the answer and report this information.

(3) Level 3 requires a person to answer a question if the answer to the question is known to the person. If the answer is unknown, the person must ascertain the answer, by means other than estimation, and report this information.

(4) Level 4 requires a person to answer the question if the answer to the question is known to the person. If the answer is unknown to the person, the person must state that the answer is unknown.

5. *Reporting Year.* Provide the requested information for the specified reporting year and only for the extent of the reporting year in which you operated the plant site. Each reporting year encompasses a complete corporate fiscal year. EPA has specified the corporate fiscal year in the Federal Register Notice, which listed the chemical on which you are reporting. For example, if the time period on which you are required to report is specified in the Federal Register as "-1," and the effective date of the rule is listed as July 1, 1987, then the applicable reporting period is the most recent corporate fiscal year that was completed prior to July 1, 1987. If your company's fiscal year begins on August 1st of each year and ends on July 31st of the following year, then the applicable reporting year in the example given above would be August 1, 1985, to July 31, 1986.

6. *Completeness.* EPA will check all forms for completeness. Incomplete forms may be returned for completion. If only a few items are incomplete EPA may call the designated technical contact to determine the correct answer rather than return the form.

7. *Relevant Definitions.* Reporting requirements are determined by the company's manufacturing, importing, and/or processing activities involving the listed substance. Definitions for reporting activities and other terms used in this form are contained in Part IV, Glossary. Terms that appear in italics throughout the form are defined in the glossary. Refer to the glossary whenever a term appears in italics, and interpret these terms in the context of the definitions provided. Terms that appear in italics in this instruction booklet are used for emphasis or as sample answers to CAIR form questions.

8. *Confidential Business Information (CBI) Claims.* You may claim your answers as CBI by using the CBI boxes provided. To use the CBI boxes properly, you must place a substantiation code within the box. Refer to 40 CFR Part 704.219 for descriptions of substantiation codes.

9. *Additional Space.* If additional space is needed to report all required information, responses can be entered on a reproduction of the pertinent portion of the form and/or on a separate sheet of paper. The continuation should be identified by question number on the list of attachments in the Appendix.

Part II Specific Instructions

Throughout the CAIR Reporting Form and Instructions, the chemical or mixture on which you are required to report is referred to as "the listed substance." In the instructions below, the "Question" column refers to the corresponding section, part, and question in the CAIR Reporting Form.

Question	Instructions

SECTION 1 GENERAL MANUFACTURER, IMPORTER, AND PROCESSOR INFORMATION

All respondents must complete section 1 in its entirety.

PART A GENERAL REPORTING INFORMATION

1.1 Record the date of the Federal Register Notice and the name of the listed substance on which you are reporting.

1.2 Check the boxes corresponding to each section containing questions that you are required to submit.

PART B CORPORATE DATA

1.6-1.7 The Employer Identification Number refers to item 1A on the 1982 Census of Manufacturers Form MC-2810.

1.15 Plant Site Classification -- Designate the classifications that describe the activities at all of your plant sites that involve the listed substance. Check more than one box if more than one classification applies. Examples of each classification are presented below.

MANUFACTURER FOR COMMERCIAL PURPOSES

A plant site that produces or manufactures the listed substance (including refining a listed substance to a greater level of purity) for the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer and includes, among other things, the "manufacture" of any amount of the listed substance for:

1) Commercial distribution (including for test marketing).

2) Use by the manufacturer (including use for product research and development or as an intermediate).

3) Coincidental production of the listed substance with the manufacture, processing, use, or disposal of another substance or mixture (including byproducts and coproducts that are separated from the other substance or mixture and impurities that remain in the other substance or mixture).

IMPORTER FOR COMMERCIAL PURPOSES

A plant site that imports the substance as part of a mixture or an article or any product containing or composed of the listed substance into the customs territory of the United States.

For commercial distribution. Ex.: Company A imports chemical X from Germany and processes it by repackaging the listed substance. For this example, report the quantity imported in Part B2, and report the quantity repackaged in Part C.

Question	Instructions

PROCESSOR FOR COMMERCIAL PURPOSES:

A plant site that prepares the listed substance for distribution as part of a mixture, an article, or any product containing or composed of the listed substance. Processors also include plant sites that use the listed substance as a reactant or intermediate to produce another chemical substance.

1) Repackager. Processes by transferring the listed substance from one container to another. Ex.: Company A buys chemical X, removes chemical from the original glass packaging, and repackages the chemical in a plastic container.

2) Chemical producer. Uses the listed substance as a raw material or as an intermediate in the manufacture of other chemical substances or mixtures during which the original substance is chemically altered or otherwise consumed. Ex.: Company A buys chemical X, which is reacted with chemical Y to make chemical Z.

3) Mixture producer. Mixes the listed substance with another substance or mixture to form a mixture that is subsequently distributed in commerce or used on site. The original substance or mixture is not consumed or chemically altered in this process. Ex.: Company A buys chemical Y, which is a pigment, and adds it to a paint base to color the paint.

4) Article producer. Mixes or causes a reaction of the listed substance to form an article for subsequent distribution in commerce or for use on site. The listed substance may or may not be chemically altered or otherwise consumed. Ex.: Company A purchases chemical Y, a plastic additive, and mixes it with molten plastic to form plastic parts.

PART C TRADE NAMES AND SUBSTANCE IDENTIFICATION

1.19 Mixtures -- If the listed substance on which you are required to report is a mixture, identify each component chemical. Specify percent composition by weight and specify the precision of each answer. If identity of components is unknown, provide trade names of the mixture and the name of the manufacturer. The total of all composition values should equal 100 percent.

SAMPLE ANSWER TO QUESTION 1.18

Component or Trade Name and Manufacturer	Average % Composition by Weight (specify precision) (e.g., 45% ± 5%)
Benzene	*50% ± .1%*
Toluene	*50% ± .1%*
	Total 100%

Question	Instructions

SECTION 2 MANUFACTURER, IMPORTER, AND PROCESSOR VOLUME AND USE

2.2 List the reporting year and the corporate fiscal year preceding the reporting year, and record the quantity of the listed substance your plant manufactured, imported, or processed during that year.

SAMPLE ANSWER TO QUESTION 2.2

Year Ending	Quantity Manufactured (Kg)	Quantity Imported (Kg)	Quantity Processed (Kg)
December 1984	*1.0 million*	*NA*	*NA*
December 1983	*1.0 million*	*NA*	*NA*

2.3 List the reporting year and the 3 corporate fiscal years preceding the reporting year in descending order, and for each year listed, record the quantity of the listed substance your plant manufactured, imported, or processed during that year.

SAMPLE ANSWER TO QUESTION 2.3

Year Ending	Quantity Manufactured (Kg)	Quantity Imported (Kg)	Quantity Processed (Kg)
December 1984	*1.0 million*	*NA*	*NA*
December 1983	*0.9 million*	*NA*	*NA*
December 1982	*Not manufactured*	*NA*	*NA*
December 1981	*Not manufactured*	*NA*	*NA*

2.4 List the reporting year and the 5 corporate fiscal years preceding the reporting year in descending order, and for each year listed, record the quantity of the listed substance your plant manufactured, imported, or processed.

SAMPLE ANSWER TO QUESTION 2.4

Year Ending	Quantity Manufactured (Kg)	Quantity Imported (Kg)	Quantity Processed (Kg)
December 1984	*1.0 million*	*NA*	*NA*
December 1983	*0.9 million*	*NA*	*NA*
December 1982	*Not manufactured*	*NA*	*NA*
December 1981	*Not manufactured*	*NA*	*NA*
December 1980	*Not manufactured*	*NA*	*NA*
December 1979	*Not manufactured*	*NA*	*NA*

Question	Instructions

2.8 If you intend to increase or decrease the quantity of the listed substance you manufacture, import, or process during the current corporate fiscal year, enter the expected amount of increase or decrease in kg/yr in the spaces provided. If your response to this question is no, enter NA.

SAMPLE ANSWER TO QUESTION 2.8

	Manufacturing Quantity (Kg)	Importing Quantity (Kg)	Processing Quantity (Kg)
Amount of increase	$1x10^5$ kg	NA	NA
Amount of decrease	NA	NA	NA

2.9 For each month during which you manufactured, imported, or processed the listed substance during the reporting year, use the codes provided to indicate whether you manufactured (M), imported (I), or processed (P) the listed substance.

SAMPLE ANSWER TO QUESTION 2.9

	M,I,P		M,I,P		M,I,P
January	M	May	M	September	P
February	M	June	M	October	P
March	M	July	M,P	November	P
April	M	August	M,P	December	NA

2.10 Specify the schedule for manufacturing or processing the listed substance during the reporting year.

SAMPLE ANSWER TO QUESTION 2.10

Manufacturing	Processing
Days per year 160	Days per year 100
Average hours per day 12	Average hours per day 12

2.12 Specify any byproducts, coproducts, or impurities present with the listed substance in concentrations of 0.1 percent or greater as it is manufactured or imported. Identify the source of impurities.

Question	Instructions

SAMPLE ANSWER TO QUESTION 2.12

CAS No. and Name	Byproduct (B) Coproduct (C) or Impurity (I)	Concentration (%) (specify ±% precision)	Source of Impurities
1330-20-7 Xylene	*I*	*± .2%*	*Inefficient distillation*

2.13 Additives -- List each additive by its CAS number and chemical name (or trade name if chemical name is not known). List the additive's function in the substance and estimate the maximum concentration of each additive in the listed substance.

SAMPLE ANSWER TO QUESTION 2.13

Additive (by name and CAS No.)	Function	Maximum Concentration (%) (specify ± % precision)
Acid Red 14; 3567-69-9	*Pigment*	*1.5 ± 0.1%*

2.14 In column a, list the category(ies) of existing use(s) of the listed substance on which you have based your quantity estimates in question 1.10 (e.g., solvent used in automotive paint). List partial information if complete information is not known (e.g., solvent). Estimate the percent of total production for the reporting year devoted to each category of use. Indicate a combined percent for all non-TSCA uses, but list each use separately. (Non-TSCA uses apply to chemicals used exclusively in pesticides, food additives, drugs, and cosmetics.) Column b should contain the percent of the total quantity of the listed substance that you manufacture, import, or process for each listed existing use. The percentages entered in this column should total 100 percent. Column c should contain the percentage of each listed use that you use captively on site.

For example, (1) You produce 1,000 kg/yr of chemical X, and 85 percent of that quantity is used as a degreasing solvent. You sell the remaining 15 percent to a paint manufacturer. Of the 85 percent used as a degreasing solvent, 5 percent is used captively on site. The following table illustrates how you would complete question 2.14.

Question	Instructions

SAMPLE ANSWER TO QUESTION 2.14

a. Categories of Existing Use(s)	b. Percent of Quantity Manufactured, Imported, or Processed	c. Percent of Quantity Used Captively On Site
Solvent used in degreasing	*85%*	*5%*
Solvent used in automotive paint	*15%*	*0*
Non-TSCA uses (specify)		
None	*0*	*0*
Total percent of quantity manufactured, imported, or processed:	*100%*	

2.15 In column a, list the category(ies) of use(s) on which you have based your projected quantity estimates (e.g., solvent used in automotive paint). List partial information if complete information is not known (e.g., solvent). Estimate the total quantity to be manufactured, imported, or processed during the next year devoted to each category of use as a percentage of your current production, importing, or processing volumes. Include quantities for non-TSCA uses. Column b should contain the percent of the total quantity of the listed substance that you expect to manufacture, import, or process for each use. Column c should contain the percentage of each listed use that you expect to use captively on site. You do not need to account for 100 percent of current production quantity.

SAMPLE ANSWER TO QUESTION 2.15

a. Use(s)	b. Percent of Quantity Manufactured, Imported, or Processed	c. Percent of Quantity Used Captively On Site
Solvent used in oil paint	*10%*	*0*
Solvent used in degreasing	*7%*	*8*
Solvent used in automotive paint	*5%*	*0*
Non-TSCA uses (specify)		
None	*0*	*0*

2.16 Final Product -- The following question applies to all final products produced at your site that contain the listed substance as an intentional component.

Question	Instructions
2.16a	The figure to be reported for the "Quantity of Listed Substance per Container" is the percent of the chemical composition in the final product times the unit size. Each container is one unit. For example, the listed substance comprises 75 percent of a final product and that product is packaged in a 50-kg container. The answer is: 0.75 x 50 kg = 37.5 kg.

SAMPLE ANSWER TO QUESTION 2.16a

Product Name	Physical Form	Container Size (kg)	Container Type	Quantity of Listed Substance per Container	Type of End Users (I, CM, CS)	Total Unit Price	Number of Containers
Chemsolve	*B*	*50*	*C*	*37.5 kg*	*I*	*$3.00*	*25,000*
Food Wrap	*F4*	*0.5*	*F*	*0.5 kg*	*CS*	*$0.89*	*50,000*

2.16b List all products that are in the form of articles and describe each article. Describe all articles that you produce that contain the listed substance. For each article, specify the associated end users.

SAMPLE ANSWER TO QUESTION 2.16b

Product Names	Description of Article
Accutemp	*Thermometer containing liquid mercury*
Soapy	*Soap pad containing solidified detergent*

2.18 For each end-use category that applies to the listed substance, estimate the quantity of the listed substance that is used by your customers in each category.

Question	Instructions

SAMPLE ANSWER TO QUESTION 2.18

i. Industrial Products

Chemical or mixture	*850,000*	(kg/yr)
Article	*NA*	(kg/yr)

ii. Commercial Products

Chemical or mixture	*NA*	(kg/yr)
Article	*NA*	(kg/yr)

iii. Consumer Products

Chemical or mixture	*NA*	(kg/yr)
Article	*NA*	(kg/yr)

iv. Other

Distribution (excluding export)	*NA*	(kg/yr)
Export	*NA*	(kg/yr)
Quantity of substance consumed as reactant	*150,000*	(kg/yr)
Unknown customer uses	*NA*	(kg/yr)

Question	Instructions

SECTION 3 PROCESSOR RAW MATERIAL IDENTIFICATION

PART A GENERAL DATA

3.1 For each source identified below, specify the quantity of the listed substance that you purchased and the price you paid and/or the cost incurred.

SAMPLE ANSWER TO QUESTION 3.1

	Quantity (kg)	Cost ($/kg)
The listed substance was purchased directly from the manufacturer.	*NA*	*NA*
The listed substance was purchased from a distributor or repackager.	*NA*	*NA*
The listed substance was purchased from a mixture producer.	*NA*	*NA*
The listed substance was manufactured on site.	*100,000*	*$0.50*
The listed substance was transferred from a different company site.	*50,000*	*$0.58*

3.2 Indicate the type of carrier used to deliver the listed substance to your site. For example: by truck, by rail, etc.

PART B RAW MATERIAL IN THE FORM OF A MIXTURE

Part B applies only if you use the listed substance as a feedstock in the form of a mixture. Answer NA if you do not use the listed substance as a feedstock in the form of a mixture.

3.4 State the quantities of the mixture you process and identify each known component of the mixture by its CAS number, chemical name, or trade name, and its percent composition by weight. Include the listed substance as a component.

SAMPLE ANSWER TO QUESTION 3.4

Component	% Composition by Weight
119-90-4	*20%*
128-58-5	*20%*

3.5 If 50 percent of the components of the mixture by weight are unknown, provide the trade name of the mixture, the name of the manufacturer, and an estimate of the percent composition by weight of the listed substance in the mixture.

Question	Instructions

SAMPLE ANSWER TO QUESTION 3.5

Trade Name	Manufacturer	% Composition by Weight (specify ± % precision)
Aspirin	*Merck*	*20% ± .5%*

PART C RAW MATERIAL VOLUME

3.6 Report the percent of total plant capacity at which you operate for the reporting year to produce products using the listed substance as a feedstock. List all products that are made using the substance. State the total capacity of the plant for all products. If you are a batch processor, you do not have to provide capacity estimates.

SAMPLE ANSWER TO QUESTION 3.6

Product	% Total Capacity	Product	% Total Capacity
Oil based primer	*40%*	*Oil based flat paint*	*25%*
Oil based semi-gloss paint	*30%*	*Oil based topcoat*	*5%*

State the total capacity of the plant: *3.5×10^6 liters/year*

3.7 Report the total mass and weight percent of the listed substance used as a feedstock in the form of a class I chemical. Express the percentage of the listed substance as compared to the total weight of the class I chemical.

SAMPLE ANSWER TO QUESTION 3.7

Total Mass	% Composition by Weight (specify ± % precision)
25,000 kg	*55% ± .5%*

3.8 Report the total mass and weight percent of the listed substance used as a feedstock in the form of a class II chemical. Express the percentage of the listed substance as compared to the total weight of the class II chemical.

SAMPLE ANSWER TO QUESTION 3.8

Total Mass	% Composition by Weight (specify ± % precision)
33,000 kg	*60% ± .5%*

3.9 Report the total mass and percent purity of the listed substance used as a feedstock in the form of a polymer. To calculate weight percent, use the percentage of the listed substance monomer in the feedstock polymer.

Question	Instructions

SAMPLE ANSWER TO QUESTION 3.9

Total Mass	% Composition by Weight (specify ± % precision)
10,000 kg	*15% ± .5%*

Question	Instructions

SECTION 4 PHYSICAL/CHEMICAL PROPERTIES

PART A PHYSICAL/CHEMICAL DATA SUMMARY

If the listed substance is a mixture as defined in the glossary, reply to questions in section 4 that are inappropriate to mixtures by stating "NA -- mixture."

4.2-4.7 For questions 4.2-4.7, report values in the specified units. Use the conversion factors provided in table III-3 in the Conversion Factors Section (Part III of this Instruction Booklet).

4.7 For the technical grade listed in question 4.2, state the solubility of the listed substance in each of the following media, and state its solubility in other media, if known.

SAMPLE ANSWER TO QUESTION 4.7

		Other Media (if known)		
25.1 mg/l in Acetone	at *25°C*	*156.7* mg/l in *H_2SO_4*	at *25°C*	
10.1 mg/l in Benzene	at *25°C*	*UK* mg/l in _____	at ____	°C
15.7 mg/l in Ethanol	at *25°C*	*UK* mg/l in _____	at ____	°C
5.5 mg/l in Ethyl Ether	at *25°C*	*UK* mg/l in _____	at ____	°C
.24 mg/l in Water	at *25°C*	*UK* mg/l in _____	at ____	°C

4.8 State the most characteristic or most distinctive absorption for the listed substance.

SAMPLE ANSWER TO QUESTION 4.8

Ultraviolet	Visible	Infrared
NA ± %	*330 nm ± 2%*	*NA ± %*

4.9 Report the physical state of the listed substance as you manufacture, import, process, store, dispose, and/or transport it. Report transportation conditions only when transported to and from your plant site.

