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Monday
November 3, 1986

Briefings on How To Use the Federal Register—
For information on briefings in Washington, DC, New York, NY, and Pittsburgh, PA, see announcement on the inside cover of this issue.

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: November 18 at 9:30 a.m.

WHERE: National Archives Theater, 8th and Pennsylvania Avenue NW., Washington, DC

RESERVATIONS: Laurice Clark, 202-523-3419.

NEW YORK, NY

WHEN: December 5 at 10:00 a.m.

WHERE: Room 305A, 26 Federal Plaza, New York, NY

RESERVATIONS: Arlene Shapiro or Stephen Colon, New York Federal Information Center, 212-264-4810.

PITTSBURGH, PA

WHEN: December 8 at 1:30 p.m.

WHERE: Room 2212, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA

RESERVATIONS: Kenneth Jones or Lydia Shaw
Pittsburgh: 412-644-INFO
Philadelphia: 215-597-1707, 1709

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Presidential Documents

Title 3—

The President

Presidential Determination No. 87–2 of October 22, 1986

Assistance to the Nicaraguan Democratic Resistance

Memorandum for the Secretary of State

In accordance with Title II, Section 211(d)(1), of the act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, as contained in Public Law 99–500, approved on October 18, 1986 (the "Act"), I hereby determine that the conditions set forth in that section with respect to the Nicaraguan democratic resistance have been met, specifically:

That Nicaraguan democratic resistance groups receiving assistance under the Act have agreed to and are beginning to implement:

(a) Confederation and reform measures to broaden their leadership base;

(b) coordination of their efforts;

(c) elimination of human rights abuses;

(d) pursuit of a defined and coordinated program for achieving representative democracy in Nicaragua;

(e) subordination of military forces to civilian leadership; and

(f) application of rigorous standards, procedures, and controls to assure that funds transferred under Section 206(a) of the Act are fully accounted for and are used exclusively for the purpose authorized by the Act.

In making this determination, I have taken into account the factors set forth in Section 211(d)(2) of the Act.

You are hereby directed to report this determination to the Congress. This memorandum shall be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, October 22, 1986.

[FR Doc. 86–24882
Filed 10–30–86; 12:17 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 5562 of October 31, 1986

Crack/Cocaine Awareness Month, 1986

By the President of the United States of America

A Proclamation

Cocaine poses a serious threat to our Nation. Long masquerading as glamorous and relatively harmless, cocaine has revealed its own deadly truth—cocaine is a killer. It can cause seizures, heart attacks, and strokes. It is indifferent in its destruction, striking regular users and initiates alike. The tragic deaths this past summer of two promising young athletes force us to recognize the terrible price this deadly drug exacts.

The tragedy of ruined lives and lost opportunities for personal growth and productivity cannot be adequately measured in dollars. It is too heavy a price for our citizens and for our Nation. As the consequences of cocaine use have been revealed, public awareness of the cocaine problem has increased. Yet many individuals continue to use cocaine, whether out of ignorance or unwillingness to believe its high risks. More than 22 million Americans have tried the drug at some time, and 5.8 million are current users.

Despite the best efforts by law enforcement officials, cocaine continues to come into our country at alarming levels, supplied by ruthless criminals who draw their power from public acquiescence. Bigger supplies and lower prices have put cocaine in the hands of people who were never before tempted to use it.

Today an even more devastating form of cocaine—"crack"—has appeared. Crack is smoked, producing immediate effects in the user. It is relatively inexpensive, but is so powerfully addictive that the user, even a first-time user, feels an overwhelming compulsion for more. Crack is used by people of all ages. Tragically, it is sold to and used by even 11- and 12-year-olds. To mothers and fathers, boys and girls at this age are children. To a cocaine dealer, they are just another market.

The Congress, by Public Law 99–481, has designated October 1986 as "Crack/Cocaine Awareness Month" and has authorized and requested the President to issue a proclamation in observance of that occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1986 as Crack/Cocaine Awareness Month. I call on each American to seek every opportunity to educate yourself and others about cocaine and to be unyielding in your intolerance of cocaine users and inflexible in your commitment to a drug-free America.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first 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. 86–24971
Filed 10–31–86; 12:05 pm]
Billing code 3195–01–M

Presidential Documents

Proclamation 5563 of October 31, 1986

National Child Identification and Safety Information Day, 1986

By the President of the United States of America

A Proclamation

The American people are becoming increasingly aware of the incidence of abduction and exploitation of the children of the United States. In order to combat this threat, many private organizations and their dedicated volunteers have established programs to teach safety measures to children.

All across our country, in towns, cities, and rural areas alike, corporations, civic associations, church groups, and individual citizens are working together to strengthen the American family. Too often, we neglect to warn and protect these families from the most devastating blow they can suffer, the discovery that a child is missing. Many communities have neighborhood watch programs to help guard their possessions from theft. Should we do anything less for our children? Protecting the lives of these innocents is a community-wide responsibility. As part of this effort, many parents have established fingerprint and other identification records that will aid in locating their children should the unthinkable ever happen.

To focus national attention on this problem during Halloween, when parents are especially aware of possible threats to the safety of their children, the Congress, by Public Law 99–520, has designated October 31, 1986, as "National Child Identification and Safety Information Day" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 31, 1986, as National Child Identification and Safety Information Day, and I call upon the people of the United States to observe such day with appropriate and safe ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first 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. 86–24972
Filed 10–31–86; 12:06 pm]
Billing code 3195–01–M

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

Pay Administration; Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This rule establishes a special pay plan for U.S. citizen wage employees in the Virgin Islands. The new plan is designed to provide a permanent and equitable method for determining rates of pay for covered employees in the Virgin Islands. The rule is necessary because the local industry/employment structure in the Virgin Islands does not meet the test of survey adequacy (establishment under wage system regulations) to be considered a separate wage area.

EFFECTIVE DATE: December 3, 1986.

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

SUPPLEMENTARY INFORMATION: On July 15, 1986, the Office of Personnel Management (OPM) published proposed regulations (51 FR 25531) to establish a special pay plan for U.S. citizen wage employees in the Virgin Islands. The proposed regulations provided a 60-day period for public comment. OPM received no comments during this period.

Even though there were no public comments, OPM did make one editorial change (§ 532.234(b)) to clarify that each grade and each step of the Virgin Islands special schedule will be adjusted during fiscal years 1987, 1988, and 1989.

OPM will proceed to implement these regulations effective with the date of the fiscal year 1987 adjustment to the overseas schedule. The Department of Defense, as lead agency, will issue all future Virgin Islands schedules.

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 Regulations.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 532

Administrative practice and procedures, Government employees, Wages.

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

Accordingly, OPM is proposing to amend 5 CFR Part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

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

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

2. Section 532.233 is amended by revising paragraph (a) to read as follows:

§ 532.233 Regular appropriated fund wage schedules in foreign areas and certain U.S. possessions and territories.

(a) The Office of Personnel Management shall issue regular appropriated fund wage schedules for U.S. citizens who are employees in foreign areas. The Department of Defense shall issue wage schedules for employees in Guam and Midway and, effective on the date of the fiscal year 1990 adjustment, in the Virgin Islands. The Department of Transportation shall issue wage schedules for employees in American Samoa. These schedules will provide rates of pay for nonsupervisory, leader, supervisory, and production facilitating employees.

* * * * *

3. A new § 532.234 is added to read as follows:

§ 532.234 Virgin Islands special wage schedules.

(a) The Department of Defense shall issue special wage schedules for U.S. citizen wage employees in the Virgin Islands in fiscal years 1987, 1988, and 1989. These schedules will provide rates of pay for nonsupervisory, leader, and supervisory employees.

(b) In each of the three fiscal years, on the effective date of the foreign areas schedules as prescribed in § 532.233, each grade and each step of the Virgin Islands special schedules will be increased by—

(1) The same cents per hour as the fiscal year's adjustment in the foreign areas schedules at the corresponding grade and step; plus

(2) An amount at each grade and step equal, as nearly as possible, to one-fourth of the difference between the FY 1986 Virgin Islands special schedules and the FY 1986 foreign areas schedules.

(c) The Virgin Islands special schedules will be abolished in FY 1990 on the effective date of the adjustment in the foreign areas schedules, and Virgin Islands wage employees will become subject to the foreign areas schedules as prescribed in § 532.233.

[FR Doc. 86–24774 Filed 10–31–86; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) has decided to leave in effect an interim final rule which will: Allow handlers of organic lemons to ship 250 cartons per week of such lemons without regard to volume and size regulations under the order; permit the optional use of upward adjustments by handlers in Districts 1 and 3 up to 100 percent of their average weekly picks; and provide that District 2 handlers whose picks are interrupted for four or more successive weeks (rather than eight or more successive weeks as previously provided in the regulations) may apply for a new prorate base. This rule will also make these changes

effective for subsequent crop years. These actions provide lemon handlers with additional flexibilities to enable them to market their lemons more advantageously.