Question	Instructions

SAMPLE ANSWER TO QUESTION 4.9

Physical State	Manufacture	Import	Process	Store	Dispose	Transport
Solid	NA	NA	NA	X	X	X
Slurry	NA	NA	X	NA	NA	NA
Liquid (incl. in solution)	X	NA	NA	NA	NA	NA
Liquified compressed gas	NA	NA	NA	NA	NA	NA
Gas	NA	NA	NA	NA	NA	NA

4.10 For each applicable physical state, specify the particle size of the listed substance during each of the specified activities and estimate the percentage distribution of each particle type in each activity. Do not include particles ≤ 30 microns in diameter.

SAMPLE ANSWER TO QUESTION 4.10

Physical State	Manufacture	Import	Process	Store	Dispose	Transport	Total
Dust	B/70%	NA	B/30%	NA	NA	NA	100%
Powder	NA	NA	NA	NA	NA	NA	NA
Fiber	NA	NA	NA	NA	NA	NA	NA
Aerosol	C/50%	NA	C/20%	NA	NA	C/30%	100%
Gas	NA	NA	NA	NA	NA	NA	NA
Other (specify)	NA	NA	NA	NA	NA	NA	NA

PART B FIRE, EXPLOSION, AND OTHER HAZARD DATA

4.11 Indicate the flashpoint of the listed substance, specify the corresponding physical state, and identify the test method used.

SAMPLE ANSWERS TO QUESTION 4.11

Flashpoint 80.2 °C Physical state Liquid Test method Open cup

Flashpoint 96.0 °C Physical state Liquid Test method Closed cup

Question	Instructions
4.16	Incompatibility -- State those chemicals, materials, or categories of chemicals or materials that are incompatible with the listed substance. Include unusual fire and explosion hazards, such as "substance explodes upon contact with water." List only the most hazardous reactions and include common materials, such as metals, coatings, linings, plastics, etc.

SAMPLE ANSWER TO QUESTION 4.16

CAS No.	Name	Reaction (specify)
107-18-6	*Allyl alcohol*	*Mixture bursts into flame*

4.20 For each problem associated with vapor in cargo tanks, specify how the controls or restrictions will be used to remedy the problem.

SAMPLE ANSWER TO QUESTION 4.20

Vapor Problem	Control/Restrictions
Peroxide formation	*Vented*
Reaction with moisture	*Pressurized*
Combustion	*Temperature controlled*
Other (specify)	
Explosion	*Pressure controlled*

Question	Instructions

SECTION 5 ENVIRONMENTAL FATE

PART A RATE CONSTANTS AND TRANSFORMATION PRODUCTS

5.2 a. Specify the half-life of the listed substance and the medium/media in which it was measured.

SAMPLE ANSWER TO QUESTION 5.2a

a. Half-life		Media
250 weeks	in	groundwater
0.1 weeks	in	atmosphere
1 week	in	surface water
20 weeks	in	soil

b. If the listed substance forms transformation products that have half-lives greater than 24 hours, specify these products, their half-lives (in weeks), and the test media in the table provided.

CAS No.	Name	Half-life (specify units)	Media
127-18-4	*Tetrachloroethylene*	*35 weeks*	*In surface water*

PART B PARTITION COEFFICIENTS

Provide the partition coefficients in the specified units when known. If unknown, respond "UK."

Question	Instructions

SECTION 6 ECONOMIC AND FINANCIAL INFORMATION

6.2 SIC codes are listed in the Standard Industrial Classification Manual, U.S. Department of Commerce.

SAMPLE ANSWER TO QUESTION 6.2

SIC Code	Industry Type
2851	*Paints and allied products*
2890	*Chemical preparations*

6.6 If there were any plants for manufacturing, importing, or processing the listed substance under construction at this site, but not in operation at the end of the reporting year, answer this question "YES." This question refers only to plants at this site that, upon completion, will handle the listed substance.

6.7 Identify the specified markets in which your product is sold or transferred by reporting the quantity of the listed substance (with units) produced for each market and state the total sales value for that quantity.

SAMPLE ANSWER TO QUESTION 6.7

Market	Quantity Sold or Transferred (kg/yr)	Total Sales Value ($/yr)
Retail sales	*NA*	*NA*
Distribution -- Wholesalers	*250,000 kg/yr*	*$550,000.00/yr*
Distribution -- Retailers	*NA*	*NA*
Intra-company transfer	*NA*	*NA*
Repackaging	*NA*	*NA*
Mixture production	*NA*	*NA*
Article production	*NA*	*NA*
Other chemical manufacturers or processors	*750,000 kg/yr*	*$525,000.00/yr*
Export	*NA*	*NA*
Other (specify) _____	*NA*	*NA*

Question	Instructions

6.8 For each of your products that contain the listed substance and each of your processes that utilize the listed substance, identify all known commercially available substances that can be substituted for the listed substance, and specify the cost of each substitute ($/kg).

SAMPLE ANSWER TO QUESTION 6.8

Substitute	Cost ($/kg)
Acid Red #14	*$9.50*
Red 3G Base	*$8.75*

6.9 Report the total and variable costs to your company to manufacture, import, or process the listed substance in the reporting year. Total cost includes raw materials, annualized capital costs, depreciation, labor costs, energy/utilities, and overhead. Variable costs = total costs minus capital cost, depreciation, and overhead.

SAMPLE ANSWER TO QUESTION 6.9

Costs	Manufacturing	Importing	Processing
Total	*0.968* $/kg	*NA* $/kg	*NA* $/kg
Variable	± *.04* $/kg	*NA* $/kg	*NA* $/kg

6.10 If you purchased the listed substance from another company as a raw material, report the average price in $/kg you paid during the reporting year.

6.11 Provide sales data for your company as a whole and for the listed substance for both the reporting year and for the year preceding the reporting year.

Year Ending	Company's Total Sales ($ million)	Sales of the Listed Substance ($ million)
December 1985 (month)	*1.534*	*0.6*
December 1984	*1.500*	*0.5*

Question	Instructions

6.12 Provide sales data for your company as a whole and for the listed substance for the reporting year and for the 3 years preceding the reporting year.

Year Ending	Company's Total Sales ($ million)	Sales of the Listed Substance ($ million)
December 1985 (month)	*1.534*	*0.6*
December 1984	*1.500*	*0.5*
December 1983	*1.470*	*0.4*
December 1982	*1.430*	*0.4*

6.13 Provide sales data for your company as a whole and for the listed substance for the reporting year and for the 5 years preceding the reporting year.

Year Ending	Company's Total Sales ($ million)	Sales of the Listed Substance ($ million)
December 1985 (month)	*1.534*	*0.6*
December 1984	*1.500*	*0.5*
December 1983	*1.470*	*0.4*
December 1982	*1.430*	*0.4*
December 1981	*1.390*	*0.3*
December 1980	*1.370*	*0.3*

Question	Instructions
SECTION 7	MANUFACTURING AND PROCESSING INFORMATION
PART A	PROCESS DESCRIPTION
7.1 or 7.2	The Federal Register Notice, which announces the requirements for completion of the CAIR form for a substance, will specify whether the respondents must complete the flow diagram for question 7.1 or question 7.2. Those respondents required to answer question 7.1 should provide a flow diagram identifying (by assigning letters A-Z, AA-ZZ, etc.) only those input and output streams that contain the listed substance. Input and output streams include continuous streams and those wastes that result from periodic cleaning and/or replacement of tanks, filters, and other equipment (e.g., spent carbon from semiannual disposal and replacement of filters). Also, respondents to question 7.1 should number only the unit operations directly in contact with the listed substance. Those respondents required to answer question 7.2 should provide a flow diagram identifying and labeling (A-Z, AA-ZZ, etc.) all input and output streams, regardless of whether the listed substance is a component of these streams. Likewise, all equipment used in the process should be identified and numbered. For each manufacturing and processing operation in which the listed substance is produced and/or processed, photocopy your process block flow diagram. If the diagram is not available for photocopying, draw the process flow diagram in the space provided, using the example for 7.1 as a prototype. Identify on the diagram each product/process for which you provide a diagram (i.e., Polyvinyl Chloride Dispersion Polymerization Process). Identify input and output streams associated with the listed substance, such as specific raw materials, solvents, products, coproducts, byproducts, intermediates, emissions, waste residuals, etc., on the block flow diagram. Provide a block for each unit operation (e.g., reactor, washer, filter press, mixer, condenser, etc.) in the production process. Do not include the waste treatment facility in your block flow diagram if it is separate from the process or if wastes from other processes are fed to the treatment system. In each of the following questions, identify the product/process from which the information is extracted.
7.3	Identify the equipment (unit operations) shown on your flow diagram. Specify typical operating temperatures and pressures (use ranges if applicable) and vessel construction material.

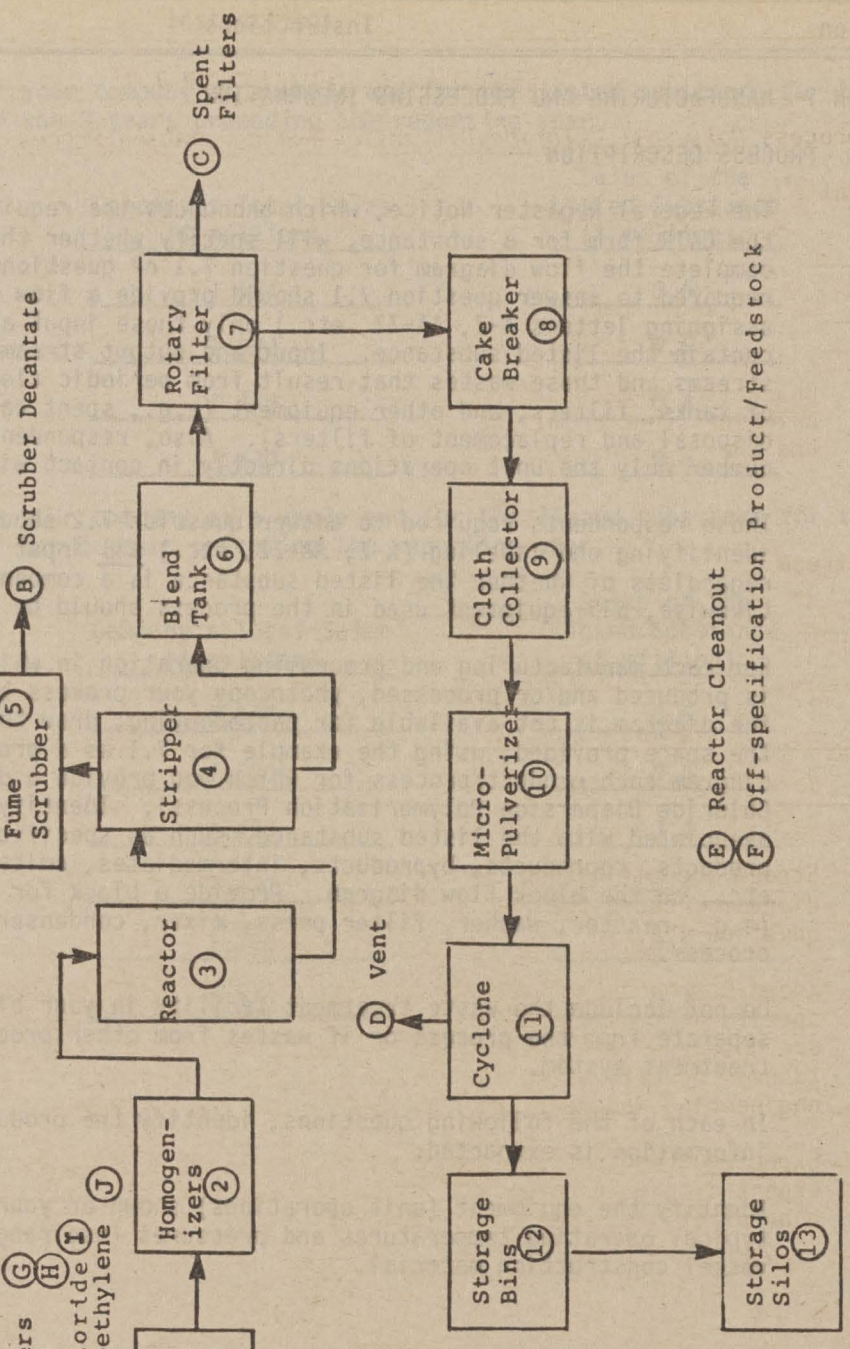
SAMPLE ANSWER TO QUESTION 7.1

PROCESS BLOCK FLOW DIAGRAM

☐ CBI

Product/Process Polyvinyl Chloride Dispersion Polymerization Process

Intermediates None



Question	Instructions

SAMPLE ANSWER TO QUESTION 7.3

Product/process *Polyvinyl Chloride Dispersion Polymerization Process*

Equipment ID Number	Equipment Type	Operating Temperature Range (°C)	Operating Pressure Range (mm Hg)	Vessel Composition
1	*Weigh tanks*	*Ambient*	*Atmospheric*	*Stainless steel*
2	*Homogenizers*	*Ambient*	*Atmospheric*	*Stainless steel*

7.4 Characterize each stream identified on the block flow diagram by providing a brief description of the stream, its physical state when leaving the process, and the flow in kg/yr. See the example for 7.4.

SAMPLE ANSWER TO QUESTION 7.4

Process Stream ID Letter	Process Stream Description	Physical State	Stream Flow (kg/yr)
A.	*Stripper vent*	*GU*	*850,000*
B.	*Aqueous scrubber decantate*	*AL*	*75,000*
C.	*Spent filter*	*SO*	*50,000*

7.5 Stream Identification Letter -- For each process stream identified on your flow diagram, record the Process Stream Identification Letter in the first column of question 7.5.

Known Compounds -- Identify the constituents that make up each stream and specify concentrations as known from chemical analysis. If analytical results are not available, use chemical engineering judgment to estimate concentrations. Specify after the concentration whether analytical results (A) or engineering judgment (E) were used. See the example for 7.5.

Expected Compounds -- Identify the constituents that are not known, but are expected to make up each stream. Use chemical engineering judgment to estimate concentrations. See the example for 7.5.

Question	Instructions

SAMPLE ANSWER TO QUESTION 7.5

Product/process *Polyvinyl Chloride Dispersion Polymerization Process*

Process Stream ID Letter	Known Compounds	Concentrations (% or ppm)	Expected Compounds	Estimated Concentrations (% or ppm)
A	*Air*	*99.98% (A)*	*trichloroethylene*	*1 ppm*
	Vinyl Chloride	*5 ppm (A)*		
B	*Water*	*90% (E)*		
	Vinyl Chloride	*5-50 ppm (A)*		
	Polyvinyl Chloride	*1-5% (E)*		
	Polyvinyl Chloride	*5 ppm (A)*		
C	*Filter cloth*	*90% (E)*		
	Polyvinyl chloride	*5% (E)*		
	Vinyl Chloride	*10 ppm (A)*		

7.6 For each process stream containing the listed substance, list all media (e.g., atmosphere, land, groundwater, surface water) to which the listed substance is released. If the listed substance is released to water, designate the destination of release by marking (X) the applicable box below the table. Briefly describe the control technology used to limit release of the listed substance to the environment.

SAMPLE ANSWER TO QUESTION 7.6

Product/Process *Polyvinyl Chloride Dispersion Polymerization Process*

Process Stream ID Letter	Media Affected[1]	Control Technology Used
A	*Atmosphere*	*None - This vent has already undergone fume scrubbing*
B	*Surface Water*	*Treated in tank and settled in lagoon prior to discharge to surface water*

Question	Instructions

7.6 (continued)

1. For release to water, mark (X) the destination of releases.

[ ] Publicly owned treatment works

[X] Navigable waterway

[ ] Other (specify) _____

Question	Instructions

SECTION 8 RESIDUAL TREATMENT, GENERATION, CHARACTERIZATION, TRANSPORTATION, AND MANAGEMENT

The hypothetical partial examples provided in this section are intended to illustrate the types of responses anticipated. The examples do not represent any actual product/process or waste management scheme.

PART A RESIDUAL TREATMENT PROCESS AND EQUIPMENT

8.1 or 8.2 The Federal Register Notice, which announces requirements for completion of the CAIR form for a substance, will specify whether the respondents must complete the flow diagram for question 8.1 or 8.2. Those respondents required to answer question 8.1 should provide a residual treatment flow diagram identifying (by assigning letters A-Z, AA-ZZ, etc.) only those input and output streams that contain the listed substance. Respondents to question 8.1 should number only the unit operations directly in contact with the listed substance.

Those respondents required to answer question 8.2 should provide a flow diagram identifying and labeling (A-Z, AA-ZZ, etc.) all input and output streams, regardless of whether the listed substance is a component of these streams. Likewise, all equipment used in the process should be identified and numbered.

If you were required to complete question 7.1 or 7.2, include in your residual treatment block flow diagram each residual stream identified on your process block flow diagram from section 7 that receives treatment. If you have a flow diagram available to be copied, provide a copy; otherwise, draw the diagram in the space provided. In the space provided, identify the product/process from which the residual stream originates. Refer to sample answer 7.1.

If you were not required to complete question 7.1 or 7.2, provide a residual treatment block flow diagram for each residual that is produced from a manufacturing process to produce the listed substance. If you have a residual treatment block flow diagram available to be copied, provide a copy; otherwise, draw the diagram in the space provided. Identify the product/process from which the residual stream originates. Refer to sample answer 8.1.

Identify treatment streams and the product/process from which they originate on the block flow diagram. If applicable, identify inputs to the treatment scheme according to their input/output identification letters as assigned in question 7.1 or 7.2. If not applicable, or if you did not complete question 7.1 or 7.2, assign new identification letters. (Do not repeat any of the letters used in question 7.1 or 7.2. If there are more than 26 individual streams in the two diagrams, use double letters, e.g., AA, AB, AC, etc.) Use arrows to indicate the points of introduction generation.

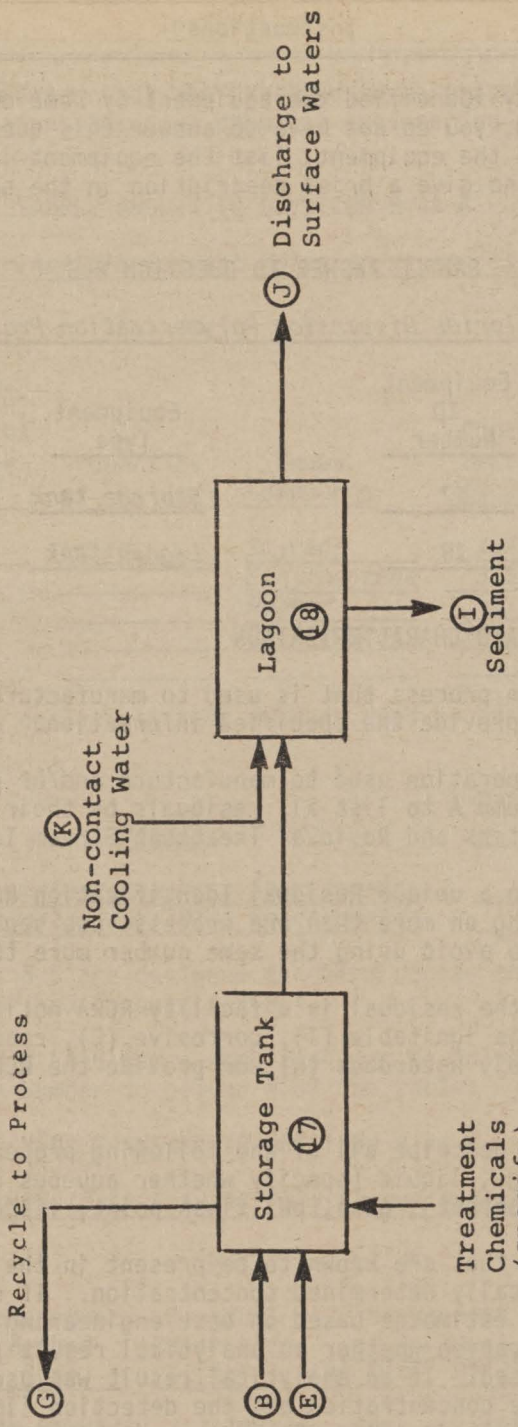
On the residual trèatment block flow diagram, provide a block for each unit operation involved in processing residuals from streams containing the listed substance (e.g., oil separator, stripper, neutralization tank, etc.). Number each operation. You may repeat numbers used in question 7.1 or 7.2.

SAMPLE ANSWER TO QUESTION 8.1

RESIDUAL TREATMENT BLOCK FLOW DIAGRAM

Product/Process Polyvinyl Chloride Dispersion Polymerization Process

☐ CBI



Question	Instructions
8.3	If you have already identified the equipment by name on your waste treatment block flow diagram, you do not have to answer this question. If you have not already identified the equipment, list the equipment identified in question 8.1 or 8.2 by number and give a brief description in the space provided.

SAMPLE ANSWER TO QUESTION 8.3

Product/Process *Polyvinyl Chloride Dispersion Polymerization Process*

Equipment ID Number	Equipment Type
17	*Storage tank*
18	*Lagoon tank*

PART B RESIDUAL GENERATION AND CHARACTERIZATION

8.4 For each production process that is used to manufacture and/or process the listed substance, provide the specified information.

8.4A For each process operation used to manufacture and/or process the listed substance, use column A to list all residuals by their Process Stream Identification Letters and Residual Treatment Stream Identification Letters.

8.4B In column B, assign a unique Residual Identification Number to each residual. If you are reporting on more than one process, use sequential numbers in each process in order to avoid using the same number more than once.

8.4C If you identified the residual in a facility RCRA notification, indicate whether it was identified as ignitable (I), corrosive (C), reactive (R), EP Toxic (E), toxic (T), or acutely hazardous (H), or provide the RCRA waste identification number, e.g., K001.

8.4D For each residual, describe all of the following properties that apply: physical state (e.g., liquid [specify whether aqueous or organic], solid, slurry [indicate solids content], gas), pH, flash point, viscosity, and toxicity.

8.4E,F List the compounds that are known to be present in the residual and specify, as known, the analytically determined concentration. If chemical analyses are not available, provide estimates based on best engineering judgment. Indicate beside the concentration whether an analytical result (A) or an engineering judgment (E) was used. If an analytical result was used, specify the method used to measure the concentration and the detection limit. Assign a code to each analytical result in column F and record this code in the table in footnote 3.

Question	Instructions

8.4G List any other compounds that are expected to be present in the residual and expected concentrations based on chemical engineering principles. See the example to 8.4A-G.

SAMPLE ANSWER TO QUESTION 8.4A-G

Product/Process *Bulk Polystyrene/Bulk Solvent Polystyrene Process*

A. Stream ID Letter[1]	B. Residual ID Number	C. RCRA ID (I,C,R,E, T,or H) or RCRA Waste No.[2]	D. Properties of Residual	E. Known Compounds	F. Concentrations[4] (% or ppm)	G. Other Expected Compounds
L	*7*	*I*	*Solid*	*Styrene*	*1.7% (A)(1)*	*None*
				Ethylbenzene	*3.5% (A)(2)*	
				Rubber	*5% (E)*	
				Cartridges	*90% (E)*	

4. For footnote #4, specify analytical test methods used by assigning a code to each test method in the table below.

Code	Method	Detection Limit (± ug/l)
1	*Gas Chromatography/Mass Spectrometer*	*9.1 ug/l*
2	*Gas Chromatography/Mass Spectrometer*	*7.4 ug/l*

8.5 A-G Columns A-G of question 8.5 are designed to characterize the management methods used for residuals described in question 8.4.

Refer to the example to 8.5A-G for a sample answer to columns A-G. Repeat the Residual Identification Number in column A of the table.

SAMPLE ANSWER TO QUESTION 8.5A-G

Product/Process *Bulk Polystyrene/Bulk Solvent Polystyrene Process*

A. Residual ID Number	B. Residual Category Code	C. Management Method Code	D. Residual Quantities (kg)	E. Management of Residual		F. Costs for Off-site Management (per kg)	G. Changes in Management Methods
				On Site	Off Site		
7	*C1*	*M1a,M2c/T45*	*3.2×10^6kg*	*70%*	*30%*	*$.55*	*None*
7	*C2*	*M1a,M2c/T36*	*6.5×10^6kg*	*70%*	*30%*	*$.54*	*None*

Question	Instructions

8.5B Specify residual category in accordance with codes provided.

Code	Categories of Residuals
C.1	Precipitates or filtration residues
C.2	Decantates or filtrates
C.3	Sludges a) biological; b) other (specify) _____
C.4	Spent activated carbon or other absorber
C.5	Spent catalyst
C.6	Heavy ends: a) distillation residues; b) miscellaneous heavy ends
C.7	Spend solvents
C.8	Untreated process wastewater: a) acid (pH ≤ 2); b) caustic (pH ≥ 12) c) neutral
C.9	Treated wastewater discharge
C.10	Containers, liners, cleaning rags, gloves, ect
C.11	Off-specification products and feedstock
C.12	Other (specify)_____
C.13	Byproduct
C.14	Light ends: a) condensable b) noncondensable
C.15	Miscellaneous wastewaters: a) equipment washdown; b) steam jet condensate; c) other nonprocess wastewater (specify)
C.16	Spent scrubber liquid: a) aqueous; b) organic
C.17	Treated organics
C.18	Treatment solids

8.5C Specify management methods in accordance with codes provided. If a residual is subject to a sequence of methods (e.g., storage in a tank, incineration), list the methods in sequence. If a residual is handled alternately by more than one method (e.g., incinerated or burned in a boiler), identify the alternate methods. If treatment is performed (M2, M3, M5, or M8), specify the treatment method using the handling codes listed in exhibit 8-1. Refer to the sample answer to question 8.5A-G.

Code	Management Methods
M1.	Storage in: a) tank; b) container; c) pile; d) surface impoundment
M2.	Treatment of organics in: a) tank; b) container; c) surface impoundment
M3.	Burning in a boiler
M4.	Recovery/reclamation: a) recovery; b) reuse same process; c) reuse different process; d) sales
M5.	Incineration
M6.	Landfill
M7.	Underground injection
M8.	On-site wastewater treatment: a) tank; b) surface impoundment
M9.	Discharge to publicly owned wastewater treatment works
M10.	Discharge to surface water under NPDES permit
M11.	Discharge to off-site privately owned wastewater treatment works
M12.	Other (specify)
M13.	Scrubber: a) caustic; b) water; c) other (specify)
M14.	Land farm/land application
M15.	Vent to: a) atmosphere; b) flare; c) other (specify)

8.5D Indicate the amount (kg) of each residual managed by each method in the reporting year.

Exhibit 8-1.

Title 40—Protection of Environment **Chapter I—Environmental Protection Agency**

TABLE 2—HANDLING CODES FOR TREATMENT, STORAGE, AND DISPOSAL METHODS

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.

1. Storage
- S01 Container (barrel, drum, etc.)
- S02 Tank
- S03 Waste pile
- S04 Surface impoundment
- S05 Other (specify)

2. Treatment
- (a) Thermal Treatment
- T06 Liquid injection incinerator
- T07 Rotary kiln incinerator
- T08 Fluidized bed incinerator
- T09 Multiple hearth incinerator
- T10 Infrared furnace incinerator
- T11 Molten salt destructor
- T12 Pyrolysis
- T13 Wet Air oxidation
- T14 Calcination
- T15 Microwave discharge
- T16 Cement kiln
- T17 Lime kiln
- T18 Other (specify)
- (b) Chemical Treatment
- T19 Absorption mound
- T20 Absorption field
- T21 Chemical fixation
- T22 Chemical oxidation
- T23 Chemical precipitation
- T24 Chemical reduction
- T25 Chlorination
- T26 Chlorinolysis
- T27 Cyanide destruction
- T28 Degradation
- T29 Detoxification
- T30 Ion exchange
- T31 Neutralization
- T32 Ozonation
- T33 Photolysis
- T34 Other (specify)
- (c) Physical Treatment
- (1) Separation of components
- T35 Centrifugation
- T36 Clarification
- T37 Coagulation
- T38 Decanting
- T39 Encapsulation
- T40 Filtration
- T41 Flocculation
- T42 Flotation
- T43 Foaming
- T44 Sedimentation
- T45 Thickening
- T46 Ultrafiltration
- T47 Other (specify)
- (2) Removal of Specific Components
- T48 Absorption-molecular sieve
- T49 Activated carbon
- T50 Blending
- T51 Catalysis
- T52 Crystallization
- T53 Dialysis
- T54 Distillation
- T55 Electrodialysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
- (d) Biological Treatment
- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Tricking filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 [Reserved]

3. Disposal
- D80 Underground injection
- D81 Landfill
- D82 Land treatment
- D83 Ocean disposal
- D84 Surface impoundment (to be closed as a landfill)
- D85 Other (specify)

Question	Instructions

8.5E Indicate whether the residual is managed on site or off site. If 100 percent of the residual is managed either on site or off site, place a check in the space provided. If the residual is managed both on site and off site, provide the percentage managed in each category in the space provided.

8.5F For residuals managed off site, indicate the average management cost per unit quantity (kg) of residual in the reporting year.

8.5G Indicate planned changes in residual management methods by specifying the codes for the new management methods (use codes defined in question 8.4B), and indicate the anticipated date of change.

PART C TRANSPORTATION

8.6 For all residuals identified in Section 8 that are transported by an outside service, state the transportation method and identify the transporter by company name, phone number, and identification number.

SAMPLE ANSWER TO QUESTION 8.6

Residual ID Number	Transportation Method (T,R,B,P,O)	Transporter Company Name	Transporter Phone Number	RCRA Transporter ID Number	Distance Transported (miles)
4	*T*	*Southampton Sanitary*	*(617) 523-1906*	*MAD991288549*	*50*

8.7 Identify each residual by its Residual Identification Number as provided in question 8.4. If you were not required to complete question 8.4, refer to the instructions for question 8.4.

Identify the number of containers and the total quantity of the residual transported per container annually. Use the codes provided to describe both the type of container and the quantity each container holds.

SAMPLE ANSWER TO QUESTION 8.7

Residual ID Number	Number of Containers	Container Type	Weight or Volume per Container
4	*20*	*DM*	*50,000(l)*

8.8 Identify those residuals that require special handling and describe the handling instructions in the table provided.

SAMPLE ANSWER TO QUESTION 8.8

Residual ID Number	Special Handling Instructions
8	*Must be stored in air-tight containers*

Question	Instructions

9.9 Identify those construction materials that could cause an undesirable reaction or significant corrosion if used to transport specific residuals.

SAMPLE ANSWER TO QUESTION 8.9

Residual ID Number	Construction Materials
9	*Plastic containers will dissolve*

8.10 Identify each residual that is managed by an off-site facility and the quantity (kg) of each residual treated by an off-site facility. This includes any discharges to POTWs. Identify each residual by its Residual Identification Number (refer to instructions for question 8.4 for detailed instructions). Identify the off-site facility by name, mailing address, Dun and Bradstreet Number, location (if different from mailing address), and 12-digit EPA ID Number. If more than two facilities treat waste from your plant site, attach additional pages as necessary.

SAMPLE ANSWER TO QUESTION 8.10

Residual ID Number	Annual Quantity	Residual ID Number	Annual Quantity
7	*2.9×10^6 kg*	*9*	*1.5×10^6 kg*

Name of Facility *Southampton Sanitary*

Facility Mailing Address:

Street or P.O. Box *168 County Road*

City or Town *Southampton*

State *MA* Zip *01073*

Dun & Bradstreet No.:

[*9*][*9*]-[*1*][*2*][*8*]-[*8*][*5*][*4*][*9*]

Facility Location (if different from above):

Street Address *Same as above*

City or Town _____

State _____ Zip _____

Name of Facility *Solvents Recovery Service of New England*

Facility Mailing Address:

Street or P.O. Box *#95*

City or Town *Southington*

State *CT* Zip *06489*

Dun & Bradstreet No.:

[*0*][*0*]-[*9*][*7*][*1*]-[*7*][*6*][*0*][*4*]

Facility Location (if different from above):

Street Address *32 Lazy Lane*

City or Town *Same as above*

State _____ Zip _____

Question	Instructions

EPA Identification Number (if any) CTD009717604
Latitude 210° 40' 21"
Longitude 170° 23' 39"

EPA Identification Number (if any) MAD991288549
Latitude 200° 45' 30"
Longitude 150° 59' 28"

PART D ON-SITE RESIDUALS MANAGEMENT INFORMATION

8.12 If you store or treat residuals in piles, complete question 8.12 for the five largest piles. See example 8-12.

SAMPLE ANSWER TO QUESTION 8.12

Residual ID Number	Pile Name or ID Number	Quantity Managed per year (cubic meters)	Under Roofed Structure (Y/N)	Containment Provided (Y/N)	Synthetic Liner Base (Y/N)	Frequency of Transfer and/or Handling Operations
8	2	10,000	Y	N	N	C

8.13 List those residuals identified on your process or residual treatment flow diagram that were stored or treated in on-site tanks during the reporting year, and complete the following table for those tanks. Assign an identification number to each tank, but do not repeat any of the numbers used on your flow diagram. The Residual Identification Number refers to the letter assigned to residuals listed in question 8.4. If you were not required to complete question 8.4, refer to the instructions to question 8.4.

SAMPLE ANSWER TO QUESTION 8.13

Residual ID Number	Tank ID Number	Design Capacity (liters)	Quantity per Year (kg)	Treatment Types	Average Length of Storage (days)	Part of Wastewater Treatment Train (Y/N)	Tank Covered (Y/N)	Containment Provided (Y/N)
7	1	15,000	14,000	S, E	60 days	N	Y	N

8.14 Provide the information requested for containers used to store or treat residuals at your plant site. If your plant site has several container storage areas, provide information only on the primary container storage area. Refer to the instructions for question 8.4 for details on the Residual Identification Number.

Question	Instructions

SAMPLE ANSWER TO QUESTION 8.14

Residual ID Number	Container ID Number	Design Capacity (liters)	Quantity per Year (kg)	Average Treatment Types	Quantity Stored-Length of Storage (days)	Quantity Stored-Typical Amount (liters)	Maximum Amount (liters)	Storage Base Material
8	*5*	*120,000*	*85,000*	*S*	*60*	*90,000*	*110,000*	*D=Compact stone dust*
8	*6*	*160,000*	*90,000*	*S*	*60*	*110,000*	*140,000*	*D=Compact stone dust*

8.15 Identify the inputs to the boiler by their Residual Identification Numbers. Refer to the instructions for question 8.4 for details on the Residual Identification Number.

Identify the boiler as a Fire Tube (F) or Water Tube (W) type. Assign a number to each boiler and enter this number in the "Boiler Identification Number" column. Do not repeat any of the numbers used on your flow diagrams. Specify the average boiler load and typical fuel replacement ratio as percentages.

SAMPLE ANSWER TO QUESTION 8.15

Residual ID Number	Boiler Type Fire Tube (F) or Water Tube (W)	Boiler ID Number	Average Boiler Load	Average Fuel Replacement Ratio
4	*W*	*200*	*90%*	*60%*

8.16 Identify the boiler according to the boiler identification assigned in question 8.15 and provide information requested on boiler capacity and primary boiler fuel according to the codes provided.

SAMPLE ANSWER TO QUESTION 8.16

Boiler ID Number	Boiler Capacity (heat input in million J/hr)	Primary Boiler Fuel
200	*10*	*G*

8.17 Complete the table for each identified residual that is burned in a boiler. Identify the residual according to its Residual Identification Number. Refer to the instructions for question 8.4 for details on the Residual Identification Number.