EFFECTIVE DATE: On and after December 3, 1986.

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

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

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

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

This final rule amends rules and regulations which pertain to handlers' prorate bases, upward adjustment of handlers' average weekly picks, and the exemption of organic lemons from volume and size requirements. In addition, this rule makes such amendments effective for subsequent crop years.

It is estimated that approximately 85 handlers of California-Arizona lemons under the marketing order for lemons grown in California and Arizona will be subject to regulation during the course of the current season and that the great majority of these firms may be classified as small entities. This action has been recommended by the committee and has been implemented in previous seasons. There is no anticipated adverse economic impact on small entities because this action relieves restrictions on handlers and provides them with increased marketing flexibilities. In addition, there is no increased burden in either reporting or recordkeeping for handlers to comply with the terms of these revised regulations.

An interim final rule was issued on July 31, 1986, and was published in the Federal Register on August 5, 1986 (51 FR 28059). Interested persons were given until September 4, 1986, to submit written comments on making these amendments effective for subsequent crop years. No comments were received.

The first change will allow the handling of organic lemons without regard to volume and size requirements that may be issued under the order if certain safeguards are met. Under the amendment, each handler of organic lemons will be required to apply to the committee for exemption from such regulations and furnish necessary information to the committee. The amendment will allow handlers to ship up to 250 cartons of organic lemons each week to designated market outlets, e.g. health food stores. This action is designed to facilitate the marketing of organic lemons. A similar exemption for the handling of organic lemons has been in effect for the past three marketing seasons.

The marketing order provides that the prorate base of each handler be based upon the handler's average weekly pick (the average weekly amount of lemons harvested and delivered to such handler's packinghouse during a specified number of weeks preceding the computation date). Provision for 100 percent upward adjustment of average weekly picks of handlers in Districts 1 and 3 is currently in effect and such provision has been in effect since 1980. Continuance of such a provision will allow Districts 1 and 3 handlers the option of receiving a larger proportion of their allotment earlier in the season, and enable them to use their proportionate share of the marketing opportunity more advantageously.

This final rule also changes from eight to four the minimum number of successive weeks during which picks are interrupted by District 2 handlers, before they may apply for a new prorate base. Under provisions of the marketing order, District 2 handlers who become eligible for a new prorate base may also apply for accelerated averaging of weekly picks and upward adjustments to receive additional allotment. Section 910.53(h) provides that the number of weeks specified in § 910.53(f)(2) may be changed through informal rulemaking. Such an amendment will afford District 2 handlers the opportunity to receive adjusted allotment to handle lemons on an accelerated basis. A similar rule has been authorized in past seasons. Since the rule is being made effective for this crop year and for subsequent crop years the term "8 successive weeks" in the first sentence of § 910.153(e)(2) is amended to read "4 successive weeks."

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

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, Lemons, California, and Arizona.

PART 910—[AMENDED]

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

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

2. Section 910.153 is amended by removing "8 successive weeks" from the first sentence of paragraph (e)(2) and by inserting "4 successive weeks" in place thereof, and by revising the first sentence of paragraph (e)(3) to read as follows:

§ 910.153 Prorate bases and allotments.

* * * * *

(e) * * *

(3) *Granting of upward adjustment for Districts 1 and 3 applicants.*

Upon receiving a duly filed application for an upward adjustment by a District 1 or 3 handler pursuant to § 910.53(f)(1), the committee shall adjust the average weekly pick of such handler by increasing such picks in the amount requested, but not in excess of 100 percent of such handler's average weekly pick. * * *

* * * * *

3. Section 910.180 is amended by adding a new paragraph (d)(3) to read as follows:

§ 910.180 Lemons not subject to regulation.

* * * * *

(d) * * *

(3) Any person may be granted an exemption of up to 250 cartons per week, or an equivalent amount thereof, to market or distribute organic lemons to organic or health food wholesalers or retailers. Such lemons shall be exempt from volume and size requirements issued under this part. Persons shall file with the committee an application for exemption as described in paragraph (d)(1) of this section. Such persons shall also file weekly reports (LAC Form 8) during each week in which such organic

lemons are shipped. For purposes of this section, "organic lemons" means lemons which are produced, harvested, distributed, stored, processed, and packaged without application of synthetically compounded fertilizers, pesticides, or growth regulators. In addition, no synthetically compounded fertilizers, pesticides, or growth regulators shall be applied by the grower to the field or area in which the lemons are grown for 12 months prior to the appearance of flower buds and throughout the entire growing and harvest season for lemons.

* * * * *

Dated: October 28, 1986.

Joseph A. Gribbin,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 86-24700 Filed 10-31-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-AEA-10]

Alteration of Control Zone, Atlantic City International Airport and Atlantic City Municipal/Bader Field, NJ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Request for comments.

SUMMARY: The nature of this action is to cancel the existing Atlantic City International Airport, NJ, and the Atlantic City Municipal/Bader Field, NJ, Control Zones and designate a new control zone in the same approximate area as the existing control zones. This action is taken to provide all users of the Atlantic City International and Atlantic City Municipal/Bader Field Airports those services associated with the Control Zone.

DATES: *Effective Date:* November 3, 1986.

Comment Date: Comments must be received on or before December 17, 1986.

ADDRESSES: Send comments on the rule in triplicate to: Glenn A. Bales, Manager, Airspace Planning Branch, AEA-530, Federal Aviation Administration, Docket 86-AEA-10, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

The official docket may be examined in the Office of Regional Counsel, Federal Aviation Administration, Fitzgerald Federal Building (formerly Federal Building), John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Airspace Planning Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

FOR FURTHER INFORMATION CONTACT: Glenn A. Bales, Airspace Planning Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Fitzgerald Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Telephone: (718) 917-1228.

SUPPLEMENTARY INFORMATION: On October 4, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulation (14 CFR Part 71) to designate a new control zone for Atlantic City Municipal/Bader Field, cancel the existing Atlantic City Control Zone, and designate a new Atlantic City International Airport Control Zone in the same approximate area as the existing control zone (50 FR 46751). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. One comment received supported establishment of a separate control zone to reduce delays and enhance safety. The rule was adopted as published in Handbook 7400.6B dated January 2, 1986. Since its adoption, weather reporting capabilities have been consistently unavailable. Since weather reporting service has been suspended for an indefinite period of time, permanent shutdown of service has resulted. The weather reporting and communications capability of Atlantic City Air Traffic Control to provide protection for aircraft operating to and from Atlantic City Municipal/Bader Field has been ascertained. The Current Atlantic City International Control Zone airspace abuts the Atlantic City Municipal/Bader Field Control Zone Airspace; Atlantic City Air Traffic Control can and will provide the service required for the Atlantic City Municipal/Bader Field Control Zone.

Request for Comments on the Rule

Although this action is in the form of a final rule, which cancels the existing Atlantic City International Airport, NJ, and the Atlantic City Municipal/Bader Field, NJ, Control Zones and designates a new control zone in the same approximate area as the existing control zones and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the Federal Aviation Administration (FAA) will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AEA-10." The postcard will be date/time stamped and returned to the commenter. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to cancel the existing Atlantic City International Airport, NJ, and the Atlantic City Municipal/Bader Field, NJ, Control Zones and designate a new control zone in the same approximate area as the existing control zones. The FAA has identified a discrepancy in the weather reporting capability at Atlantic City Municipal/Bader Field and the weather reporting requirements and criteria for control zone designation; therefore, in order to provide all users of the Atlantic City International and Atlantic City Municipal Bader Field Airports those services associated with the Control Zone and to be consistent with the Agency's Safety Mandate, the present Atlantic City International Airport, NJ, and the Atlantic City Municipal/Bader Field, NJ, Control Zones will be canceled and a new control zone in the same approximate area as the existing control zones will be established. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7460.6B dated January 2, 1986.

Under the circumstances presented, the FAA concludes that there is an

immediate need for a regulation to cancel the existing Atlantic City International Airport, NJ, and the Atlantic City Municipal/Bader Field, NJ, Control Zones and designate a new control zone in the same approximate area as the existing control zones. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest. For that same reason, I find that good cause exists for making this amendment effective upon publication in the **Federal Register**.

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

List of Subjects in 14 CFR Part 71

Control zone, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

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

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

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

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Atlantic City International Airport, NJ [Removed]

By removing the title and text.

Atlantic City Municipal/Bader Field, NJ [Removed]

By removing the title and text.