Question	Instructions

SAMPLE ANSWER TO QUESTION 8.17

Residual Identification Number *20*

	Residual, as Fired (or residual mixture, if residuals are blended)	Boiler Fuel, as Fired (residual[s] plus primary fuel)
Btu content (J/kg)		
Average	*79,000*	*34.8×10^6*
Minimum	*50,000*	*20×10^6*
Total metals content (% by wt.)		
Average	*0*	*0*
Maximum	*0*	*0*
Total halogen content (% by wt.)		
Average	*0*	*0*
Maximum	*0*	*0*
Concentration of listed substance	*10%*	*2%*

8.18 Identify the boiler according to the number assigned in question 8.15 and specify the type of air pollution control device used, if any, with the identified boiler (place a check in the box preceding each type).

If you identify a type of air pollution control device for this boiler, provide the information requested on stack parameters.

8.19 Identify incinerated residuals by their Residual Identification Numbers. The Residual Identification Number corresponds to the input/output stream letter assigned in question 8.4. If you were not required to complete question 8.4, refer to the instructions for question 8.4. Provide the requested information on incinerator type according to the codes provided and assign a number to each incinerator (enter this number in the "Incinerator Identification Number" column, but do not repeat any of the numbers used on your flow diagram). Identify the typical auxiliary fuel and use the codes provided to specify the percentage of auxiliary fuel required.

SAMPLE ANSWER TO QUESTION 8.19

Residual ID Number	Incinerator Type	Incinerator ID Number	Typical Auxiliary Fuel	Percentage of Auxiliary Fuel
1	*Chamber*	*100*	*Gas*	*90%*

Question	Instructions

8.20 Enter the numbers assigned to each incinerator in question 8.19 in the first column of the table and designate the incinerator capacity and feed type using the codes provided.

SAMPLE ANSWER TO QUESTION 8.20

Incinerator ID Number	Incinerator Capacity (heat input in million J/hr)	Feed Type
100	*10*	*B*

8.21 Complete this table separately for each incinerator used to burn residuals identified in question 8.4. Identify the incinerator according to the number assigned in question 8.18 and provide the requested information on both the primary and secondary combustion chambers.

SAMPLE ANSWER TO QUESTION 8.21

Incinerator Identification Number *100*

	Primary Chamber	Secondary Chamber
Combustion chamber temperature (^{o}C)	*440-660^{o}C*	*NA*
Location of temperature monitor	*In chamber*	*NA*
Residence time in combustion chamber (seconds)	*4-6 sec*	*NA*

8.22 Identify the incinerator according to the number assigned in question 8.18 and specify which type of pollution control device is used (check the box preceding the type). If you identify a type of air pollution control device for this boiler, provide the requested information on stack parameters.

8.23 For each incinerator identified in question 8.19, provide the information requested on the incinerator feed. Use the Incinerator Identification Number assigned in question 8.19 to identify each incinerator.

Question	Instructions

SAMPLE ANSWER TO QUESTION 8.23

Incinerator Identification Number *100*

		Corresponding Feed Rate (kg or liters/hr, specify)
Btu content (J/kg)		
Average	*79,000*	*280 kg/hr*
Minimum	*50,000*	*NA*
Total metals content (% by wt.)		
Average	*0*	*0*
Maximum	*0*	*0*
Total halogen content (% by wt.)		
Average	*0*	*0*
Maximum	*0*	*0*
Total concentration of listed substance in feed		*10%*

8.24 Use the Residual Identification Number assigned in question 8.4 to identify each residual that was burned in an incinerator during the reporting year. (If you were not required to complete question 8.4, refer to the instructions for question 8.4.) Provide the information requested on each identified residual. Attach additional pages as necessary.

SAMPLE ANSWER TO QUESTION 8.24

Residual ID Number	Average Joule Feed Rate (kg/hour x J/kg)	Average Total Ash Content (% by wt.)	Average Total Halogen Content (% by wt.)	Total Water Content (% by wt.)
1	*22.1×10^6*	*0*	*0*	*9.2%*

Question	Instructions

8.25 Identify each residual that was managed in an on-site land treatment operation by the Residual Identification Numbers assigned in question 8.4. (If you were not required to complete question 8.4, refer to the instructions for question 8.4.) Specify the year that land treatment of each identified residual was initiated and use the codes provided to describe the method(s) used to apply the residuals to the land treatment site. Assign a number to each land treatment facility and enter the number in the appropriate column. (Do not repeat any of the numbers used on your flow diagram.) Refer to the footnote for question 8.25 on the Reporting Form to specify the methods used to apply residuals, the application rate, and the method of surface water runoff management. If you use methods other than those methods listed in the footnotes, specify what methods you use in the blanks provided in each footnote.

SAMPLE ANSWER TO QUESTION 8.25

Residual ID Number	Land Treatment ID Number	Year Land Treatment Initiated	Methods Used to Apply Residuals	Application Rate	Average Slope of Site (degree incline)	Surface Water Runoff Management
B	*300*	*1975*	*A*	*C*	*10*	*B*

Instructions for questions 8.27 and 8.28 are on the following page.

8.30 Enter the Cell Identification Number as assigned in question 8.28 in the first column and provide the requested information on cap design and leachate collection system(s).

SAMPLE ANSWER TO QUESTION 8.30

	WORKING COVER		CAP DESIGN CLAY LAYER		LEACHATE COLLECTION SYSTEM	
Landfill Cell ID Number	Use (times/ month)	Thickness (cm)	Installed (Y/N)	Thickness (cm)	Installed (Y/N)	Leachate Generated (Y/N)
500	*4*	*5*	*N*	*NA*	*N*	*N*

8.31 Identify by the Residual Identification Numbers assigned in question 8.4 each residual containing the listed substance that was disposed via deep well injection on site during the reporting year. (If you were not required to complete question 8.1, refer to the instructions for question 8.4.) Assign a letter or other identifier to each injection well and enter the identifier in the appropriate column. (Do not repeat any of the numbers used on your flow diagram.) Provide the disposal quantity and well type using the units or codes indicated.

SAMPLE ANSWER TO QUESTION 8.31

Residual ID Number	Well ID Number	Disposal Quantity (liters)	Well Type (A,B,C)
13	*600*	*4.0×10^6*	*A*

8.27 Identify by the Residual Identification Numbers assigned in question 8.1 each residual in question 8.4 that was stored, treated, or disposed in an on-site surface impoundment during the reporting year. (If you were not required to complete question 8.4, refer to the instructions for question 8.4.) Assign a number to each impoundment and enter the number in the appropriate column. (Do not repeat any of the numbers used on your flow diagram.) Provide the information requested using the codes or units indicated.

If a residual is subject to a sequence of treatment methods (e.g., settling, equalization, and evaporation), list the methods in sequence.

If a residual is treated alternately by more than one method (e.g., neutralization or equalization), identify the alternate methods.

SAMPLE ANSWER TO QUESTION 8.27

Residual ID Number	Impoundment ID Number	Total Capacity (gallons)	Specify Storage or Treatment Type if Applicable	Average Residency Time (days)	SYNTHETIC LINER		CLAY LINER		LEACHATE COLLECTION SYSTEM	
					Thickness (cm)	No. of Liners	Thickness (cm)	No. of Liners	Installed (Y/N)	Leachate Generated (Y/N)
3	*1*	*55,000*	*B, D*	*15*	*NA*	*0*	*20*	*1*	*N*	*N*

8.28 Identify by the Residual Identification Number each residual that was landfilled on site at any time during the reporting year. Refer to the instructions for question 8.4 for Residual Identification Numbers. Assign a number to identify each cell and provide the requested information on drainage layer, clay liner, and synthetic liner.

SAMPLE ANSWER TO QUESTION 8.28

Residual ID Number	Landfill Cell ID Number	Quantity per Year (kg)	DRAINAGE LAYER			CLAY LINER		SYNTHETIC LINER		
			Installed (Y/N)	Material	Thickness (cm)	Installed (Y/N)	Thickness (cm)	No. of Liners Installed	Material	Thickness (cm)
12	*1*	*4400*	*Yes*	*Gravel*	*45*	*Yes*	*20*	*0*	*NA*	*NA*

Question	Instructions

SECTION 9 WORKER EXPOSURE

All of the hypothetical examples provided in this section relate to a specific product.

PART A EMPLOYMENT AND POTENTIAL EXPOSURE PROFILE

Questions 9.1-9.6 apply to all workers at your plant site.

9.1 The data elements you provide in this table are used in determining worker exposure histories for your workers. Indicate (by placing an "X" in the space provided) whether or not your company maintains records on the listed data elements for hourly and/or salaried workers. Specify the year in which you began maintaining records on each element and the number of years you preserve the records for each worker. If the years are different for hourly versus salaried workers, separate the years with a slash and enter the years for hourly workers first. See the example to question 9.1.

SAMPLE ANSWER TO QUESTION 9.1

Data Element	Data are Maintained for: Hourly Workers	Data are Maintained for: Salaried Workers	Year in Which Data Collection Began	Number of Years Records are Maintained
Date of hire	X	X	1950	10
Age at hire	X	X	1950	10
Work history of individual before employment at your facility	NA	X	1960	10
Sex	X	X	1950	10
Race	X	X	1970	10
Job titles	NA	X	1950	10
Start date for each job title	NA	X	1950	10
End date for each job title	NA	X	1950	10
Work area industrial hygiene monitoring data	NA	NA	NA	NA
Personal employee monitoring data	NA	NA	NA	NA
Employee medical history	X	X	1972	20
Employee smoking history	NA	NA	NA	NA
Accident history	NA	NA	NA	NA
Retirement date	X	X	1950	10
Termination date	X	X	1950	10
Vital status of retirees	NA	NA	NA	NA
Cause of death data	NA	NA	NA	NA

Question	Instructions
	The following items require you to describe the manufacturing and/or processing process and your use of the listed substance in terms of the number of workers and quantity of the listed substance associated with three process categories. The three process categories are described in the glossary. Instructions are provided below for calculating quantities, number of workers, and hours worked.
9.2	For each identified activity engaged in at this plant site, provide the information requested according to the following instructions. The activities identified in this question are defined as follows: Manufacture of the listed substance -- This item applies to the manufacture of the listed substance and includes all steps to ready the listed substance for distribution, processing, or use. On-site use as reactant -- This item applies to the use of the listed substance at your plant site as a reactant in the manufacture of another substance, where the molecular structure of the listed substance is altered by breaking chemical bonds or making new chemical bonds between the original substance and some other substance. Report on all processing up to and including the actual reaction step and any ancillary steps that recycle unreacted chemicals back to the reactor vessel. Do not report on subsequent activities in this question. On-site use as a nonreactant -- This item applies to the use of the listed substance at your plant site that does not involve the alteration of the molecular structure of the listed substance or the formation of new chemical bonds. On-site preparation of products -- This item applies to preparation of products, such as repackaging or reformulating. Quantities -- Enter the largest quantity that is processed in each process category for each applicable activity. If there is more than one process stream, calculate each stream separately and then add the values for each process category. If a quantity of the substance passes in series through an enclosed process and then passes through an open process, the same quantity would be reported twice, once under each process category. (The sum of these quantities may be greater than 100 percent of the total quantity manufactured.)

Question	Instructions

Total Workers -- In reporting the number of workers for each process category count the total number of persons directly involved in manufacturing, processing, and handling the substance during the reporting period. Include each worker who was involved with the listed substance during the year, regardless of the length of employment or duration of exposure to the listed substance (e.g., if a worker was replaced after 1 month by a worker who remained for the next 11 months, both workers are counted). Count maintenance or inspection workers only if they work with the process on a routine basis. Do not count administrative staff.

Total Worker Hours -- Worker hours may be calculated for a given process category by multiplying the average number of full-time employees needed for the operation by the number of hours of annual operation. Alternatively, worker-hour information may be taken from pre-existing information sources, such as resource planning or budget figures.

Three process categories are described in the form: enclosed, controlled release, and open. Workers should be counted as working only with one process category. If they operate several process types, count them under the one with which they spend the most time. If they spend an equal amount of time with several processes, count them under the most open process. See the example to question 9.2.

SAMPLE ANSWER TO QUESTION 9.2

A company manufactured 1,000,000 kg of a substance in 1980. It manufactured the substance in 4 batches during all 12 months of the year and did so in four steps:

The company would report:

Enclosed	*1,000,000 kg*
Controlled release	*0*
Open	*1,000,000 kg*

In order to run the production line, six workers were present working 40-hour weeks; thus, over the course of the year, 12,480 worker-hours were used to run the production line. Over the course of the year, 12 different workers worked on the production of the substance. All 12 workers spent an equal amount of time operating controlled release and open processes. The form then would be filled out as follows:

Question	Instructions

Process Category	Quantity (kg)	Total Workers	Total Worker Hours
Enclosed	*1,000,000 kg*	*0*	0
Controlled release	*0*	*0*	0
Open	*1,000,000 kg*	*12*	12,480

9.3 The remaining items in this section apply only to those processes and employees involved in producing or processing the listed substance.

List the labor categories at the plant site that encompass persons who are directly or indirectly exposed to the listed substance, and briefly describe responsibilities or assignments. You are encouraged to use the U.S. Department of Labor Dictionary of Occupational Titles. If there are more than 10 labor categories, attach an additional sheet and include these categories.

SAMPLE ANSWER TO QUESTION 9.3

Labor Category	Descriptive Job Title
I	*Foreman*
II	*Charging station operator*
III	*Reactor operator*
IV	*Pulverizer operator and bagger operator*

9.4 For each labor category defined in question 9.3, state the number of male and female employees, their ages (specify range and average), and their average length of employment.

SAMPLE ANSWER TO QUESTION 9.4

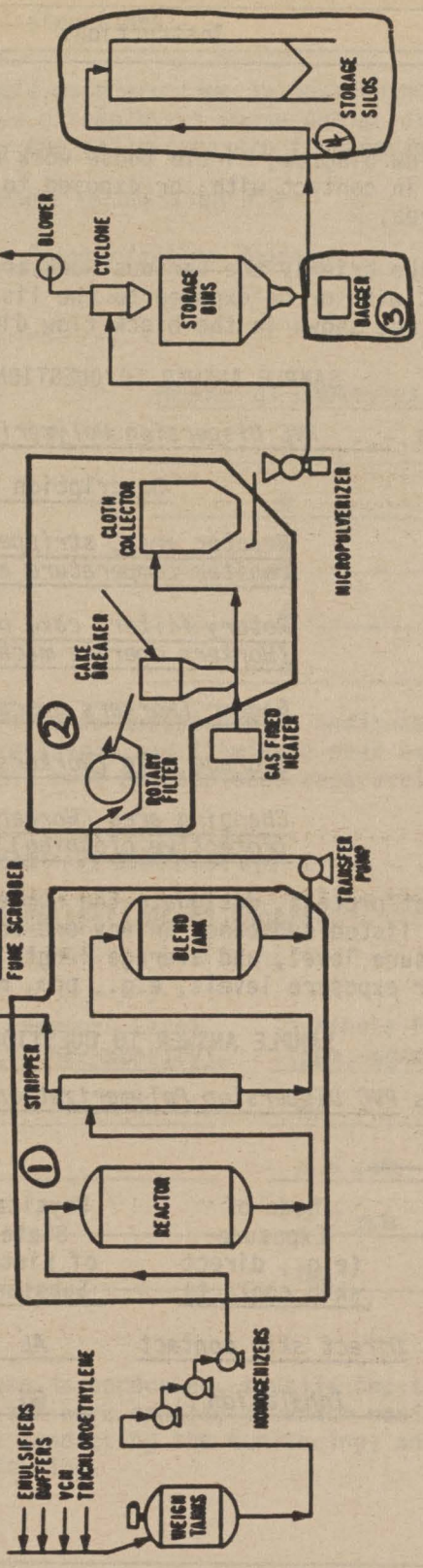
Labor Category	Number of Employees		Employee Age (years)				Employee Average Years on Job	
			Male		Female			
	Male	Female	Range	Average	Range	Average	Male	Female
I	*2*	*0*	*30-36*	*33*	*NA*	*NA*	*10*	*NA*
II	*5*	*0*	*22-33*	*27*	*NA*	*NA*	*3*	*NA*

9.5 If you were required to complete question 7.1 or 7.2, provide an additional copy of the process flow diagram from that question; otherwise, provide a photocopy of your process flow diagram for each unit operation in which the substance is manufactured or processed. If the process flow diagram(s) is/are not available for photocopying, draw a diagram of the process(es) in the space provided. Refer to the sample answer to question 9.5 on the next page for a prototype.

SAMPLE ANSWER TO QUESTION 9.5
PROCESS BLOCK FLOW DIAGRAM

☐ CBI

Product/Process PVC Dispersion Polymerization process



Question	Instructions

9.5 continued

On the block flow diagram, circle those work areas where employees may potentially be in contact with, or exposed to the substance, and assign a number to each work area.

9.6 List and describe briefly the various work areas where employees potentially may come in contact with or be exposed to the listed substance. Add any additional exposure areas not shown in the block flow diagram.

SAMPLE ANSWER TO QUESTION 9.6

Product/process *PVC Dispersion Polymerization Process*

Work Area ID	Description of Worker Activities
1	*Reactor area, stripper, and blend tank (Workers monitor temperature and pressure gauges)*
2	*Rotary filter, cake breaker, and cloth collector (Workers operate machinery)*
3	*Bagger (Workers operate bagging machinery)*
4	*Storage silo (Workers operate lifts)*
5	*Changing area (Workers change into and out of protective clothing)*

9.7 For each product/process, designate the number of employees in each work area exposed to the listed substance in any one working day. Describe the mode of exposure, exposure level, and average length of exposure. Specify units of measurement for exposure levels, e.g., ppm, mg/m^3, mg/cm^2, etc.

SAMPLE ANSWER TO QUESTION 9.7

Product/process *PVC Dispersion Polymerization Process*

Work area *1*

Labor Category	Number of Employees Exposed	Mode of Exposure (e.g., direct skin contact)	Physical State of Listed Substance	Average Length of Exposure (A,B,C,D,E,F)	Number of Days Per Year Exposed
I	*2*	*Direct skin contact*	*AL*	*B*	*260*
II	*4*	*Inhalation*	*GU*	*E*	*260*

Question	Instructions

9.8 For those employees whose single exposure time is less than or equal to 15 minutes, indicate the number of employees whose daily total number of exposures is best described by the daily exposure frequencies provided.