Atlantic City, NJ [New]

Within a 5-mile radius of the center, lat. 39°27'22" N., long. 74°34'41" W., of NAFEC Atlantic City Airport, Atlantic City, NJ; within 3 miles each side of the Atlantic City VORTAC 303° radial, extending from the 5-mile radius of the center, lat. 39°21'35" N., long. 74°27'28" W., of Atlantic City Municipal/Bader Field, Atlantic City, NJ; within 2 miles each side of the Atlantic City VORTAC 136° radial, extending from the VORTAC to the 3-mile radius zone and within 1.5 miles each side of the 283° bearing from a point lat. 39°21'43" N., long 74°27'46" W., extending from said point to 5.5 miles west.

Issued in Jamaica, New York, on October 23, 1986.

Edmund Spring,

Manager, Air Traffic Division.

[FR Doc. 86-24769 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of FD&C Red No. 3 in Cosmetics and Externally Applied Drugs and of Its Lakes in Food and Ingested Drugs; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Red No. 3 for use in coloring cosmetics and externally applied drugs and of the lakes of this color additive for use in coloring food and ingested drugs. The new closing date for the provisional listing of this color additive will be November 3, 1987. This postponement will provide additional time for the scientific review panel, assembled to consider data relating to the suggested secondary tumorigenic mechanism for RD&C Red No. 3, to complete its report. Time is also required for FDA to receive and evaluate the report and to publish its proposed action based on the panel's recommendations while allowing for a public comment period. The new closing date will permit the uninterrupted use of this color additive while the requisite **Federal Register** documents are prepared.

DATES: Effective November 3, 1986, the new closing date for the provisional listing of FD&C Red No. 3 and its lakes will be November 3, 1987.

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

SUPPLEMENTARY INFORMATION: FDA established the current closing date of November 3, 1986, for the provisional listing of FD&C Red No. 3 for use in cosmetics and in externally applied drugs and for the provisional listing of use of its lakes in food and ingested drugs by a rule published in the **Federal Register** of September 3, 1986 (51 FR 31323). FDA issued this postponement to provide time for the formulation of recommendations by a scientific review panel assembled to consider data supporting the sponsors' claim that FD&C Red No. 3 exerts the tumorigenic effect observed in test animals via a secondary mechanism. FDA has forwarded all available data to the review panel.

Because of the complexity of the scientific issues being considered by the panel, additional time is required for the panel to complete its deliberations and to prepare its report. The agency must then review and evaluate the report and take final action on the panel's recommendations.

FDA finds that this extension is consistent with the public health and the standards set forth for continuation of provisional listing in *McIlwain* v. *Hayes*, 690 F.2d (D.C. Cir. 1982).

Because of the shortness of time until the November 3, 1986, closing date, FDA concludes that notice and public procedure on this regulation are impracticable and that good cause exists for issuing the postponement as a final rule and for an effective date of November 3, 1986. This regulation will permit the uninterrupted use of these color additives until further action is taken. In accordance with 5 U.S.C. 553(b) and (d)(1) and (3), this postponement is issued as a final regulation, effective on November 3, 1986.

List of Subjects in 21 CFR Part 81

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 81 is amended as follows:

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

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

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

§ 81.1 [Amended]

2. Section 81.1 *Provisional lists of color additives* is amended by revising the closing date for "FD&C Red No. 3" in paragraph (a) to read November 3, 1987.

§ 81.27 [Amended]

3. Section 81.27 *Conditions of provisional listing* is amended by revising the closing date for "FD&C Red No. 3" in paragraph (d) to read November 3, 1987.

Dated: October 29, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-24881 Filed 10-30-86; 12:24 p.m.]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD3-85-81]

Establishment of a Special Anchorage Area; Hudson River, Tarrytown, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special anchorage area in the Hudson River southwest of Tarrytown, New York and northeast of the Tappan Zee Bridge. This special anchorage area is being established because there is a reported shortage of dock space for recreational vessels in the lower Hudson River. The special anchorage would help alleviate the shortage of space by providing a mooring area for approximately 45 small vessels.

EFFECTIVE DATE: December 3, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade T. S. Kuhaneck, Vessel Movement Officer, Commander, Coast Guard Group New York, at (212) 668-7933.

SUPPLEMENTARY INFORMATION: On March 6, 1986, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (51 FR 7812). Interested persons were requested to submit written comments and no comments were received.

Drafting Information

The drafters of this notice are LTJG T.S. Kuhaneck, Project Officer, Coast Guard Group New York and Mrs. M.A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Comments

As previoulsy stated, no comments regarding the NPRM were received. The area being designated as a special anchorage lies in an area southwest of Tarrytown, New York and northeast of the Tappan Zee Bridge. This is an area of heavy recreational boating concentration but one lacking in available dock area. This special anchorage area will increase the area available for recreational boaters to anchor in this section of the Hudson River.

This rule will allow anchoring of small boats (vessels under 65 feet in length) without requiring them to display anchor lights or sound fog signals. The area is well away from the navigable channel and is located where general navigation will not endanger or be endangered by unlighted vessels. It is projected that approximately 45 small vessels use this designated area. The area will be open to the general public with access available at the Washington Irving Boat Club. The boat club has launching equipment, a paved launching ramp, and fueling and parking facilities. This regulation is issued pursuant to 33 U.S.C. 2030, 2035, and 2070 as set out in the authority citation for all of Part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Establishment of this Special Anchorage Area will not require dredging nor result in increased cost to any segment of the public. In fact, it may attract additional recreational boaters to the area which would have a favorable economic impact on commercial facilities providing services to these boaters.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subject in 33 CFR Part 110

Anchorage grounds.

PART 110—[AMENDED]

Final Regulations

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 110 is revised to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in § 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.60, paragraphs (p-1) and (p-2) are redesignated (p-2) and (p-3), respectively, and a new paragraph (p-1) is added to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(p-1) *Hudson River, at Tarrytown, NY.* Beginning at a point on the shoreline at latitude 41°04'20" N. long. 73°51'04" W.; thence due west to a point at lat. 41°04'20" N. long. 73°52'12" W.; thence due south to a point at lat. 41° 04'13" N., long. 73°52'12" W.; thence due east to a point on the shoreline at lat. 41°04'13" N., long. 73°52'00" W.; thence along the shoreline to the point of beginning.

* * * * *

Dated: October 16, 1986.

G.D. Passmore,

Rear Admiral (Lower Half), U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 86-24796 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CCGD09 86-11]

Drawbridge Operation Regulations; Maumee River, OH

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Ohio Department of Transportation and the City of Toledo, Ohio, the Coast Guard is changing the operating regulations of the Craig Memorial highway bridge, mile 3.30, and Cherry Street bridge, mile 4.30, across the Maumee River in Toledo, Ohio, by permitting the number of openings for pleasure craft to be limited during certain times and by permitting the bridge owners to remove bridgetenders during certain times and only open the bridges for the passage of vessels, other than emergency vessels and vessels in distress, upon receipt of an advance notice. This change is being made because of an increase in land traffic during the day and the lack of requests to open the draw during the winter months. Also, the Chessie System railroad bridge, mile 1.07, Norfolk and Western railroad bridge, mile 1.80, and Conrail railroad bridge, mile 5.76, will be included in this final rule for the removal of bridgetenders during the winter months in order to maintain consistency on the Maumee River for

this period of time. This action will accommodate the needs of vehicle traffic, relieve the bridge owners of the burden of having a bridgetender in constant attendance while still providing for the reasonable needs for navigation.

EFFECTIVE DATE: These regulations become effective on December 3, 1986.

FOR FURTHER INFORMATION CONTACT: Robert W. Bloom, Jr., Chief, Bridge Branch, telephone (216) 522–3993.

SUPPLEMENTARY INFORMATION: On June 19, 1986, the Coast Guard published Proposed Rule, Vol. 51, No. 118, FR 22312, FR 22313 and FR 22314, concerning this amendment. The Commander, Ninth Coast Guard District, also published the proposal as a Public Notice, PN 09–07/86, dated 25 July 1986. In these notices, interested persons were given until August 4, 1986 and August 26, 1986, respectively, to submit comments.

Drafting Information

The drafters of these regulations are Fred H. Mieser, project officer, and Lt. R. A. Pelletier, project attorney.

Discussion of Comments

No comments were received as a result of publication in the **Federal Register.** Three comments were received in response to the Public Notice. The commentors that responded to the Public Notice represented commercial navigation and requested that the removal of bridgetenders during the winter months be changed to begin December 31 instead of December 15 because of vessel trips during this period of time and because adverse weather conditions contribute to unpredictable vessel schedules. Additional information furnished by officials of the City of Toledo, State of Ohio, and Conrail show that the greatest number of openings for commercial vessels in December occurred between December 1 and December 20; 20 openings in 1982, 16 in 1983, 22 in 1984 and 25 in 1985. For the period of time from 21 December through 31 December, openings for commercial vessels amounted to 5 in 1982, 4 in 1983, 16 in 1984 and 9 in 1985.