SAMPLE ANSWER TO QUESTION 9.8

Product/process *PVC Dispersion Polymerization Process*

Work area *1*

Total Number of Daily Exposures	Number of Employees
1	*0*
2	*0*
3-4	*6*
5-8	*0*
9 or more	*0*

9.9 Using the labor categories defined in question 9.3, indicate the 8-hour Time Weighted Average (TWA) exposure levels and 15-minute peak exposure levels for each labor category. This table must be completed separately for each work area designated in question 9.6.

SAMPLE ANSWER TO QUESTION 9.9

Product/process PVC Dispersion Polymerization Process

Work area *1*

Labor Category	8-Hour TWA Exposure Level (ppm, mg/m^3, other-specify)	15-Minute Peak Exposure Level (ppm, mg/m^3, other-specify)
I	*1.4 ppm*	*NA*
II	*0.9 ppm*	*4.8 ppm*
III	*1.7 ppm*	*3.0 ppm*
IV	*0.8 ppm*	*NA*

PART B WORK PLACE MONITORING PROGRAM

9.10 If monitoring of worker exposure is conducted, specify the types of samples taken and/or tests conducted; the work area(s) in which monitoring is conducted; the organization or individual conducting the monitoring; and the frequency, location, and duration of monitoring.

Question	Instructions

SAMPLE ANSWER TO QUESTION 9.10

	Work Area(s)	Frequency (per year)	Number of Samples	Who Samples	Analyzed In-house (Y/N)	Number of Years Records Maintained
Personal breathing zone	*I-IV*	*6*	*10*	*A*	*Y*	*30*
General work area (air)	*II*	*1*	*3*	*A*	*Y*	*30*
Wipe samples	*NA*					
Adhesive patches	*NA*					
Blood samples	*NA*					
Urine samples	*NA*					
Respiratory samples	*NA*					
Allergy tests	*NA*					
Other _____	NA					
Other _____	NA					
Other _____	NA					

9.11 Specify the type of methodology used to analyze each type of sample.

SAMPLE ANSWER TO QUESTION 9.11

Sample Type	Methodology
Personal breathing zone	*Stacked charcoal tube sampling with gas chromatography analysis*
General work area (air)	*Stacked charcoal tube sampling with gas chromatography analysis*

9.12 Specify the type, manufacturer, and model of air monitoring equipment used for the listed substance.

SAMPLE ANSWER FOR QUESTION 9.12

Equipment Type	Manufacturer	Model Number
Personal sampling pump	*E.I. duPont deNemours*	*P-2000*

Question	Instructions

PART C ENGINEERING CONTROLS

9.14 Describe, by product/process and work area, all engineering controls used to reduce or eliminate worker exposure to the listed substance.

SAMPLE ANSWER TO QUESTION 9.14

Product/process *PVC Dispersion Polymerization Reactor*

Work area *1*

Reactor vessel is negatively pressured with effluent to stripper. Process is closed and building is open to ambient air. Air sampling is direct vapor phase chromatography equipped with a flame ionization detector. Warning lights directing employees to don respirators flash when concentration of vinyl chloride exceeds 1.0 ppm.

9.15 For each product/process and each work area affected, describe modifications that have been made to equipment or processes in the last 5 years that have reduced worker exposure to the listed substance. For each modification described, state the reduction to exposure that resulted.

SAMPLE ANSWER TO QUESTION 9.15

Product/process *PVC Dispersion Polymerization Process*

Work area *1*

All open processes have been converted to controlled release processes and have been supplemented with backup vents and tanks. The associated air quality has shown significant improvement, with a 40 percent reduction in vapor concentration.

PART D PERSONAL PROTECTIVE AND SAFETY EQUIPMENT .

9.16 Describe all personal protective and safety equipment that employees are required to wear. Indicate whether or not your company supplies the equipment. List equipment separately for each product/process and each work area.

SAMPLE ANSWER TO QUESTION 9.16

Product/process *PVC Dispersion Polymerization Process Reactor*

Work area *1*

Question	Instructions

9.16 continued

Employees are required to wear the following personal protective and safety equipment:

1. *Rubber boots.*
2. *Positive pressure demand supplied respirators.*
3. *Chemical workers' splash goggles with safety lenses.*
   (Company supplies all of the above.)

9.17 Describe all personal protective and safety equipment that employees are recommended, but not required, to wear. Indicate whether or not your company supplies the equipment. List equipment separately for each product/process and each work area.

SAMPLE ANSWER TO QUESTION 9.17

Product/process *PVC Dispersion Polymerization Process Reactor*

Work area *1*

Our company does not recommend any equipment other than what we require.

9.18 Specify the types of respirators workers are required to wear, the work areas in which each type of respirator is required, whether or not the respirators are fit tested, and the type and frequency of fit tests, if applicable.

SAMPLE ANSWER TO QUESTION 9.18

Product/process *PVC Dispersion Polymerization Process Reactor*

Work Area	Type Respirator	Fit Tested (Y/N)	Qualitative (QL) or Quantitative (QT) Tests	Frequency of Fit Tests (per year)
1	*Supplied air pos. press. demand*	*Y*	*QT*	*4*
3	*Disposable neg. press. particulate*	*Y*	*QL*	*2*
5	*Supplied air pos. press. demand*	*Y*	*QT*	*4*

Note: All respirators are NIOSH/MSHA approved.

9.19 Describe your respirator maintenance program.

Question	Instructions

SAMPLE ANSWER TO QUESTION 9.19

Our respirator maintenance program complies with 29 CFR 1910.134 and includes:

1. *Daily inspection of all respirators for defects and leaks.*
2. *Daily cleanings of all respirators.*
3. *Individually issued respirators.*

In the case of disposable respirators, we have a quality assurance/quality control program that inspects a statistically representative number of respirators from each lot number purchased.

9.20 Describe your respirator training program.

SAMPLE ANSWER TO QUESTION 9.20

Our respirator training program fully complies with 29 CFR 1910.134. In addition, our respirator training program includes:

1. *Qualitative fit testing using NaCl chamber for air line.*
2. *Qualitative fit testing for disposables.*
3. *Apprenticeship program in work area utilizing the buddy concept.*
4. *Quarterly videotape lectures on respiratory system and respirators.*

PART E WORK PRACTICES

9.23 For each product/process and each work area, describe the work practices used to reduce or eliminate worker exposure to the substance.

SAMPLE ANSWER TO QUESTION 9.23

Product/process *PVC Dispersion Polymerization Process*

Work area *2 and 5*

The work practices used to control polyvinyl chloride include:

1. *Automatic exposure monitoring.*
2. *Respirator protection.*
3. *Placarding.*
4. *Limited access.*
5. *Training program.*

Product/process *PVC Dispersion Polymerization Process*

Work area *2, 3, and 4*

The work practices used to control polyvinyl chloride include:

1. *Disposable respirators for particulates.*
2. *Emergency procedures utilizing confined space entry type operation for silo entry.*
3. *Training.*

Question	Instructions

9.24 Describe the hazard communication program used to inform workers who have the potential to be directly exposed to the listed substance.

SAMPLE ANSWER TO QUESTION 9.24

Our hazard communication program fully complies with 29 CFR 1910.1200. In addition, our hazard communication program includes:

1. *Respirator training/fit testing.*
2. *Medical briefing.*
3. *Warning placards.*
4. *Quarterly training for specific hazards.*

9.25 Specify how often you assess workers' knowledge of information presented in the hazard communication program. Include the types of tests conducted, if applicable, and identify the person or company making the assessments.

SAMPLE ANSWER TO QUESTION 9.25

Frequency	Type of Test	Person Making Assessment
Quarterly	*Oral*	*Company industrial hygienist*

9.29 Indicate how often work areas are inspected for safety violations as defined by your company and by OSHA. Indicate the product/process located in each work area, the frequency of inspection, who conducts the inspection, and whether or not results are written and available to workers. If a work area contains more than one product/process, list each product/process and its inspection information separately.

SAMPLE ANSWER TO QUESTION 9.29

Product/Process	Work Area	Frequency of Inspection (per year)	Inspection Conducted by	Written Results (Y/N)	Results Available (Y/N)
PVC Dispersion Polym.	*1*	*Daily*	*Company saftey and health inspector and supervisor*	*Y*	*Y*
PVC Dispersion Polym.	*2*	*Daily*	*"*	*Y*	*Y*
PVC Dispersion Polym.	*3*	*Daily*	*"*	*Y*	*Y*
PVC Dispersion Polym.	*5*	*Daily*	*"*	*Y*	*Y*

The corporate group conducts semiannual inspections. Additionally, the plant manager conducts quarterly inspections.

Question	Instructions

SECTION 10 ENVIRONMENTAL RELEASE

PART A GENERAL INFORMATION

10.1 A navigable waterway includes any stream, river, lake, or ocean that is large enough to be navigated by boats carrying passengers. A non-navigable body of surface water includes any stream or pond that is too small to be navigated by boats carrying passengers.

10.5 Indicate all routine releases of the listed substance to the air, water, and land for each applicable activity.

SAMPLE ANSWER TO QUESTION 10.5

	Environmental Release		
On-site Activity	Air	Water	Land
Manufacturing	X	NA	NA
Importation	NA	NA	NA
Processing	NA	X	NA
Product storage	X	NA	NA
Disposal	X	NA	X
Transportation	X	NA	NA
Consumer use	NA	X	NA

10.6 Items 10.6a-10.6d -- In 10.6a, report the total quantity lost to the environment, waste treatment, or disposal in the manufacturing and processing of the listed substance during the reporting period. Report only routine losses. Do not report unusual spills or accidents. In calculating estimates of quantities not recovered, you may: (1) use measured losses, if available, or emission factors and other calculated releases from individual sources; or, (2) if these are not available, or they only account for a portion of the total loss, you may make a simple mass balance estimate of expected yield minus actual yield. The quantity in 10.6a should then be broken down into the three categories below (i.e., 10.6b + 10.6c + 10.6d = 10.6a). Specify the precision with which you report for 10.6b, 10.6c, and 10.6d, e.g., 1,000 kg ± 20%.

10.6b. Quantity lost to the environment. This covers fugitive and/or process emissions to the atmosphere and other losses not described in 10.6c and 10.6d.

10.6c. Quantity remaining in treated wastes. This includes any quantity that still remains in the wastes after treatment and, therefore, is stored or disposed.

Question	Instructions

10.6d. Quantity remaining in untreated wastes. This includes, for example, any quantity disposed in any landfill, surface impoundment, municipal sewage, or storage facility.

The quantities in 10.6b, 10.6c, and 10.6d must equal 10.6a.

PART B RELEASE TO AIR

Respond to questions 10.7-10.11 on the release of the listed substance to air via stacks or vents from all sources (process stream, waste, storage, and handling). Reference the incinerator, stack, vent, or air pollution control device by the Roman numeral assigned in question 10.7.

10.7 Identify all emission point sources involving the listed substance and describe each source. If you completed questions 7.1 or 7.2 and 8.1 or 8.2, use the process block flow diagram in section 7 and the waste treatment block flow diagram in section 8 to identify point sources by Stream Identification Number. If you did not complete questions 7.2 and 8.2, provide a process block flow diagram and a residual treatment block flow diagram, following the instructions to questions 7.2 and 8.2. Do not include raw material storage vents, product storage vents, or fugitive emission sources (equipment leaks) in this question. Do not report unusual or accidental releases.

SAMPLE ANSWER TO QUESTION 10.7

Emission Point Source	Product/Process	Stream ID Number	Description of Emission Point Source (e.g., process vent, equipment opening discharge, pressure release devices)
I	*Emulsion polymerization of vinyl chloride*	*2*	*Polymerization reactor scrubber vent*
II	*Emulsion polymerization of vinyl chloride*	*3*	*Monomer purification scrubber vent*

10.8 Provide emission characteristics for each emission point source identified in question 10.7. Boilers and incinerators that already have been described in questions 8.15 and 8.19 do not have to be described again.

Question	Instructions

SAMPLE ANSWER TO QUESTION 10.8

Emission Point	Physical State	Average Emissions (kg/day)	Frequency (days/yr)	Duration (min/day)	Maximum Emission Factor	Maximum Emission Rate (g/sec)	Maximum Emission Rate Frequency (events/yr)	Maximum Emission Rate Duration (min/event)
I	*G*	*0.5*	*300*	*100*	*0.001*	*0.14*	*5*	*30*
II	*G*	*0.8*	*300*	*90*	*0.005*	*0.30*	*5*	*20*
III	*G*	*13.4*	*350*	*1440*	*NA*	*0.7*	*Continuous*	*Continuous*

10.9 For each emission point source identified in question 10.7, describe the control equipment used to control emission of the listed substance and specify the overall percent efficiency of the control equipment in removing the listed substance.

SAMPLE ANSWER TO QUESTION 10.9

Emission Point Source	Control Equipment	Efficiency (%)
I	*Water scrubber*	*85%*
II	*Water scrubber*	*90%*

10.10 For the emission point sources identified in question 10.7, state the concentration of the listed substance in emissions following the application of controls. Use appropriate units of measure (e.g., mg/m^3 for gases).

SAMPLE ANSWER TO QUESTION 10.10

Emission Point Source	Concentration of Listed Substance in Emission
I	*5 mg/m^3 vinyl chloride*
II	*8 mg/m^3 vinyl chloride*

10.11 Specify the dimensions of each emission point source identified in question 10.7 according to the example below.

SAMPLE ANSWER TO QUESTION 10.11

Emission Point Source	Height	Diameter	Temperature	Velocity	Building Height	Building Width	Vent Type
I	*30 m*	*0.1 m*	*25°C*	*6 m/s*	*7m*	*40m*	*V*
II	*30 m*	*0.1 m*	*25°C*	*6 m/s*	*7m*	*40m*	*V*

Question	Instructions

10.12 If the listed substance is emitted in particle form, characterize the particulate matter according to the mass fraction (%) by particle size for each emission point source identified in question 10.7.

SAMPLE ANSWER TO QUESTION 10.12

Emission Point Source *II*

Size Range (microns)	Mass Fraction (%)
< 1	*0*
≥1 to <10	*80%*
≥10 to <30	*20%*
≥30 to <50	*0*
≥50 to <100	*0*
≥100 to <500	*0*
≥ 500	*0*
Total =	*100%*

10.13 For each manufacturing and processing operation in which the listed substance is produced and/or processed, state the number of process components that are in service. Record the number of process components according to the specified weight percent of the listed substance. If the process is a batch process or is operated intermittently, specify the annual percentage of time that these process components are exposed to the listed substance.

SAMPLE ANSWER TO QUESTION 10.13

Product/process *Emulsion Polymerization of Vinyl Chloride*

Percentage of time per year that the listed substance exists within these process components: *50* %.

Number of Components in Service by Weight Percent of Listed Substance

Equipment Type	Less than 5%	5-10%	11-25%	26-75%	76-99%	Greater than 99%
Pump Seals Packed	*2*	*NA*	*2*	*NA*	*16*	*NA*
Mechanical	*NA*	*NA*	*NA*	*NA*	*NA*	*NA*

Question	Instructions

10.14 Specify the number of pressure relief devices that are controlled (i.e., protected by rupture discs or O-rings, or vented to a flare) by a particular control device. Of the substances that are serviced by these devices, specify the weight percent of the listed substance in the "Percent Service" column for each control category. Estimate the overall control efficiency (%) of the control device.

SAMPLE ANSWER TO QUESTION 10.14

Number of Pressure Relief Devices	Percent Chemical in Vessel	Control Device	Estimated Control Efficiency
5	*100*	*Rupture disc*	*100%*

10.15 For each product/process listed in question 10.13, provide the specified characteristics of your leak detection and repair program. Specify the distance at which leaks are measured from the source.

SAMPLE ANSWER TO QUESTION 10.15

Product/process *PVC Dispersion Polymerization*

Equipment Type	Leak Detection: Concentration (ppm or mg/m^3)	Leak Detection: Measured at 6 Inches from Source	Leak Detection: Detection Device	Frequency of Leak Detection (per year)	Repairs Initiated (days after detection)	Repairs Completed (days after initiated)
Pump seals packed	*NA*					
Mechanical	*1*	*2*	*FPM*	*Daily*	*1*	*3*
Double mechanical	*NA*					

The instruction to question 10.16 is on the following page.

PART C RELEASE TO WATER

10.17 Report the average base flow or volume of the water body and the average and maximum quantities and concentrations of wastes containing the listed substance that are discharged under NPDES permits from this plant site.

10.18 Report the average and maximum quantities and concentrations of wastes containing the listed substance discharged to a POTW from this plant site.

10.16 For each tank or vessel used to store the listed substance or a mixture containing the listed substance as a raw material, intermediate, or product, state the dimensions and characteristics of the tank, as shown in the following example.

SAMPLE ANSWER TO QUESTION 10.16

Tank Type	Floating Roof Seals	Composition of Stored Materials	Throughput (10^6 gallons per year)	Tank Filling Rate (gpm)	Tank Filling Duration (min)	Tank Diameter (ft)	Tank Height (ft)	Rated Tank Volume (gal)	Tank Emission Controls	Design Flow Rate	Estimated Vent Diameter (inches)	Control Efficiency (%)	Basis for Estimate
P(100 psi)	*NA*	*95%*	*2.9*	*83*	*120*	*8*	*25*	*10,000*	pressure control device *furnace*	*NA*	*2*	*97*	*C*

Question	Instructions
10.19	Report the average base flow or volume of the water body and the average and maximum quantities for each nonpoint source (e.g., stormwater runoff, waste pile runoff, and runoff from product or raw material storage areas or other sources that contain the listed substance and may be discharged to surface water) excluding NPDES or POTW discharges.
10.20	Report the concentrations of the listed substance determined by soil core monitoring studies/tests. Specify the distance from the plant site that soil cores were taken. Specify the soil type and sample depth using the codes provided. Refer to the glossary for definitions of soil types.
10.21	Describe at least three random samples of groundwater from monitoring wells. The concentrations refer to the listed substance. The samples must have been taken at your plant site during the reporting year.

SAMPLE ANSWER TO QUESTION 10.21

Sample	Monitoring Well	Distance from Plant (m)	Depth of Well (m)	Average Concentration (mg/l)	Maximum Concentration (mg/l)
a	1	50	10	2.0	2.8
b	2	100	10	1.9	2.1
c	3	200	10	0.2	0.5
d	4	200	10	0.1	0.3
e	5	225	10	0.08	0.2

10.22 Describe drinking water wells monitored by your plant during the reporting year.

SAMPLE ANSWER TO QUESTION 10.22

Well	Well Depth (m)	Distance from Plant (m)	On Site (OS) or Off Site (OF)	Average Concentration (mg/l)	Maximum Concentration (mg/l)
D1	20	60	OS	0.02	0.04
D2	20	110	OS	0.01	0.02
D3	20	220	OS	0.007	0.01
D4	20	240	OS	0.006	0.01

Question	Instructions

PART D NON-ROUTINE RELEASES

Complete Part D for each non-routine release involving the listed substance during the reporting year. Report only those releases that are greater than the listed substance's reportable quantity value. Reportable quantities are codified in 40 CFR Part 302. If a listed substance does not have a reportable quantity value, then report on those releases that exceed 5,000 lbs. If more than one release occurred, photocopy questions 10.25-10.37 (except 10.34) and complete it separately for each release. Specify the release in the spaces provided.

10.23 Specify the date and time each release started and stopped.

SAMPLE ANSWER TO QUESTION 10.23

Release	Date Started	Time (am/pm)	Date Stopped	Time (am/pm)
1	*2/15/86*	*10:21 am*	*2/15/86*	*11:10 am*
2	*3/10/86*	*9:35 pm*	*3/11/86*	*8:05 am*
3	*NA*			

10.24 Specify the weather conditions at the time of each release.

SAMPLE ANSWER TO QUESTION 10.24

Release	Wind Speed (mi/hr)	Wind Direction	Humidity (%)	Temperature (^{o}F)	Precipitation (Y/N)
1	*36*	*N/NE*	*5*	*16*	*No*
2	*25*	*N/NW*	*15*	*35*	*Yes*
3	*NA*				

Question	Instructions

10.25 For each affected media, state the quantity of the released material and the method used to measure that quantity.

SAMPLE ANSWER TO QUESTION 10.25

Release No. 1

Media	Quantity (kg)	Method	Migration Beyond Boundaries (Y/N)
Land	*85*	*Soil tests performed following release*	*No*
Air	NA		
Groundwater	*10*	*Well monitoring conducted following release*	*Yes*
Surface water	NA		

10.26 List the physical state and concentration of the listed substance at the time of release.

SAMPLE ANSWER TO QUESTION 10.26

Release No. *1*

Physical State	Concentration (%)
Gas	*0.05%*

10.29 Specify which nearby areas were notified of the release and which areas were evacuated. State which agency notified the population.

SAMPLE ANSWER TO QUESTION 10.29

Release No. *1*

Proximity to the Release	Notification (Agency/Phone No.)	Evacuation (Y/N)
1/4 mile	*Region I EPA (617) 555-1111*	*No*
1/2 mile	*Region I EPA (617) 555-1111*	*No*
1 mile		
Other (specify)		

Question	Instructions

10.33 Specify who conducted cleanup activities and estimate the level of cleanup that was obtained. Specify the method used to estimate the level of cleanup.

SAMPLE ANSWER TO QUESTION 10.33

Release No. 1

Name *Smith Spill Response Company*

Address *10 Smith Road*

Smithtown, NJ 07477

Level of cleanup	% removal	Method used to measure level of cleanup
Land	*95%*	*Soil tested before and after cleanup*
Surface water	*NA*	
Groundwater	*50%*	*Well monitoring before and after cleanup*

10.37 Describe additional preventative measures that were taken to minimize the possibility of recurrence.

SAMPLE ANSWER TO QUESTION 10.37

Release No. *1*

Measures Planned	Timetable for Completion	Cost of Preventative Measures
Areas around tanks will	*December 1987*	*$8,000*
be lined and diked with		
concrete		

PART III Conversion Factors Used In The CAIR Reporting Form

Metric units should be used exclusively in the CAIR Reporting Form. A specific unit has been selected for each unit of measure (e.g., mass, length, area) to standardize the reported information. These standard units of measure are provided in table III-1.

Tables III-2 and III-3 provide equivalent values among metric and English units, and example conversions from English-to-metric and metric-to-metric.

TABLE III-1
STANDARD METRIC UNITS OF MEASURE FOR ANSWERING QUESTIONS

Measure	Standard Metric Unit
Mass	1 kg
Length	1 m
Area	1 km^2
Volume	1 m^3
Energy	1 J
Pressure	1 mm Hg @ 0^{o} C
Temperature	T ^{o}C
Concentration	1%

TABLE III-2
ABBREVIATIONS USED FOR UNITS OF MEASURE

Abbreviation	Unit of Measure
A	Angstrom
atm	atmosphere
Btu	British thermal unit
^{o}C	degrees Celsius
cal	calorie
cfs	cubic feet per second
cm	centimeter
cm^3	cubic centimeter
ft^3	cubic feet
^{o}F	degrees Fahrenheit
ft	feet
g	gram
gal	gallon
in	inch
J	joule
^{o}K	degrees Kelvin
kg	kilogram
kkg	metric ton
km^2	square kilometer
kw·hr	kilowatt hour
10^6l	millions of liters
l	liter
10^6l/day	millions of liters per day
lb	pound
lb/in^2 or psi	pound per square inch
m	meter
M	mile
m^3	cubic meter
mg	milligram
mgd	millions of gallons per day
mi	mile
mi^2	square mile
ml	milliliter
mm	millimeter
mm Hg @ $0^{o}C$	millimeters mercury
u	micron
ug	microgram
ng	nanogram
nm	nanometer
oz	ounce
ppm	part per million
Pa	Pascal

TABLE III-3
EXAMPLE CONVERSIONS TO STANDARD METRIC UNITS

To Convert From:	To:	Multiply By:	Example:
Mass			
g	kg	0.001 kg/g	(2 g)(0.001 kg/g) = 0.002 kg
kkg	kg	1000 kg/kkg	(5 kkg)(1000 kg/kkg) = 5,000 kg
lb	kg	0.453593 kg/lb	(10 lbs)(0.453593 kg/lb) = 4.536 kg
oz	kg	0.02835 kg/oz	(50 oz)(0.02835 kg/oz) = 1.417 kg
tons	kg	907.186 kg/ton	(5 tons)(907.186 kg/ton) = 4,535.930 kg
Length			
cm	m	0.01 m/cm	(200 cm)(0.001 m/cm) = 2 m
mm	m	0.001 m/mm	(3000 mm)(0.001 m/mm) = 3 m
u	m	10^{-6} m/u	($3x10^4$ u)(10^{-6} m/u) = 0.03 m
nm	m	10^{-9} m/nm	($7x10^8$ nm)(10^{-9} m/nm) = 0.7 m
A	m	10^{-10} m/A	($4x10^9$ A)(10^{-10} m/A) = 0.4 m
in	m	0.0254 m/in	(30 in)(0.0254 m/in) = 0.762 m
ft	m	0.305 m/ft	(10 ft)(0.305 m/ft) = 3.05 m
mi	m	1,609.3 m/mi	(0.25 mi)(1,609.3 m/mi) - 402.3 m
Area			
acres	km^2	0.004047 km^2/acre	(12 acres)(0.004047 km^2/acre) = 0.049 km^2
mi^2	km^2	2.590 km^2/m^2	($2 mi^2$)(2.590 km^2/m^2) = 5.180 km^2
Volume			
cm^3	m^3	$10^{-6}m^3/cm^3$	(10,000 cm^3)(10^{-6} m^3/cm^3) = 0.01 m^3
ml	m^3	$10^{-6}m^3/ml^3$	(10,000 ml)(10^{-6} m^3/ml) = 0.01 m^3
l	m^3	$10^{-3}m^3$/l	(500 l)(10^{-3} m^3/l) = 0.50 m^3
ft^3	m^3	0.028m^3/ft^3	(1,000 ft^3)(0.028 m^3/ft^3) = 28.0 m^3
gal	m^3	3.7854 x 10^3m^3/gal	(1,000 gal)(3.7854 x 10^3 m^3/gal) = 3.7854 m^3

TABLE III-3
EXAMPLE CONVERSIONS TO STANDARD METRIC UNITS (Continued)

To Convert From:	To:	Multiply By:	Example:
Flow			
mgd	mld	3.7854	(100 mgd)(3.7854 mld/mgd) = 378.5 mld
cfs	mld	2.4465	(50 cfs)(2.4465 mld/cfs) = 122.3 mld
Energy			
Btu	J	1.0542×10^3 J/Btu	(1,000 Btus)(1.0542×10^3 J/Btu) = 1.0542×10^6 J
calories	J	4.184 J/cal	(1,000 cal)(4.184 J/cal) = 4,184 J
kw·hr	J	3.6×10^6 J/kw·hr	(100 kw·hr)(3.6×10^6 J/kw·hr) = 3.6×10^8 J
Pressure			
lb/in^2 or psi	mm Hg@0°C	51.756 mm Hg/lb/in^2 or psi	(100 lb/in^2)(51.766 mm Hg/lb/in^2) = 5.1766×10^3 mm Hg
torr	mm Hg@0°C	1 mm Hg/torr	(100 torr)(1mm Hg/torr) = 100 mm Hg
atm	mm Hg@0°C	760 mm Hg/atm	(110 atm)(760 mm Hg/atm) = 7.60×10^3 mm Hg
dynes/cm^2	mm Hg@0°C	750.1 mm Hg/bar	(10,000 dynes/cm^2) · (7.501×10^{-4} mm Hg/dynes/cm^2) = 7.50 mm Hg
bars	mm Hg@0°C	750.1 mm Hg/bar	(100 bars)(750.1 mm Hg/bar) = 7.501×10^4 mm Hg
pascals	mm Hg@0°C	750.2 mm Hg/Pa	(10 Pa) (750.2 mm Hg/Pa) = 7.502×10^3 mm Hg
Temperature			
°F	°C	Subtract 32°, then divide by 1.8	(70°F - 32)/1.8 = 21.1°C
°K	°C	Subtract 273.15°	300°K - 273.15° = 26.85°C
Concentration			
ppm	%	10^{-4}%/ppm	(60,000 ppm)(10^{-4}%/ppm) = 6.0%
mg/l*	%	10^{-4}%/ppm	(50,000 mg/1)(10^{-4}%/ppm) = 5.0%
mg/kg	%	10^{-4}%/ppm	(40,000 kg)(10^{-4}%/ppm) = 4.0%

*Based on a density of 1 g/ml

PART IV Glossary

Additive: Any substance incorporated into a base material, usually in low concentrations, to perform a specific function (e.g., antioxidants, stabilizers, colorants, inhibitors, etc.).

Aquifer: A saturated permeable geologic unit that can transmit significant quantities of water under ordinary hydraulic gradients.

Article producer: A processor who mixes or reacts the listed chemical substance or mixture into an article for subsequent distribution into commerce. The substance or mixture may or may not be chemically altered or otherwise consumed.

Autopolymerization: The action by which molecules spontaneously combine to form a macromolecule under normal conditions, such as atmospheric pressure and room temperature.

Autodecomposition: The process in which substances spontaneously break down into simpler substances under normal conditions and without added catalysts.

Boiler: An enclosed device using controlled flame combustion and having the following characteristics: (1) the unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and (2) the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed.

Byproduct: Any chemical substance or mixture produced without a separate commercial intent during the manufacture, processing, use, or disposal of another chemical substance or mixture.

Capacity: The level at which a facility would be operating at maximum production, processing, or output for the listed substance.

Chemical producer: A processor that uses the listed substance as a raw material or intermediate in the manufacture of other chemical substances or mixtures, during which the listed substance is chemically altered or otherwise consumed.

Chemical substance: Any organic or inorganic substance of a particular molecular identity, including: (1) any combination of such substances that occur as a result of a chemical reaction and/or occur in nature; and (2) any element or uncombined radical. This does not include: (3) any mixtures; (4) pesticides manufactured, processed, or distributed in commerce for use as a pesticide; (5) tobacco or any tobacco products; (6) source materials, special nuclear materials, or byproduct materials; or (7) articles, the sales of which are subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954; and (8) foods, food additives, drugs, cosmetics, or devices manufactured, processed, or distributed in commerce for use as foods, food additives, drugs, cosmetics, or devices.

Class I chemical: A substance with a composition that, except for impurities, can be represented by a definite chemical structural diagram (e.g., 1,3-butadiene, benzene, sodium chloride).

Class II chemical: A substance with a composition that cannot be represented easily by a definite chemical structural diagram. These substances generally are derived from natural sources or complex reactions. Examples include polychlorinated biphenyls, the glycerol monoester of hydrogenated cottonseed oils, or a reaction product of specified reactants.

Coincidental production: Generation of byproducts, coproducts, and impurities simultaneously during the manufacture of an intended product.

Commerce: Trade, traffic, transportation, or other commerce: (1) between a place in a State and any place outside of such State; or (2) that affects trade, traffic, transportation, or commerce described in clause (1).

Commercial use: The use of the listed substance or product containing the listed substance by a commercial or trade enterprise providing a service (e.g., a commercial dry cleaning establishment, painting contractors, etc.).

Commercial distribution: The sale of a substance, mixture, or article in commerce; the introduction or delivery of the substance, mixture, or article into commerce; or the holding of a substance, mixture, or article after its introduction into commerce. This term includes test marketing of the substance, mixture, or article.

Coproduct: A substance having its own commercial value that is produced during the manufacture of a product chemical.

Consumer: A private individual who uses the listed substance or a product containing the listed substance in or around a residence, or during recreation, or for any other personal use (e.g., automotive polish, dyed wearing apparel, household cleaners, etc.).

Container: Any free-standing device in which substances are stored, treated, or otherwise handled; not to be confused with a tank (see definition for tank).

Controlled release: A process operated in a controlled manner to minimize chemical process release into the workplace (e.g., venting the chemical emissions to the outside). Releases are generally within prescribed limits, as dictated by Government regulations or by company guidelines. This does not include general space ventilation fans.

Enclosed process: A process designed and operated so that there is no intentional chemical release. In an enclosed process, only fugitive or inadvertent releases occur and equipment such as scrubbers are used to prevent worker exposure and environmental release. Equipment with emergency pressure relief venting would be allowed in this category; routine venting would not. Workers who handle closed packages containing the material would be considered to be part of an "enclosed process." Workers who package or transfer the unpackaged chemical would be part of a "controlled release process" or "open process."

End users: An individual or organization that uses or consumes a chemical substance, mixture, or article with no further intentions of manufacturing or processing the substance, mixture, or article. Includes consumers and commercial, industrial, and retail users.

Facility: (1) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or (2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

Final product: A chemical substance or mixture manufactured, imported, or processed that is ready for commercial distribution.

Hazard communication: A program that describes the hazards associated with exposure to the listed substance and specifies work practices to reduce or eliminate exposure to the substance.

Impurity: A chemical substance present in a chemical substance or mixture that does not contribute to the intended properties of the substance or mixture.

Incinerator: Any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace. An industrial furnace is any one of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy: (1) cement kilns; (2) lime kilns; (3) aggregate kilns; (4) phosphate kilns; (5) coke ovens; (6) blast furnaces; (7) smelting, melting, and refining furances; (8) titanium dioxide chloride process oxidation reactors; (9) methane reforming furnaces; (10) pulping liquor recovery furnaces; (11) combustion devices used to recover sulfur values from spent sulfuric acid; (12) other devices the Administrator may add to this list as published in 40 CFR Section 260.10.

Incompatible materials: A substance that, because of its chemical properties (e.g., ignitability, corrosivity, reactivity), should not be in contact with or contacted with the listed substance because of the likelihood of fire, explosion, or release, etc.

Industrial use: The use of the listed substance or a product containing the substance at the site of other manufacturers or processors (e.g., textile dyeing, paint formulation, etc.).

Intend to increase or decrease: A management decision to commit financial resources toward increasing or decreasing the rate of manufacture, import, or processing of a chemical substance or mixture (e.g., in the case of "increase in manufacture," hiring additional personnel, purchasing additional production equipment, or contracting for additional raw materials).

Intermediate: Any chemical substance that is consumed, in whole or in part, in chemical reactions used for the intentional manufacture of other chemical substances or mixtures.

Manufacturer for commercial purpose: A person that imports, produces, or manufactures with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer; this includes, among other things, such "manufacture" of any amount of a chemical substance or mixture for commercial distribution, for use by the manufacturer, or produced coincidentally during the manufacture, processing, use, or disposal of another substance or mixture.

Mixture: Any combination of two or more chemical substances that does not occur in nature and is not, in whole or in part, the result of a chemical reaction, except as defined below: Mixtures include (1) any combination that occurs, in whole or in part, as a result of a chemical reaction if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined, and if all of the chemical substances comprising the combination are included in the EPA TSCA Chemical Substance Inventory after the effective date of the premanufacture notification requirement under 40 CFR Part 720; and (2) hydrates of a chemical substance or hydrated ions formed by association of a chemical substance with water.

Mixture producer: A processor who mixes the listed chemical substance into a mixture for subsequent distribution in commerce. The listed chemical substance is not consumed or chemically altered in this process.

Non-TSCA uses: Use of chemicals exclusively in pesticides; tobacco or tobacco products; source material, special nuclear material, or byproduct material; pistol, firearm, revolver, shells, or cartridges; food, food additives, drugs, and cosmetics.

Open process: A process in which the listed chemical is routinely in direct contact with the atmosphere (workplace or outside the plant) and no measures are taken to prevent release (e.g., open vat reaction vessels, open containers used for transportation or storage, and chemicals freely vented into the workplace atmosphere).

Polymer: High-molecular weight materials composed of the regular or irregular repetition of one or more types of monomeric units.

Processor: A person that prepares the listed substance after its manufacture for distribution as part of a mixture, an article, or any product containing or composed of the listed substance. Processors include persons that use the listed chemical as a reactant or intermediate to produce another chemical substance and persons that prepare the listed chemical in the same form or physical state as that in which it was received by the manufacturer.

Propose to manufacture or import: A management decision to commit financial resources toward manufacturing or importing a chemical substance or mixture (e.g., hiring additional personnel, commissioning a construction engineer plan, purchasing land to construct manufacturing or importing facilities, purchasing production equipment, or contracting for raw materials).

Raw material: A chemical substance, mixture, or article used as an input to a processing or manufacturing operation.