To accommodate the concerns of commercial navigation, it was suggested by commercial representatives that the advance notice requirement of twelve hours, to have the bridge opened for the passage of a vessel between December 21 and December 31, could be changed to four hours. The removal of bridgetenders starting on December 21 instead of December 15, and the requirement of a four hour advance notice instead of a twelve hour advance notice from December 21 to December 31, is a reasonable compromise and meets the reasonable needs of navigation. Therefore, the final rule will reflect this change.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulations and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. The periods of time the bridges open for the passage of pleasure craft on a regulated schedule will relieve the problem of traffic tie-ups due to random bridge openings for these vessels and still provide for the reasonable needs of these vessels. During the periods of time the bridges are unattended, there is little or no significant vessel traffic on the river and the requirement for an advance notice will meet the reasonable needs of navigation. Since the impact of these regulations is expected to be so minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 is revised to read as follows:

Authority: 33 U.S.C. 499; and 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. Section 117.855 is added to read as follows:

§ 117.855 Maumee River.

(a) The draw of the Craig Memorial highway bridge, mile 3.30, at Toledo, shall operate as follows:

(1) From April through December 20—

(i) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the hour and half-hour with no opening required at 7:30 a.m. and 4:30 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(2) From December 21 through March 31, no bridgetenders are required to be on duty at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(b) The draw of the Cherry Street highway bridge, mile 4.30 at Toledo, shall operate as follows:

(1) From April 1 through December 20—

(i) Between the hours of 7 a.m. and 11 p.m., the draw need open only from three minutes before to three minutes after the quarter and three-quarter hour with no opening required at 7:45 a.m. and 4:45 p.m. for pleasure craft; for commercial vessels, during this period of time, the draw shall open on signal as soon as possible.

(ii) Between the hours of 11 p.m. and 7 a.m., the draw shall open on signal for commercial vessels and pleasure craft.

(2) From December 21 through March 31, no bridgetenders are required to be at the bridge and the draw shall open on signal from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(c) The draws of the Chessie System railroad bridge, mile 1.07, Norfolk and Western railroad bridge, mile 1.80 and Conrail railroad bridge, mile 5.76, all at Toledo, shall operate as follows:

(1) From April 1 through December 20, the draws shall open on signal for all vessels.

(2) From December 21 through March 31, no bridgetenders are required to be at the bridges and the draws shall open on signal for commercial vessels and pleasure craft from December 21 through December 31, if at least a four hour advance notice is given and from January 1 through March 31, if at least a twelve hour advance notice is given.

(d) At all times, the bridges listed in this section shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety and vessels in distress.

Dated: October 24, 1986.

A.M. Danielsen,

RADM, U.S. Coast Guard Commander, Ninth Coast Guard District.

[FR Doc. 86–24797 Filed 10–31–86; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 262, 264, 265, 268, 270, and 271

[SWH-FRL-3102-9]

Hazardous Waste Management System: Land Disposal Restrictions for Solvent and Dioxin-Containing Hazardous Waste; Public Briefings

AGENCY: Environmental Protection Agency.

ACTION: Notice of public briefings.

SUMMARY: EPA plans to hold three public briefings to discuss and respond to questions on a final rulemaking soon to be issued in response to the Hazardous Solid Waste Amendments (HSWA) of 1984 related to land disposal restrictions.

DATES: The public briefings are scheduled as follows:

1. November 13, 1986—1:30 p.m. to 4:30 p.m., San Francisco, California.
2. November 17, 1986—1:30 p.m. to 4:30 p.m., Kansas City, Missouri.
3. November 21, 1986—1:30 p.m. to 4:30 p.m., Arlington, Virginia.

The meetings may be adjourned earlier if there are no remaining comments.

ADDRESSES: The public briefings will be held in the following locations:

1. Ramada Renaissance Hotel, 55 Cyril Magnin Street, San Francisco, California 94102, (415) 392–8000.
2. Executive Inn, 1600 North Universal Avenue, Kansas City, Missouri 64120, (816) 483–9900.
3. Quality Inn/Pentagon City, 300 Army Navy Drive, Arlington, Virginia 22202, (703) 892–4100.

Make lodging reservations directly with the hotels; a block of rooms has been reserved for the convenience of attendees requiring lodging.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424–9346 or at (202) 382–3000. For technical information contact Ms. Geraldine Wyer or Ms. Devorah Zeitlin, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382–4646.

SUPPLEMENTARY INFORMATION: HSWA prohibits the land disposal of untreated hazardous waste unless a petition has been granted based on a showing that there will be no migration of hazardous constituents from the disposal unit for as long as the waste remains hazardous. Wastes that are not the subject of a successful petition must be managed in accordance with treatment standards set by the United States Environmental Protection Agency.

The legislation sets forth a series of deadlines for Agency action. The first date is November 8, 1986, and affects solvent and dioxin-containing wastes (EPA designations F001, F002, F003, F004, F005, F020, F022, F023, F026, F027, and F028). The Agency can extend the effective date of these prohibitions only if it finds that there is not sufficient available capacity to treat these wastes prior to land disposal.

The Agency expects to have treatment standards for solvent and dioxin-containing wastes promulgated by the November 8, 1986 deadline. These treatment standards are expected to take the form of specific performance levels based on the best demonstrated treatment operations. For concentrated spent solvent wastes (i.e., containing greater than 1% total F001–F005 solvents), treatment levels are likely to be based on the operation of incinerators meeting RCRA requirements.

It is expected that some solvent and dioxin-containing wastes will be granted extensions due to a shortage of available treatment capacity. However, it is likely that concentrated spent solvent wastes will not be granted such an extension, unless these wastes are generated by small quantity generators (those that generate less than 1000 kg/month of hazardous wastes).

- The effective date of the ban on the land disposal of concentrated spent solvent wastes is likely to be November 8, 1986 or the date of promulgation of the final rule.
- Generators of concentrated spent solvent wastes and owners and operators of land disposal facilities that currently dispose of such wastes should plan to send their banned wastes to RCRA storage or treatment (probably incineration) facilities that will meet the standards set in the solvent and dioxin rule.

Details of the final rulemaking will be provided in its publication in the **Federal Register.**

Dated: October 27, 1986.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 86–24660 Filed 10–31–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6735]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATE: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC, 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally

enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Region III				
Pennsylvania:				
Canton, township of, Washington County	421201B	May 20, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Sept. 20, 1974, May 21, 1976, and Nov. 5, 1986.	Nov. 5, 1986.
Ferndale, borough of, Cambria County	421429A	Nov. 24, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Nov. 8, 1974 and Nov. 5, 1986	Do.
Harmony, township of, Forest County	421645A	Aug. 14, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	July 18, 1975 and Nov. 5, 1986	Do.
Tionesta, borough of, Forest County	421648B	May 12, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Mar. 29, 1974, May 14, 1976, and Nov. 5, 1986.	Do.
Washington, city of, Washington County	420861A	Oct. 23, 1974, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Nov. 12, 1976 and Nov. 5, 1986	Do.
Region IV				
Kentucky:				
Hawesville, city of, Hancock County	210239B	May 19, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Feb. 15, 1974, July 2, 1976, and Nov. 5, 1986.	Do.
Wilmore, city of, Jassamine County	210311	Jan. 17, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	July 25, 1975 and Nov. 5, 1986	Do.
South Carolina: Charleston, city of, Charleston County	455412D	Oct. 30, 1970, Emerg.; Apr. 9, 1971, Reg.; Nov. 5, 1986, Susp.	Apr. 9, 1971, May 25, 1973, July 1, 1974, Sept. 3, 1976, and Nov. 5, 1986.	Do.
Region V				
Illinois: Highland, city of, Madison County	170445B	Oct. 4, 1974, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Mar. 8, 1974, May 21, 1976, and Nov. 5, 1986.	Do.
Region VII				
Iowa: North Liberty, city of, Johnson County	190630A	May 24, 1977, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.	Apr. 23, 1976 and Nov. 5, 1986	Do.
Region III—Minimal Conversions				
Pennsylvania:				
Boggs, township of, Armstrong County	421301B	Mar. 3, 1977, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Aug. 30, 1974, Apr. 9, 1976, and Nov. 1, 1986.	Nov. 1, 1986.
Burrell, township of, Armstrong County	421303B	Oct. 25, 1977, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Sept. 20, 1974, June 11, 1976, and Nov. 1, 1986.	Do.
Clarion, borough of, Clarion County	421500A	Oct. 3, 1975, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Nov. 29, 1974 and Nov. 1, 1986	Do.
Clarion, township of, Clarion County	421507B	Jan. 20, 1976, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Nov. 29, 1974, Feb. 4, 1977, and Nov. 1, 1986.	Do.
Cowanshannock, township of, Armstrong County	421230B	May 23, 1977, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Sept. 13, 1974, Dec. 31, 1976, and Nov. 1, 1986.	Do.
Hovey, township of, Armstrong County	422299A	Apr. 7, 1976, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Jan. 24, 1975 and Nov. 1, 1986	Do.
North Buffalo, township of, Armstrong County	421310B	Apr. 12, 1976, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Apr. 5, 1974, June 18, 1976, and Nov. 1, 1986.	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified	Date [1]
Perry, township of, Lawrence County	421796B	July 24, 1975, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Jan. 10, 1975, Jan. 18, 1980, and Nov. 1, 1986.	Do.
Plumcreek, township of, Armstrong County	421313B	May 18, 1984, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Sept. 6, 1974, June 18, 1976, and Nov. 1, 1986.	Do.
Rayburn, township of, Armstrong County	421314A	May 10, 1976, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Feb. 21, 1975 and Nov. 1, 1986	Do.
Scott, township of, Lawrence County	421799B	July 23, 1974, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Jan. 31, 1975, Aug. 22, 1980, and Nov. 1, 1986.	Do.
Slippery Rock, township of, Lawrence County	422466B	Mar. 1, 1977, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Apr. 14, 1978 and Nov. 1, 1986	Do.
Towamensing, township of, Carbon County	421458A	July 30, 1975, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Dec. 20, 1974 and Nov. 1, 1986	Do.
Taylor, township of, Fulton County	421663C	Oct. 14, 1975, Emerg.; Nov. 1, 1986, Reg.; Nov. 1, 1986, Susp.	Dec. 20, 1974, Aug. 8, 1980, and Sept. 1, 1986.	Do.
Region V				
Wisconsin: Lancaster, city of, Grant County	550150B	Mar. 24, 1975, Emerg.; Aug. 5, 1986, Reg.; Nov. 1, 1986, Susp.	May 31, 1974 and Aug. 5, 1986	Do.

[1] Date certain Federal assistance no longer available in special flood hazard areas.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Harold T. Duryee,
Administrator, Federal Insurance Administration.
[FR Doc. 86-24752 Filed 10-31-86; 8:45 am]
BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 85-23, FCC 86-364]

Radio Services, Frequencies and Emissions

Correction

In FR Doc. 86-23507, beginning on page 37026 in the issue of Friday, October 17, 1986, make the following correction:

§ 97.67 [Corrected]

On page 37027, in the middle column, in the first line of amendatory instruction 5 and in the first line of the regulatory paragraph that follows, "(1)" should read "(i)".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 502 and 509

[APD 2800.12 CHGE 32]

General Services Administration Acquisition Regulation; Approval Level for Resolving Disagreements on Preaward Surveys

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, is amended to revise Part 502 to reflect organizational and title changes; to revise Part 509 to designate the Credit and Finance Section, Region 6, as the office responsible for evaluating a prospective contractor's financial ability, to require the approval of an official one level above the contracting director instead of the head of the contracting activity before awarding a contract to a firm with an unfavorable preaward survey, to provide for GSA contracting activities to be notified of proposed debarments, and to eliminate the requirement that a copy of the notice of proposed debarment be given to affected agency components. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: October 22, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Office of GSA Acquisition Policy and Regulations on (202) 535-7791.

SUPPLEMENTARY INFORMATION: This rule will not have a significant cost or administrative impact on contractors or offerors. Therefore, it was not published in the **Federal Register** for public comment. The Director, Office of Management and Budget, by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). The rule has no impact outside the agency. It establishes signatory authority approval levels within the agency, updates current organizational and title changes and changes the procedure used to notify GSA contracting activities of proposed debarments. Accordingly, no regulatory flexibility analysis has been prepared. The rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq.

List of Subjects in 48 CFR Parts 502 and 509

Government procurement.

1. The authority citation for 48 CFR Parts 502 and 509 continues to read as follows:

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

PART 502—DEFINITIONS OF WORDS AND TERMS

2. Section 502.101 is revised to read as follows:

502.101 Definitions.

"Head of the contracting activity" (HCA) means the Associate Administrator for Acquisition Policy, Commissioners of the Federal Supply Service (FSS), Information Resources Management Service (IRMS), Public Building Service (PBS), Federal Property Resources Service (FPRS), or Regional Administrators (Regions 1, 2, 3, 4, 5, 6, 7, 9, and the National Capital Region). The Regional Administrator, Region 1, serves as the HCA only for FPRS activities. The Associate Administrator for Acquisition Policy serves as the HCA for Central Office contracting activities outside of FSS, IRMS, PBS, and FPRS.

"Contracting director" means directors of Central Office or regional office divisions that are responsible for performing contracting and/or contract administration functions except for FSS. "Contracting director" means directors of Commodity Centers and Federal Supply Service Bureaus in the FSS.

"Senior procurement executive" means the Associate Administrator for Acquisition Policy.

"Agency competition advocate" means the Director of the Office of

Acquisition Management and Contract Clearance.

"Contracting activity competition advocate" means the (a) Director of Acquisition Management and Contract Clearance, (b) FSS Competition Advocate, Office of Commodity Management, (c) Director, Agency Liaison Officer Program Division, IRMS, (d) Special Assistant to the Director, Program Support Office, FPRS, (e) Regional Director, Office of Project Control and Oversight for Regions 2, 3, 4, 5, 6, 7, 9, and the National Capital Region, and (f) Senior Advisor to the Regional Administrator, Region 1 (only with respect to FPRS activities). The Director of Acquisition Management and Contract Clearance serves as the contracting activity competition advocate for Central Office contracting activities outside of FSS, IRMS, and FPRS.

PART 509—CONTRACTOR QUALIFICATIONS

3. Section 509.105–1 is amended by revising paragraph (d) to read as follows:

509.105–1 Obtaining information.

* * * * *

(d) For the purposes of this subpart, the "auditor" in FAR 9.105–1(b)(2)(ii) is the Assistant Inspector General for Audits in the Central Office and the Regional Inspector General for Audits in the regions except for the evaluation of a prospective contractor's financial competence and credit needs, for which it is the Chief, Credit and Finance Section, Region 6.

4. Section 509.106–70 is revised to read as follows:

509.106–70 Disagreement with preaward survey recommendation.

When the contracting officer does not concur with the preaward survey recommendation, the contract file must be documented as to the basis of the determination of contractor responsibility. The concurrence of an official one level above the contracting director (see GSAR 502.101) shall be obtained before awarding of a contract to a firm which received an unfavorable preaward survey. If the contracting officer finds a small business nonresponsible, the certificate of competency procedures in FAR 19.6 must be used. The activity that prepared the preaward survey must be given a copy of the contracting officer's justification for overriding the preaward survey recommendation.

5. Section 509.406–3 is amended by revising paragraph (b)(3) to read as follows:

509.406–3 Procedures.

* * * * *

(b) *Notice of proposal to debar.*

* * * * *

(3) Contracting activities are to be notified of any proposed debarment.

* * * * *

Dated: October 22, 1986.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86–24747 Filed 10–31–86; 8:45 am]

BILLING CODE 6820–61–M

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48 CFR Part 516

[APD 2800.12 CHGE 33]

General Services Administration Acquisition Regulation; Letter Contracts for Architect-Engineer (A–E) Services

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5, amended to revise section 516.603–3 to add special limitations on letter contracts for A–E services. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: October 24, 1986.

FOR FURTHER INFORMATION CONTACT: Ms. Ida M. Ustad, Office of GSA Acquisition Policy and Regulations (VP), (202) 566–1224.

SUPPLEMENTARY INFORMATION: The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This rule amends the GSAR to impose special restrictions on the services that can be performed under a letter contract for A–E services before the letter contract is definitized. The restrictions are being imposed because of the nature of the services and as a result of the problems that the agency has experienced with the use of letter contracts for A–E services. This rule does not contain information collection requirements which require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.).

List of Subjects in 48 CFR Part 516

Government procurement.

1. The authority citation for 48 CFR Part 516 continues to read as follows:

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

PART 516—TYPES OF CONTRACTS

2. Section 516.603–3 is revised to read as follows:

516.603–3 Limitations.