Release: Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excluding: (1) any release that results in exposure to persons solely within a workplace, with respect to a claim that such persons may assert against the employer of such persons; (2) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; (3) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, or for the purposes of Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act or any other response action, any release of source, byproduct, or special nuclear material from any processing site designated under section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978; and (4) the normal application of fertilizer.

Repackager: A processor who transfers the listed substance from one container to another.

Reporting year: A complete corporate fiscal year for which a company is required to report. This period is listed with the chemical substance in 40 CFR 704 Subpart D.

Residual: Any process stream, including byproducts, that is generated during a manufacturing or processing process that is not used as a raw material or principally sold as a commercial product or coproduct. Residuals also include wastes generated from treating process residuals. Residuals may be solids (e.g., filter solids); liquids (e.g., wastewater); confined gases (e.g., gases that are containerized to facilitate disposal); and unconfined gases generated by the management of solid or liquid residuals (e.g., incinerator stack emissions) or unconfined gases containing condensible gases (e.g., vented light ends).

Semicontinuous: A chemical process having characteristics of both batch and continuous operations.

Soil texture: See figure 1, attached.

Surface impoundment: A holding, storage, settling, and aeration pit, pond, or lagoon formed primarily of earthen materials.

Tank: A stationary device designed to contain an accumulation of residuals and constructed primarily on nonearthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

Transformation product: A substance that is produced as a result of biodegradation, hydrolysis, biotransformation, or other environmental fate process.

Unit operation: A distinct equipment unit used to accomplish a specific reaction, phase change, or separation in a chemical manufacturing or processing operation (e.g., distillation, chemical reaction, evaporation, or filtration).

Use by the manufacturer: Includes use for product research and development or as an intermediate.

Work area (indoors): The geographical area defined by the physical boundaries (walls and ceiling) of the facility immediately housing the unit process(es)/operation(s) being employed in the manufacturing/processing of the listed substance. A region with less than three and one-half walls would not be considered a complete indoor work area. More than one work area can exist for a given series of unit processes and operations comprising the entire process through which the designated chemical must proceed (e.g., drying may take place in a building that is separate but adjacent to the building that houses the evaporation unit operation. Bagging may occur in yet another building). In this example, there would be at least three distinct work areas.

Work area (outdoors): Those sites where unit process/operation equipment is located for which there are less than three and one-half walls and a ceiling surrounding the equipment.

Worker: An employee who is physically located in an area of the plant site where the listed substance is present. This definition excludes administrative, managerial, and other employees who never enter the areas where the listed substance is located.

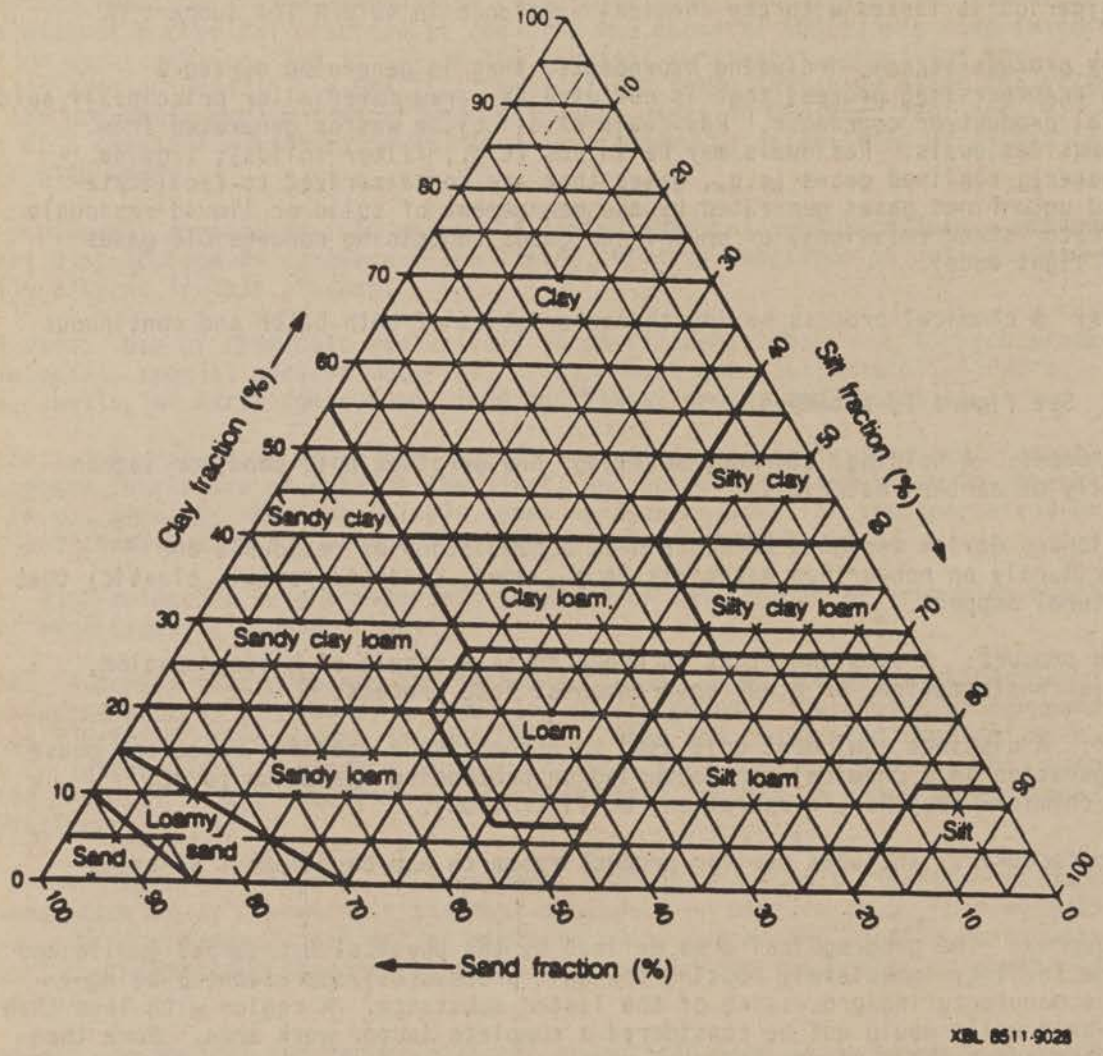


Figure 1. Soil texture categories used by the USDA. The chart shows the fraction of each of the three main grain-size classes: clay (< 2 μm), silt (2-50 μm), and sand (51-2000 μm) for each texture class.

Question	Instructions

APPENDIX LIST OF CONTINUATION SHEETS

Attach any continuation sheets for sections of the form and any optional information after the last page of the form. Clearly identify the attachment by listing the section number to which it relates. Number the pages of the attachments consecutively. In column 2, list the page numbers identifying each attachment. Refer to section 704.219(c)(1) of the instructions on claiming confidentiality.

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federal register

Tuesday
October 7 1986

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 21 new deferrals of budget authority totaling $1,835,613,015.

The deferrals affect accounts in Funds Appropriated to the President, the Departments of Agriculture, Defense-Military, Defense-Civil, Energy, Health and Human Services, Justice, State, Transportation, and Treasury, the Commission on the Ukraine Famine, the Office of the Federal Inspector for the Alaska Gas Pipeline, and the Pennsylvania Avenue Development Corporation.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House,
September 26, 1986.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

DEFERRAL NO.	ITEM	BUDGET AUTHORITY
	Funds Appropriated to the President:	
	International Security Assistance:	
D87-1	Economic support fund	95,000
	Department of Agriculture:	
	Forest Service:	
D87-2	Expenses, brush disposal	111,202
D87-3	Timber salvage sales	29,731
D87-4	Cooperative work	526,938
D87-5	Gifts, donations and bequests for forest and rangeland research	200
	Department of Defense - Military:	
	Military Construction:	
D87-6	Military construction, Defense	2,350
	Family Housing:	
D87-7	Family housing, Defense	76,943
	Department of Defense - Civil:	
	Wildlife Conservation, Military Reservations:	
D87-8	Wildlife conservation, Defense	1,065
	Department of Energy:	
	Power Marketing Administration:	
D87-9	Alaska Power Administration, Operation and maintenance	165
D87-10	Southwestern Power Administration, Operation and maintenance	7,554
	Department of Health and Human Services:	
	Office of Assistant Secretary for Health:	
D87-11	Scientific activities overseas (special foreign currency program)	2,900
	Social Security Administration:	
D87-12	Limitation on administrative expenses (construction)	7,073
	Department of Justice:	
	Office of Justice Programs:	
D87-13	Crime victims fund	70,000
	Department of State:	
	Bureau for Refugee Programs:	
D87-14	United States emergency refugee and migration assistance fund	6,100
	Other:	
D87-15	Assistance for implementation of a Contadora agreement	2,000
	Department of Transportation:	
	Federal Aviation Administration:	
D87-16	Facilities and equipment (Airport and airway trust fund)	803,877
	Department of the Treasury:	
	Office of Revenue Sharing:	
D87-17	Local government fiscal assistance trust fund	74,149
D87-21	Local government fiscal assistance trust fund	5,981
	Other Independent Agencies:	
	Commission on the Ukraine Famine:	
D87-18	Salaries and expenses	100
	Federal Inspector for the Alaska Gas Pipeline:	
D87-19	Permitting and enforcement	411
	Pennsylvania Avenue Development Corporation:	
D87-20	Land acquisition and development fund	11,873
	Total, deferrals	1,835,613

SUMMARY OF SPECIAL MESSAGES
FOR FY 1987
(in thousands of dollars)

	RESCISSIONS	DEFERRALS
First special message:		
New items	---	1,835,613
Revisions to previous special messages	---	---
Effects of first special message	---	1,835,613
Amounts from previous special messages that are changed by this message (changes noted above)	---	---
Subtotal, rescissions and deferrals	---	1,835,613
Amounts from previous special messages that are not changed by this message	---	---
Total amount proposed to date in all special messages	---	1,835,613

Deferral No: D87-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Funds Appropriated to the President

Bureau:
International Security Assistance

Appropriation title and symbol:
Economic support fund 1/
115/71037 11X1037
116/71037

OMB identification code:
11-1037-0-1-152

Grant program:
[X] Yes [ ] No

Type of account or fund:
[ ] Annual
[X] Multiple-year 9/30/87 (expiration date)
[X] No-Year

New budget authority..... $ _____
(P.L.)
Other budgetary resources 95,000,000
Total budgetary resources $ 95,000,000

Amount to be deferred:
Part of year $ 95,000,000
Entire year _____

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Coverage: 1/

Appropriation	Symbol	Identification Code	Amount Deferred
Economic Support Fund...	115/71037	11-1037-0-1-152	90,000,000
Economic Support Fund...	11X1037	11-1037-0-1-152	5,000,000
Economic Support Fund...	116/71037	11-1037-0-1-152	---
			95,000,000

Justification: This action defers funds pending approval of specific loans and grants to eligible countries by the Secretary of State. This will insure that each approved program is consistent with the foreign, national security and financial policies of the U.S. and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-24A).

Deferral No: D87-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Agriculture

Bureau:
Forest Service

Appropriation title and symbol:
Expenses, brush disposal 1/
12X5206

OMB identification code:
12-9922-0-2-302

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $ 45,936,000
(16 U.S.C. 490)
Other budgetary resources 111,201,838
Total budgetary resources 157,137,838

Amount to be deferred:
Part of year $ _____
Entire year 111,201,838

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: Purchasers of National Forest timber are required to deposit the estimated cost to the Forest Service for disposing of brush and other debris resulting from timber cutting operations pursuant to 16 U.S.C. 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. Much of the brush disposal work for which fees are collected cannot be done in the same year because of weather conditions or because harvesting is not completed. The Forest Service is planning for a stable year-to-year program which will require $45.0 million in 1987. The current fiscal year reserve of $111.2 million is established pursuant to the provisions of the Antideficiency Act (31 U.S.C. 1512) as a reserve for contingencies.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-2A).

Deferral No: D87-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $ 20,372,000 (P.L. 94-588; 16 U.S.C. 472a(h))
Bureau: Forest Service	Other budgetary resources 29,730,869
Appropriation title and symbol: Timber salvage sales 1/ 12X5204	Total budgetary resources 50,102,869
	Amount to be deferred: Part of year $ ____ Entire year 29,730,869
OMB identification code: 12-9922-0-2-302	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act [ ] Other____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other____

Justification: The Timber salvage sales fund was established under the provisions of the National Forest Management Act of 1976 to enable immediate harvesting of dead and dying trees when required by market conditions or catastrophes. Purchasers of dead, damaged, insect-infested or downed timber are required to make monetary deposits into this fund to cover the costs associated with this activity. A contingency reserve is established under the provisions of the Antideficiency Act (31 U.S.C. 1512) because of the time lag between the deposit of receipts in one year and the expenditure of funds for sales operations in subsequent years.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-3).

Deferral No: D87-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... $193,473,000 (16 U.S.C. 576b)
Bureau: Forest Service	Other budgetary resources 539,459,342
Appropriation title and symbol: Cooperative work 1/ 12X8028	Total budgetary resources 732,932,342
	Amount to be deferred: Part of year $____ Entire year 526,938,342
OMB identification code: 12-9973-0-7-999	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act [ ] Other____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other____

Justification: Funds are received from States, counties, timber sale operators, individuals, associations, and others. These funds are expended by the Forest Service as authorized by law and the terms of the applicable trust agreements. The work consists of protection and improvement of the National Forest System and it benefits the national forest users, research investigations, reforestation, and administration of private forest lands. Much of the work for which deposits have been made cannot be done, or is not planned to be done, during the same year that the collections are being realized. Examples include areas where the timber operators have not completed all of the contract obligations during the year funds are deposited. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This amount was the subject of a similar deferral in 1986 (D86-61).

Deferral No: D87-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Agriculture	**New budget authority.....** $ 90,000 (16 U.S.C. 498)
Bureau: Forest Service	**Other budgetary resources** 283,230
Appropriation title and symbol: Gifts, donations, and bequests for Forest and Rangeland Research 12X8034	**Total budgetary resources** $ 373,230
	Amount to be deferred: Part of year $ ____
	Entire year $ 200,000
OMB identification code: 12-9973-0-7-999	**Legal authority** (in addition to sec. 1013): [ ] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund:	**Type of budget authority:**
[ ] Annual	[X] Appropriation
[ ] Multiple-year ____ (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other ____

Justification: Funds are received as gifts, donations, or bequests from State and other public agencies, individuals, associations, and others. These funds are expended by the Forest Service, as authorized by law, for forestry research of mutual interest and benefit. Much of the work for which funds are donated cannot be done, or is not planned to be done, during the same year that the collections are being realized. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Defense - Military	**New budget authority.....** $ ____ (P.L. ____)
Bureau: Military Construction	**Other budgetary resources** 3,163,950,000
Appropriation title and symbol: See Coverage Section below 2/	**Total budgetary resources** 3,163,950,000 1/
	Amount to be deferred: Part of year ____
	Entire year 2,350,000
OMB identification code: See Coverage Section below 2/	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ____
Type of account or fund:	**Type of budget authority:**
[ ] Annual Sept. 30, 1987	[X] Appropriation
[X] Multiple-year Sept. 30, 1988 (expiration date)	[ ] Contract authority
[X] No-Year Sept. 30, 1989 Sept. 30, 1990	[ ] Other ____

Coverage: 2/

Appropriation	Symbol	OMB Identification Code	Deferred
Military construction, Army.....	216/02050	21-2050-0-1-051	---
Military construction, Army.....	215/92050	21-2050-0-1-051	---
Military construction, Army.....	214/82050	21-2050-0-1-051	---
Military construction, Army.....	213/72050	21-2050-0-1-051	---
Military construction, Navy.....	176/01205	17-1205-0-1-051	---
Military construction, Navy.....	175/91205	17-1205-0-1-051	---
Military construction, Navy.....	174/81205	17-1205-0-1-051	---
Military construction, Navy.....	173/71205	17-1205-0-1-051	---
Military construction, Air Force.	576/03300	57-3300-0-1-051	---
Military construction, Air Force.	575/93300	57-3300-0-1-051	---
Military construction, Air Force.	574/83300	57-3300-0-1-051	---
Military construction, Air Force.	573/73300	57-3300-0-1-051	---

Appropriation	Symbol	OMB Identification Code	Deferred
Military construction, Defense Agencies	976/00500	97-0500-0-1-051	---
Military construction, Defense Agencies	975/90500	97-0500-0-1-051	---
Military construction, Defense Agencies	974/80500	97-0500-0-1-051	2,350,000
Defense Agencies	973/70500	97-0500-0-1-051	---
Military construction, Armv National Guard	216/02085	21-2085-0-1-051	---
Military construction, Armv National Guard	215/92085	21-2085-0-1-051	---
Military construction, Armv National Guard	214/82085	21-2085-0-1-051	---
Military construction, Armv National Guard	213/72085	21-2085-0-1-051	---
Military construction, Air National Guard	576/03830	57-3830-0-1-051	---
Military construction, Air National Guard	575/93830	57-3830-0-1-051	---
Military construction, Air National Guard	574/83830	57-3830-0-1-051	---
Military construction, Air National Guard	573/73830	57-3830-0-1-051	---
Military construction, Armv Reserve	216/02086	21-2086-0-1-051	---
Military construction, Armv Reserve	215/92086	21-2086-0-1-051	---
Military construction, Armv Reserve	214/82086	21-2086-0-1-051	---
Military construction, Armv Reserve	213/72086	21-2086-0-1-051	---
Military construction, Naval Reserve	176/01235	17-1235-0-1-051	---
Military construction, Naval Reserve	175/91235	17-1235-0-1-051	---
Military construction, Naval Reserve	174/81235	17-1235-0-1-051	---
Military construction, Naval Reserve	173/71235	17-1235-0-1-051	---

Appropriation	Symbol	OMB Identification Code	Deferred
Military construction, Air Force Reserve	576/03730	57-3730-0-1-051	---
Military construction, Air Force Reserve	575/93730	57-3730-0-1-051	---
Military construction, Air Force Reserve	574/83730	57-3730-0-1-051	---
Military construction, Air Force Reserve	573/73730	57-3730-0-1-051	---
North Atlantic Treaty Organization Infrastructure	97X0804	97-0804-0-1-051	---
Total			$ 2,350,000

Justification: These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ Includes all accounts included under this appropriation title.

2/ These accounts were the subject of a similar deferral in 1986 (D86-4A).