(a) *General.* Signatory authority for the determination and findings (D&F) required by FAR 16.603–3 is delegated to the heads of contracting activities or their designees (see GSAR 501.707).

(b) *Architect-Engineer services.* (1) The proposed Architect-Engineer (A–E) must provide a price proposal for the non-design effort to be performed under the contract before the letter contract is awarded. The letter contract must:

(i) Not authorize the A–E to begin the design effort. The scope of the letter contract may include the design effort but the letter contract may only authorize the A–E to perform those services that are independent of the design effort (e.g., feasibility studies, existing facility surveys or site investigation, etc.) before the letter contract is definitized.

(ii) Include a definitization schedule that outlines (A) a date for submission of the design fee proposal, (B) a date for the start of negotiations, and (C) a target date for definitization. The schedule must provide for definitization of the contract within 90 days after the date of the letter contract instead of 180 days as outlined in FAR 16.603–2(c).

(iii) Limit the Government's liability to the amount necessary for the non-design effort to be performed under the contract by inserting that amount in the clause at FAR 52.216.24, Limitation of Government Liability.

(2) If the contracting officer must issue a unilateral price decision under FAR 16.603–2(c), the maximum contract amount must be not exceed a reasonable price for the excludable items plus the 6 percent statutory fee limitation for the project.

Dated: October 24, 1986.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86–24756 Filed 10–31–86; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 51, No. 212
Monday, November 3, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1137

Milk in the Eastern Colorado Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to continue through February 1987 a suspension of portions of the Eastern Colorado Federal milk order. Provisions proposed to be suspended relate to the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Also proposed to be suspended for the same period is the "touch-base" requirement that each producer's milk be received at least three times each month at a pool distributing plant. Continuation of the suspension of the provisions was requested by a cooperative association representing producers supplying the market in order to prevent uneconomic movements of milk.

DATE: Comments are due on or before November 10, 1986.

ADDRESS: Comments (two copies) should be filed with the Dairy Division, Room 2968, South Building; U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: The Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), the suspension of the following provisions of the order regulating the handling of milk in the Eastern Colorado marketing area is being considered for the months of November 1986 through February 1987:

1. In the first sentence of § 1137.12(a)(1), the words "from whom at least three deliveries of milk are received during the month at a distributing plant".

2. In the second sentence of § 1137.12(a)(1), the words "30 percent in the months of March, April, May, June, July, and December and 20 percent in other months of" and "distributing".

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to the Dairy Division, Agricultural Marketing Service, Room 2968, South Building, U.S. Department of Agriculture, Washington, DC 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include November 1986 in the suspension period.

The comments that are sent will be made available for public inspection in the Dairy Division office during normal business hours (7 CFR 1.27b)).

Statement of Consideration

Mid-America Dairymen, Inc. (Mid-Am), an association of producers that supplies some of the market's fluid milk needs and handles some of the market's reserve milk supplies, requested the suspension. The suspension would continue to relax for the months of November 1986 through February 1987 the limit on the amount of producer milk that a cooperative association may divert from pool plants to nonpool plants, and remove the requirement that three deliveries of each producer's milk be received at a pool distributing plant each month. The suspension currently in effect applies to milk deliveries through October 1986.

The order now provides that a cooperative may divert a quantity of milk not in excess of 30 percent of the cooperative association's member milk received at pool distributing plants during the months of March, April, May, June, July and December, and up to 20 percent in other months. Suspension of the requested language would allow up to 50 percent of a cooperative's member milk supply to be diverted to nonpool plants and remain eligible to share in the marketwide pool.

Mid-Am states that the volume of producer milk pooled on the Eastern Colorado order began to increase following the conclusion of the Milk Diversion Program in 1985, and has continued to increase during 1986. According to the cooperative, Eastern Colorado producer milk during the first 7 months of 1986 had increased 10.7 percent over the same period in 1985. At the same time, producer milk used in Class I had increased only 1.3 percent. Mid-Am states that as a result of increased milk production, there are ample supplies of local milk available to meet the fluid requirements of Denver-area distributing plants. The cooperative estimates that approximately 15 loads of producer milk produced in Kansas and Nebraska would have to be shipped to Eastern Colorado pool distributing plants each month in order to qualify Mid-Am producers for continued pool status. The cooperative states that these shipments would displace Denver-area milk, which would have to be moved to surplus handling plants. Both movements, according to Mid-Am, would represent uneconomic movements of milk. Without the requested continued suspension, the cooperative expects to incur substantial unnecessary costs for the movement of its milk solely for the purpose of pooling the milk of its members currently associated with the Eastern Colorado market.

List of Subjects in 7 CFR Part 1137

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Part 1137 continues to read as follows:

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

Signed at Washington, DC, on October 28, 1986.

Wiliam T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-24809 Filed 10-31-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-134-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an Airworthiness Directive (AD) that requires inspection of the pneumatic system 8th stage check valve, and repair or replacement of the valve, as necessary, on Boeing Model 767 airplanes. The AD was prompted by reports of fragments of failed valves becoming lodged in other pneumatic system components, by reports of engine damage caused by ingested valve fragments, and by reports of cracked valves which have been removed from service. This condition, if not corrected, could cause engine shutdown, engine damage, or damage to the pneumatic system. This action proposes to require repetitive inspections of additional versions of the subject valve, which may be subject to similar failures, and adds a terminating action for the repetitive inspections.

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

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-134-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, C-68966, Seattle, Washington 98168.

FOR FURTHER INFORMATION CONTACT: Mr. Gary D. Lium, Aerospace Engineer, Systems and Equipment Branch, ANM-130S, Seattle Aircraft Certification Office; telephone (206) 431-1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-134-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Airworthiness Directive (AD) 86-06-01, Amendment 39-5257 (51 FR 8792; March 14, 1986), was issued as a final rule with a request for comments. The closing date for the comment period was April 1, 1986, which was the same date as the effective date of the AD. This period afforded interested persons an opportunity to comment on the amendment. Due consideration has been given to the two comments received.

One commenter requested that valves be required to be inspected upon the accumulation of 2,000 hours time-in-service, or the next 500 hours time-in-service, whichever occurs, later, based on the fact wear would be minimal on new valves. The FAA concurs that the initial inspection period for valves manufactured after March 1, 1985 may be relaxed, based on data presented by The Boeing Company. These data are discussed below.

The second commenter was the Boeing Company, which provided data from Hamilton Standard, the valve manufacture, relating to the inspection of valves returned to Hamilton Standard. The data provide a correlation between poppet crack initiation and crack growth versus service hours. All valves with measurable crack lengths had accumulated more than 4,500 hours time-in-service prior to the inspection, with one single exception. All the returned valves, with this one exception, had tight eddie bolts. Hamilton Standard confirms that a loose eddie bolt will accelerate crack initiation and propagation.

The manufacturing procedure relating to eddie bolt torque was changed prior to March 1, 1985. Valves manufactured after this date, identified by serial number, have not been shown to contain loose eddie bolts. For this reason, the FAA has determined that valves manufactured after this date must be inspected initially prior to the accumulation of 2,000 hours time-in-service. The requirement to repeat the inspection at intervals not to exceed 2,000 hours time-in-service is retained.

Additional information received from the Boeing Company has revealed that, following publication of the AD, two additional valve configurations, part numbers 773856-4 and 773856-5, have been produced by Hamilton Standard. Both configurations are improvements to the 773856-3 valve, but neither is considered sufficient to constitute terminating action for the repetitive inspections required on the 773856-3 valve. The 773856-4 valve incorporates a new valve shaft, and the 773856-5 valve contains improved poppet retention. Although these changes could lessen the problem of cracked valve poppets, the fact that the poppet itself is unchanged indicates that cracked poppets could occur. The FAA has no data which would indicate the magnitude of poppet crack growth reduction, if any, due to the noted improvements. It is therefore proposed that the 773856-4 and 773856-5 valves be subject to the same repetitive inspection requirements as the 773856-3 valve.

The Boeing Company has identified the following three optional actions, which are proposed as terminating action for the repetitive inspections required by AD 86-06-01:

1. Incorporate Hamilton Standard Service Bulletins 36-2039, 36-2045, and 36.2046, which provide for an improved shaft, improved valve poppet retention, and thicker poppet, respectively. Incorporation of Service Bulletin 36-2039

creates a 773856–4 valve from a 773856–3 valve, and incorporation of Service Bulletin 36–2045 creates a 773856–5 valve from a 773856–4 valve. Incorporation of all three service bulletins creates a 773856–6 valve.

2. Install a new production check valve, Hamilton Standard part number 773856–6. This valve is the production equivalent for the modifications described in Item 1, above.

3. Install a Garrett check valve, part number 3202164–2. This valve has been shown to be dimensionally and functionally interchangeable with the Hamilton Standard 773856–6 valve.

It is unknown how many valves, part numbers 773856–4 and 773856–5, are in service. Approximately 28 manhours, however, would be required to accomplish the initial and repetitive inspection per airplane. Assuming a labor charge of $40 per manhour, the cost of an inspection would be $1,120 per airplane.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 767 airplanes are operated by small entities. A copy of the draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

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

Authority: 39 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 revising Airworthiness Directive 86–06–01, Amdt. 39–5257 (51 FR 8792; March 14, 1986), to read as follows:

Boeing: Applies to all Model 767 airplanes, certificated in any category. Compliance is required as stated below. To preclude engine or pneumatic system damage caused by the failure of the pneumatic system 8th stage check valve, Hamilton Standard Part Numbers 773856–3, 773856–4, or 773856–5, accomplish the following, unless already accomplished:

A. Within 500 hours time-in-service after the effective date of this AD, inspect the pneumatic system 8th stage check valve, Hamilton Standard Part Number 773856–3, manufactured prior to March 1, 1985, in accordance with Boeing Service Bulletin 767–36–0017, dated January 17, 1986, or later FAA-approved revisions.

B. Inspect pneumatic system 8th stage check valve, Hamilton Standard Part Number 773856–3 manufactured after March 1, 1985, or Part Numbers 773856–4 or 773856–5, in accordance with Boeing Service Bulletin 767–36–0017, dated January 17, 1986, or later FAA-approved revisions, within the next 500 hours time-in-service after the effective date of this AD, or prior to accumulating such valves 2,000 hours time-in-service, whichever occurs later.

C. If any valve inspected in accordance with paragraphs A. or B., above, contains any visible cracks, or exceeds the allowable wear limits specified in the referenced service bulletin, before further flight, repair the valve in accordance with the reference service bulletin, or replace the valve with a serviceable valve. Valves manufactuted prior to March 1, 1985, and not installed on an airplane, must be inspected prior to their installation.

D. Repeat the inspection procedures required by paragraph A. or B., above, at intervals not to exceed 2,000 hours time-in-service.

E. Accomplishment of the procedures described in paragraphs 1., 2., or 3., below, shall constitute terminating action for the repetitive inspections required by paragraph D., above:

1. Install a check valve which has been modified by the incorporated of the following three service bulletins:

a. Hamilton Standard Service Bulletin 36–2039, dated January 2, 1986, or later FAA-approved revision.

b. Hamilton Standard Service Bulletin 36–2045, dated April 1, 1986, or later FAA-approved revision.

c. Hamilton Standard Service Bulletin 36–2046, dated April 1, 1986, or later FAA-approved revision.

2. Install Hamilton Standard check valve P/N 773856–6.

3. Install Garrett check valve P/N 3202164–2.

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

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

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

Issued in Seattle, Washington on October 24, 1986.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 86–24771 Filed 10–31–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 86–NM–94–AD]

Airworthiness Directives; Lockheed-California Company Model L–1011–385 Series Airplanes Equipped With Dynamic Controls Corporation Part Numbers 11035–2 and 11035–3

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This document amends an earlier proposed airworthiness directive (AD) that would have required modification of the passenger oxygen initiator sequencer timer switches (sequencers) on Lockheed Model L–1011–385 series airplanes. This document amends the NPRM by requiring additional modification to the sequencers. This action is prompted by reports that modification of sequencers modified as proposed in the original NPRM has caused some sequencers to malfunction.

DATES: Comments must be received no later than December 22, 1986.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 86–NM–94–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: L–1011 Technical Operations, Dept. 63–38. This information may be examined at the FAA, Northwest Mountain Region, 17900

Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. George Y. Mabuni, Aerospace Engineer, Systems & Equipment Branch, ANM-132L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6323.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-94-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

A Notice of Proposed Rulemaking was published in the **Federal Register** on May 14, 1986 (51 FR 17649), which requested public comment concerning a proposal to require modification of certain passenger oxygen sequencers on Lockheed Model L-1011-385 series airplanes. The comment period closed July 7, 1986. One comment was received. The commenter reported that an operator encountered operational difficulties with sequencers modified in accordance with the instructions provided in the vendor's service bulletin as proposed in the NPRM. Also during the comment period, the FAA and the operators were notified by the airplane manufacturer that, on some modified sequencers, an internal noise problem can cause the pulser circuit to operate incorrectly. Subsequent testing of the modified sequencers by the vendor revealed that, in some sequencers, internal noise is generated by the voltage inverter circuit which will continuously trigger the pulser circuit and cause the sequencer to continuously operate. To ensure consistent and normal operation of the pulser circuit in all the sequencers, additional modification is required. Dynamic Controls Corporation (DCC) revised Service Bulletin (SB) 11035-35-4 to include the additional modification. DCC SB 11035-35-4, Revision 1, dated June 16, 1986, describes the modification that will remove, add, and replace certain capacitors; add diodes; and replace certain resistors. Incorporation of the modification will eliminate the dormant failures caused by the electromagnetic interference (EMI) capacitors, protect certain capacitors against excessive voltage, and eliminate unwanted and continuous triggering of the pulser circuit.

Although the FAA has received no additional reports of failed EMI capacitors, the FAA has determined that there is a potential for such failures in the future, which could result in depriving passengers of needed oxygen. Therefore, an AD is being proposed which would require modification of sequencers on Lockheed L-1011-385 series airplanes in accordance with Part II of the Accomplishment Instructions of Lockheed Service Bulletin 093-35-041, Revision 2, dated August 27, 1986, which references DCC SB 11035-35-4, Revision 1, dated June 16, 1986.

It is estimated that 125 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 manhours per Lockheed Model L-1011-385-1 series airplane and 14 manhours per Lockheed Model L-1011-385-3 series airplane to accomplish the required action, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $67,600.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model L-1011-385 series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

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

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

§ 39.13 [Amended]

2. By amending Notice of Proposed Rulemaking, Docket No. 86-NM-94-AD, as published in the **Federal Register** on May 6, 1986 (51 FR 17649), by changing the service bulletin reference in paragraph A. to read: "Lookheed Service Bulletin 093-35-041, Revision 2, dated August 27, 1986."

All persons affected by this proposal who have not already received the appropriate documents from the manufacturer may obtain copies upon request to the Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: L-1011, Technical Operations, Dept. 63-38. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on October 24, 1986.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-24772 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASO-26]

Proposed Alteration of Control Zone, Chamblee, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reduce the size of the Chamblee, Georgia, control zone. An arrival extension located northeast of the DeKalb-Peachtree Airport was predicated in the Norcross VORTAC which has been decommissioned. The instrument approach procedure which

necessitated the arrival extension was canceled concurrent with the decommissioning. Thus, the floor of controlled airspace in an area northeast of the airport may be raised from the surface to 700 feet above the surface. Additionally, the geographical coordinates of the airport have changed due to airport construction and the new coordinates will be reflected in the amended control zone description.

DATES: Comments must be received on or before: December 15, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, Airspace and Procedures Branch, Docket No. 86-ASO-26, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made, "Comments to Airspace Docket No. 86-ASO-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

All comments submitted will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any persons may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch (ASO-530), Air Traffic Divisions, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that will reduce the size of the Chamblee, Georgia, control zone by eliminating an unneeded arrival extension. In addition, the geographical coordinates (longitude only) will be corrected as those presently listed are slightly in error. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in FAA Order 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Control zone.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

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

Authority: 48 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. § 71.171 is amended as follows:

Chamblee, GA—[Amended]

By removing the words ". . . long. 84°18'10" W.); within 1.5 miles each side of Norcross VORTAC 242° radial extending from the 5 mile radius zone to 1 mile southwest of the VORTAC." and replacing them with the words" . . . long. 84°18'08" W.)."

Issued in East Point, Georgia, on October 23, 1986.

James L. Wright,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 86-24770 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-AGL-29]

Proposed Transition Area Alteration; Harry W. Browne Airport, Saginaw, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the existing Harry W. Browne Airport, Saginaw, Michigan, transition area to accommodate a new NDB Runway 27 Standard Instrument Approach Procedure (SIAP) to Harry W. Browne Airport.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments must be received on or before December 4, 1986.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 86-AGL-29, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation

Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The present transition area is being expanded to accommodate aircraft utilizing an NDB Runway 27 SIAP. The additional airspace designated will be approximately a 1-mile additional expansion to the east of the present transition area.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-AGL-29." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated airspace near Saginaw Harry W. Browne Airport, Michigan.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Saginaw Harry W. Browne Airport, MI—[Amended]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Harry W. Browne Airport (Lat. 43°25'58" N., Long. 83°51'43" W.); and within 2 miles each side of the 86° bearing from Harry W. Browne Airport, extending from the 5.5-mile radius to 6.5 miles east of the airport excluding that portion within the Saginaw Tri-City Airport, Michigan, transition area.