Deferral No: D87-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Defense - Military

Bureau:
Family Housing, Defense

Appropriation title and symbol:
See Coverage Section below 1/

OMB identification code:
See Coverage Section below 1/

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual 9/30/87 9/30/88
[X] Multiple-year 9/30/89 (expiration date)
[ ] No-Year 9/30/90

New budget authority..... $
(P.L.)

Other budgetary resources 407,761,000

Total budgetary resources 407,761,000 2/

Amount to be deferred:
Part of year $ 76,943,000
Entire year

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Deferred
Family housing, Navy.....	176/00703	17-0703-0-1-051	---
Family housing, Army.....	216/00702	21-0702-0-1-051	---
Family housing, Air Force.....	576/00704	57-0704-0-1-051	$65,143,000
Family housing, Air Force.....	575/00704	57-0704-0-1-051	11,800,000
Family housing, Air Force.....	574/00704	57-0704-0-1-051	---
Family housing, Air Force.....	573/00704	57-0704-0-1-051	---
			$76,943,000

Justification: These funds are deferred due to administrative delays, such as project designs not being completed and incomplete coordination of projects with other Federal agencies or local government agencies. Funds will be apportioned for individual projects throughout the year upon completion of project design and/or coordination. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-27A).

2/ Includes all accounts included under this appropriation title.

Deferral No: D87-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Defense - Civil

Bureau: Wildlife Conservation, Military Reservations

Appropriation title and symbol:
Wildlife Conservation, Army - 21X5095
Wildlife Conservation, Navy - 17X5095
Wildlife Conservation, Air Force - 57X5095

OMB identification code:
97-5095-0-2-303

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year (expiration date)
[X] No-Year

New budget authority..... $2,050,000
(P.L. 16 U.S.C. 670F)

Other budgetary resources 1,355,200

Total budgetary resources 3,405,200

Amount to be deferred:
Part of year $
Entire year 1,065,200

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other

Coverage: 1/

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife Conservation, Army....	21X5095	21-5095-0-2-303	$ 719,200
Wildlife Conservation, Navy....	17X5095	17-5095-0-2-303	140,000
Wildlife Conservation, Air Force	57X5095	57-5095-0-2-303	206,000
			$1,065,200

Justification: These are permanent appropriations of receipts generated from hunting and fishing fees in accordance with the purpose of the law--to carry out a program of natural resource conservation. These funds are being deferred because: (1) installations may be accumulating funds over a period of time to fund a major project, (2) the installation may be designing and obtaining approval for the project, and (3) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. Funds collected in a prior year are deferred in order to be available to finance the program during summer and fall months or in subsequent years. Additional amounts will be apportioned if program requirements are identified. This deferral is made under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ These accounts were the subject of a similar deferral in 1986 (D86-5A).

Deferral No: D87-9

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Energy	**New budget authority.....** (P.L.) $
Bureau: Power Marketing Administration	**Other budgetary resources** 770,000
Appropriation title and symbol: Alaska Power Administration, Operation and maintenance 1/ 89X0304	**Total budgetary resources** 770,000
	Amount to be deferred: Part of year $
	Entire year 165,000
OMB identification code: 89-0304-0-1-271	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund:	**Type of budget authority:**
[ ] Annual	[X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: This account funds the activities of the Alaska Power Administration (APA), an agency which operates and sells power from two hydroelectric projects located in Alaska. In 1986, appropriated funds were in excess of the levels needed for procurements because contract costs were lower than anticipated. Consequently, the level of unobligated funds carried into 1987 was higher than previously planned. There currently is no plan to use these funds in 1987, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1988. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-62).

Deferral No: D87-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Energy

Bureau:
Power Marketing Administration

Appropriation title and symbol:
Southwestern Power Administration, Operation and maintenance 1/
89X0303

OMB identification code:
89-0303-0-1-271

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $_____
(P.L._____)

Other budgetary resources 21,097,000

Total budgetary resources 21,097,000

Amount to be deferred:
Part of year $_____
Entire year $ 7,554,000

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other_____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other_____

Justification: This account funds the activities of the Southwestern Power Administration (SWPA), an agency that markets wholesale hydroelectric power produced at Corps of Engineers dams in six southwestern States. SWPA activities also include construction, operation and maintenance of approximately 1,660 miles of transmission lines over which power is distributed to customers. In 1986, funds were in excess of amounts required to purchase power and pay non-Federal utilities to deliver it. The level of unobligated funds carried into 1987 for purchasing power was higher than previously assumed. There currently is no plan to use these funds in 1987, although the funds will be released later this year if a critical need arises. If a critical need does not arise, however, the funds will be deferred until 1988. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-13A).

Deferral No. D87-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Health and Human Services

Bureau: Office of Assistant Secretary for Health

Appropriation title and symbol:
Scientific Activities Overseas (special foreign currency prog.) 1/
75X1102

OMB identification code:
75-1102-0-1-552

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $_____
(P.L._____)

Other budgetary resources 5,900,000

Total budgetary resources 5,900,000

Amount to be deferred:
Part of year $_____
Entire year 2,900,000

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other_____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other_____

Justification: The Scientific activities overseas program is funded with appropriations of excess foreign currencies owned by the United States. The currencies of Burma, Guinea, Pakistan and Poland held by the Treasury have been designated as excess to normal U.S. needs in 1986 and are expected to be excess in 1986. Funds for this program, which remain available until expended, are used for scientific research projects in those countries.

The amount of funds to be obligated during 1987 and the amount to be deferred for the entire year were determined after a careful review of the scientific merit of project proposals in the countries for which excess currency is available. The research projects in those countries that will contribute toward meeting U.S. scientific needs have been selected for funding in 1987. The amount being deferred is excess to current program requirements and is being reserved for contingencies under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-16).

Deferral No: D87-12

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Health and Human Svcs	New budget authority..... $ (P.L.)
Bureau: Social Security Administration	Other budgetary resources 7,109,456
Appropriation title and symbol: Limitation on Administrative Expenses (Construction) 1/ 75X8704	Total budgetary resources 7,109,456
	Amount to be deferred: Part of year $
	Entire year 7,073,456
OMB identification code: 75-8704-0-7-601	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: This account provides funding for construction and renovation of the Social Security Administration's (SSA) headquarters and field office buildings. Obligational authority in the amount of this deferral is not needed at the present time. Should new requirements arise, subsequent apportionment requests will include revisions to this deferral. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-28A).

Deferral No: D87-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of Justice	New budget authority..... $ 70,000,000 (P.L. 98-473)
Bureau: Office of Justice Programs	Other budgetary resources 63,395,535
Appropriation title and symbol: Crime Victims Fund 15X5041	Total budgetary resources $ 133,395,535
	Amount to be deferred: Part of year $
	Entire year 70,000,000
OMB identification code: 15-5041-0-2-754	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[ ] Other
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: This appropriation is a special fund which is credited with Federal criminal fines, forfeited appearance bonds, and penalties not to exceed $100,000,000 each fiscal year. It is used to provide grants to states for crime victim compensation and assistance programs. Since 1986 funds will be obligated in 1987, $70,000,000, which is estimated to be collected during 1987, is deferred until the early part of 1988. This allows the Office of Justice Assistance to know precisely how much money is available for award and avoid over- or under-obligation of fund collections. This action is taken pursuant to the Antideficiency Act of (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-18).

Deferral No: D87-14

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of State	**New budget authority..... $** (P.L.)
Bureau: Bureau for Refugee Programs	**Other budgetary resources** 6,100,000
Appropriation title and symbol: United States Emergency Refugee and Migration Assistance Fund, Executive 1/ 11X0040	**Total budgetary resources** 6,100,000
	Amount to be deferred: Part of year $ 6,100,000
	Entire year
OMB identification code: 11-0040-0-1-151	**Legal authority (in addition to sec. 1013):** [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414 (b) (1) of the Refugee Act of 1980 (Public Law 96-212) amended Section 2 (c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund not to exceed $50,000,000 to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

The Emergency Fund contains an estimated $6,100,000 in unobligated balances from prior-year authority. These funds have been deferred pending Presidential decisions required by Executive Order No. 11922 and to achieve the most economical use of appropriations. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-19).

Deferral No: D87-15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of State

Bureau:
Other

Appropriation title and symbol:
Assistance for Implementation of a Contadora Agreement 1/

19X0526

OMB identification code:
19-0526-0-1-153

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $ _____
(P.L. _____)

Other budgetary resources 2,000,000

Total budgetary resources 2,000,000

Amount to be deferred:
Part of year $ 2,000,000
Entire year _____

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: The 1985 Second Supplemental Appropriations Act (P.L. 99-88) provided $2,000,000 for payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983. These funds have been deferred until such time as the required agreement has been made and funds are needed for peacekeeping, verification, and monitoring systems. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-20).

Deferral No: D87-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Transportation

Bureau:
Federal Aviation Administration

Appropriation title and symbol:
Facilities and equipment (Airport and airway trust fund) 1/

69X8107 693/78107 695/98107
694/88107 696/08107

OMB identification code:
69-8107-0-7-402

Grant program:
[ ] Yes [X] No

Type of account or fund:

[ ] Annual	693/78107	9/30/87	
	694/88107	9/30/88	
[X] Multiple-year	695/98107	9/30/89	
	(expiration date)		
[X] No-Year	696/08107	9/30/90	

New budget authority..... $ _____
(P.L. _____)

Other budgetary resources 1,224,150,564

Total budgetary resources $1,224,150,564

Amount to be deferred:
Part of year $ _____
Entire year $ 803,877,039

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other _____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other _____

Justification: Funds from this account are used to continue to procure specific Congressionally-approved facilities and equipment for the expansion and modernization of the National Airspace System. The projects financed from this account include construction of buildings, the purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system, and expansion/improvement of navigational and landing aid systems. These activities were justified and provided for in the Department's regular budget submissions and were appropriated by Congress for the year in which requested. Due to the lengthy procurement and construction time for these interrelated facilities and complex equipment systems, it is not possible to obligate all the funds necessary to complete each project in the year funds were appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This action is consistent with FAA's full funding approach and Congressional intent to provide multi-year funding for the total costs of projects. This action is taken under provisions of the Antideficiency Act (31 U.S.C. 1512), which authorizes the establishment of reserves for contingencies.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-29A).

Deferral No: D87-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of the Treasury	New budget authority..... $ (P.L.)
Bureau: Office of Revenue Sharing	Other budgetary resources 80,130,000
Appropriation title and symbol: Local government fiscal assistance trust fund 1/ 20X8111	Total budgetary resources 80,130,000
	Amount to be deferred: Part of year $ 74,149,000
	Entire year
OMB identification code: 20-8111-0-7-851	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[X] Other 31 U.S.C. 6701-6724, particularly 31 U.S.C. 6702(d)
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: The Secretary of the Treasury must hold in reserve an amount sufficient enough to meet valid claims from local governments that past revenue sharing payments have been too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring recomputations of the entitlements of the over 39,000 governments for prior entitlement periods. This cumulative unobligated reserve from entitlement periods 1-17 is available to the Secretary of the Treasury to satisfy legitimate claims against the Trust Fund for any prior entitlement periods.

Estimated Program Effect: None

Outlay Effect: None

1/ This account is subject to another deferral (D87-21) and was the subject of a similar deferral in 1986 (D85-31A).

Deferral No: D87-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Commission on the Ukraine Famine	New budget authority..... $ (P.L.)
Bureau:	Other budgetary resources 300,000
Appropriation title and symbol: Salaries and expenses 1/ 48X0050	Total budgetary resources 100,000
	Amount to be deferred: Part of year $
	Entire year 100,000
OMB identification code: 48-0050-0-1-153	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other
Type of account or fund: [ ] Annual	**Type of budget authority:** [X] Appropriation
[ ] Multiple-year (expiration date)	[ ] Contract authority
[X] No-Year	[ ] Other

Justification: This appropriation funds the expenses of the Commission on the Ukraine Famine established pursuant to Public Law 99-180. P.L. 99-180 specifies that the Commission shall submit a report concerning the Ukraine Famine of 1932-1933 to the Congress no later than two years after holding its first organizational meeting. The Commission shall terminate sixty days after submitting the report. The Commission held its first meeting early in 1986, and its work is expected to continue into the next fiscal year. These funds are being deferred to ensure that sufficient resources will be available in the fiscal year 1988 to carry out the Commission's responsibilities. This action is taken under the provision of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in 1986 (D86-54).

Deferral No: D87-19

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Department of Energy

Bureau:
Energy Programs

Appropriation title and symbol:
Office of the Federal Inspector for the Alaska Natural Gas Transportation System, Salaries and expenses
52X0100

OMB identification code:
89-0213-0-1-271

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $_____
(P.L._____)

Other Budgetary Resources 411,000

Total budgetary resources 411,000

Amount to be deferred:
Part of year $_____
Entire year 411,000

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other_____

Type of budget authority:
[X] Appropriation
[ ] Contract authority
[ ] Other_____

Justification: This accounts funds activities related to the Office of the Federal Inspector for the Alaska Natural Gas Pipeline System. This agency oversees the work of private companies building the Alaska natural gas pipeline, and coordinates government approvals required before the pipeline can be built. The deferral represents funds that are not required for current operations due to a phase down of activities resulting from delays in building the pipeline. Work was delayed because the private sponsors were unable to obtain financing for construction. This action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

Deferral No: D87-20

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY:
Pennsylvania Avenue Development Corp.

Bureau:

Appropriation title and symbol:
Land Acquisition and Development Fund 1/
42X4084

OMB identification code:
42-4084-0-3-451

Grant program:
[ ] Yes [X] No

Type of account or fund:
[ ] Annual
[ ] Multiple-year _____ (expiration date)
[X] No-Year

New budget authority..... $_____
(P.L._____)

Other budgetary resources 23,746,543

Total budgetary resources 23,746,543

Amount to be deferred:
Part of year $_____
Entire year 11,873,271

Legal authority (in addition to sec. 1013):
[X] Antideficiency Act
[ ] Other_____

Type of budget authority:
[ ] Appropriation
[ ] Contract authority
[X] Other Borrowing Authority

Justification: This account provides borrowing authority to acquire private property for redevelopment in the Pennsylvania Avenue project area. The 1974 Pennsylvania Avenue Development Corporation (PADC) land use plan for the eastern sector of the project area was reviewed and updated in light of real estate trends and market conditions. Of available balances, $11,873,271 is deferred pursuant to the Antideficiency Act (31 U.S.C. 1512) to establish a reserve for use in specified cases where private sector resources must be supplemented to ensure that new development will be consistent with the updated eastern sector plan. PADC does not plan significant new Federally-financed land acquisition activity in the PADC corridor. However, the deferred borrowing authority for land acquisition will be released on a case-by-case basis to solve problems when development is delayed by owners declining to sell property at a fair price, title difficulties, or other causes. In most cases, PADC would purchase the property for later resale to the private sector.

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1986 (D86-22).

Deferral No: D87-21

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

AGENCY: Department of the Treasury	**New budget authority.....** $ _____ (P.L. _____)
Bureau: Office of Revenue Sharing	**Other budgetary resources** 80,130,000
Appropriation title and symbol: Local government fiscal assistance trust fund 1/ 20X8111	**Total budgetary resources** 80,130,000
	Amount to be deferred: Part of year $ 5,981,000 2/
	Entire year _____
OMB identification code: 20-8111-0-7-851	**Legal authority** (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [X] Yes [ ] No	[X] Other 31 U.S.C. 6701-6724, particularly 31 U.S.C. 6704(c)
Type of account or fund: [ ] Annual [ ] Multiple-year _____ (expiration date) [X] No-Year	**Type of budget authority:** [X] Appropriation [ ] Contract authority [ ] Other _____

Justification: The Local government fiscal assistance trust fund is the vehicle for disbursement of General Revenue Sharing funds. This deferral represents payments withheld from various governments involved in annexations or disincorporations and for reasons of non-compliance with the requirements of the Local Government Fiscal Assistance Amendments of 1983. The release of these funds is contingent upon adherence by the various governments to the compliance regulations, and determinations as to which higher level of government is eligible to receive those funds withheld because of annexations and disincorporations.

Estimated Program Effect: None

Outlay Effect: None

1/ This account is subject to another deferral (D87-17) and was the subject of a similar deferral in 1986 (D86-30B).

2/ Deferral of outlays only.

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LIST OF PUBLIC LAWS

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S. 2703/Pub. L. 99-435

Air Carrier Access Act of 1986. (Oct. 2, 1986; 100 Stat. 1080; 1 page) Price: $1.00

S.J. Res. 207/Pub. L. 99-436

To designate November 15, 1986, as "National Philanthropy Day." (Oct. 2, 1986; 100 Stat. 1081; 1 page) Price: $1.00

S.J. Res. 263/Pub. L. 99-437

To designate September 1986 as "National Independent Retail Grocer Month." (Oct. 2, 1986; 100 Stat. 1082; 1 page) Price: $1.00

S.J. Res. 402/Pub. L. 99-438

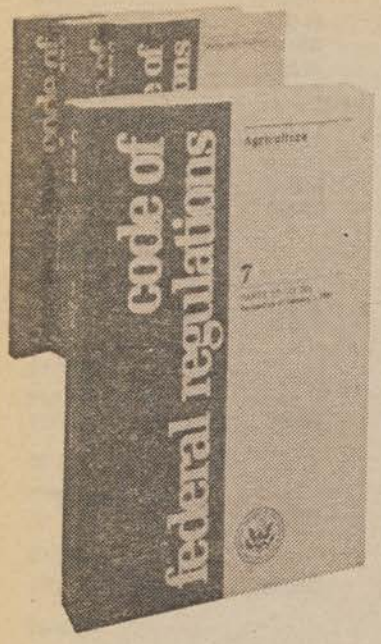
Designating July 2 and 3, 1987, as the "United States-Canada Days of Peace and Friendship." (Oct. 2, 1986; 100 Stat. 1083; 2 pages) Price: $1.00

S. 2759/Pub. L. 99-439

Relating to telephone services for Senators. (Oct. 2, 1986; 100 Stat. 1085; 1 page) Price: $1.00

H.R. 4868/Pub. L. 99-440

Comprehensive Anti-Apartheid Act of 1986. (Passed over veto, Oct. 2, 1986; 100 Stat. 1086; 31 pages) Price: $1.00



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