Issued in Des Plaines, Illinois, on October 21, 1986.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 86-24773 Filed 10-31-86; 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

Correction

In FR Doc. 86-22720, beginning on page 35653, in the issue of Tuesday, October 7, 1986, make the following corrections:

§ 201.2 [Corrected]

On page 35655, second column, in § 201.2, the word "*Alternative*" was misspelled in the heading for *Alternative B.*

On the same page, same column, in § 201.2, under *Alternative B,* paragraph (e)(7)(i), first line, "of" should read "or".

On the same page, same column, under *Alternative B,* paragraph (e)(7)(iii), third line, "ham" should read "harm".

BILLING CODE 1501-01-M

17 CFR Parts 229 and 230

[Release Nos. 33-6672, IC-15373; S7-28-86]

Elimination of Certain Pricing Amendments and Revision of Prospectus Filing Procedures

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Securities and Exchange Commission ("Commission") today is publishing for comment proposals intended to simplify the filing requirements applicable to a registration statement at the time of effectiveness. Proposed new Rule 430A would allow registrants, if specified conditions are satisfied, to omit information concerning the public offering price, price-related information, and the underwriting syndicate from a registration statement that is declared effective. The information omitted from the registration statement would be either included in the final prospectus and incorporated by reference into the registration statement or included in a post-effective amendment to the registration statement. In addition, the Commission is proposing related amendments to Rules 424(b) and 497 to require more immediate filing of a prospectus where Rule 430A has been used. Finally, the Commission is proposing other changes to Rule 424 to provide for a similarly shortened filing period for other prospectuses, to eliminate unnecessary filings, and to classify prospectuses according to the nature of the information being modified or added.

DATE: Comments should be received on or before December 18, 1986.

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. S7–28–86. 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: Mauri L. Osheroff, Deputy Chief Counsel, or Abigail Arms, Attorney Advisor, at (202) 272–2573, Division of Corporation Finance, or for questions regarding the applicability of the proposals to investment companies, Thomas S. Harman, Special Counsel, at (202) 272–2107, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for comment a new proposed Rule 430A, related amendments to Items 512 and 601 of Regulation S–K [1] and amendments to Rules 424 [2] and 497 [3] of Regulation C [4]. These proposals are intended to simplify and reduce registrants' filing obligations under the federal securities laws, while permitting more immediate identification of and access to information filed with the Commission. The proposals are not intended to change registrants' disclosure obligations to investors.

I. Executive Summary

The Commission is proposing a new Rule, Rule 430A, under the Securities Act of 1933 (the "Securities Act") [5] to eliminate the need for pre-effective amendments to registration statements filed solely to provide pricing information, price-related information, the names of the underwriting syndicate and respective amounts underwritten, underwriter compensation, material relationships with underwriters, and dealer allowances. As proposed, the Rule would be available to any registrant that is offering securities for cash. The proposed Rule would not change the information required to be disclosed in either a preliminary prospectus used before, or a final prospectus used after, effectiveness of the registration statement. The omitted information would be disclosed in a prospectus filed under Rules 424 or 497 and incorporated by reference into the registration statement. If, however, the final prospectus is not filed within five business days after effectiveness of the registration statement, a post-effective amendment containing the information would be necessary.

In addition, the Commission is proposing a number of amendments to Rule 424, one of which would require that the prospectus used after effectiveness of a registration statement as permitted by proposed Rule 430A be filed on or prior to the date it is first used in connection with the public offering or sales. A comparable amendment to Rule 497 would provide the same shortened filing period for investment companies relying on Rule 430A. Other changes to Rule 424 would shorten the filing period for other prospectuses used after effectiveness, eliminate unnecessary filings and classify Rule 424 prospectuses more systematically.

This release discusses the rule proposals as well as possible alternatives to the proposals.

II. Proposed Rule and Amendments

A. Proposed Rule 430A

1. Overview and General Considerations

Proposed Rule 430A contemplates that, subject to the satisfaction of specified conditions, a registration statement may omit pricing information, information dependent upon the public offering price, and information about underwriting syndicate members (including material relationships with any underwriter not named therein) and their compensation at the time it is declared effective. This information ordinarily is filed in pre-effective "pricing" amendment to the registration statement.

The proposed elimination of the requirement to file pricing amendments is intended to simplify and reduce filing obligations.[6] The proposal should minimize possible disruptions of a registrant's marketing schedule caused by the need to file a pricing amendment and have the registration statement declared effective by the Commission or its staff pursuant to delegated authority.[7] The Commission believes that the proposed Rule and related amendments would achieve these purposes without affecting the adequacy and timeliness of disclosure of information to investors or investor rights of action under the federal securities laws. There would be no change in the information currently provided to the public by means of either the preliminary prospectus [8] or the final prospectus used after effectiveness.[9]

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[1] 17 CFR 229.512; 17 CFR 229.601.

[2] 17 CFR 230.424.

[3] 17 CFR 230.497.

[4] 17 CFR 230.444 *et seq.*

[5] 15 U.S.C. 77a *et seq.* (1982).

[6] In the recent Advance Notice of Proposed Rulemaking for the operational Edgar system, the Commission discussed possible rule changes to take advantage of the efficiencies of electronic filing. In Section IV.E. of the release, "Amendments and Supplements to Filings," the Commission sought comment on a two-stage method of filing pricing amendments and also on whether amendments to Securities Act filings containing only changed pages should be permitted. *See* Release No. 33–6651 (June 26, 1986) [51 FR 24155]. Proposed Rule 430A represents another approach to streamlining the filing process and reducing unnecessary burdens, but the approaches addressed in the Edgar release will still be considered, particularly as some pricing amendments would continue to be filed even if Rule 430A is adopted.

[7] *See* section 8(a) of the Securities Act [15 U.S.C. 77h(a)] and 17 CFR 200.30–1(a).

[8] *See* Rule 430 [17 CFR 230.430], which defines a preliminary prospectus for purposes of section 5(b)(1) of the Securities Act [15 U.S.C. 77e(b)(1)].

[9] In response to a rulemaking petition submitted by the Securities Industry Association, the Commission has authorized its staff to prepare alternative proposals to permit prospectus delivery following the mailing of confirmations of sale to purchasers.

The proposed Rule would not change the current filing requirements applicable to exhibits.[10] Any exhibit required to be filed as part of a registration statement must continue to be filed prior to effectiveness. A registrant choosing not to file a pricing amendment would have to file all required exhibits with the initial registration statement or other pre-effective amendments. In particular, the Commission emphasizes that any required opinion, report or other document prepared by an accountant, other expert or counsel and applicable consents must be filed as part of the registration statement prior to the effective date.[11] While the public offering price may not be determined until shortly after the registration statement is declared effective, the Commission believes that in most cases requisite opinions, consents and reports, including legality opinions, can be issued prior to the specific pricing. Where this is not possible, the proposed Rule ordinarily would be unavailable. Comments, however, are solicited on this point and on possible alternative approaches, such as permitting opinions or consents to be filed, under limited circumstances, in a post-effective amendment prior to the commencement of the public offering or sales.

Certain exhibits, unlike opinions and consents, are not required to be completed and signed at the time of effectiveness (*e.g.*, trust indentures and underwriting agreements). The filing requirement may be satisfied by the form of the document to be used, which must be complete except for omission of prices, signatures and similar matters.[12] Because Instruction 1 to Item 601 of Regulation S–K requires that the information on price and similar matters omitted from an exhibit be contained in an amendment to the registration statement, a technical amendment to Instruction 1 is proposed to provide that inclusion of this information in the prospectus used after effectiveness of the registration statement as provided by proposed Rule 430A(a)(3) would satisfy this requirement.

Proposed Rule 430A would not change procedures requiring disclosure in the preliminary prospectus of information based on a bona fide estimate of the public offering price. For example, pro forma financial information on such matters as the ratio of earnings to fixed charges[13] should be set forth, accompanied by a clear statement that the information is based on an assumed public offering price and that the pro forma information will vary in a specified manner as the assumed price changes. Disclosure also should continue to be provided on the estimated dollar amount and allocation of proceeds to be received from the offering[14] and on dilution,[15] if applicable.

Nor would proposed Rule 430A alter traditional considerations regarding whether events or facts known prior to effectiveness require the filing of a pre-effective amendment to assure that the registration statement is not misleading when declared effective.[16] Registrants also should consider whether material changes to the disclosure contained in the latest preliminary prospectus distributed to underwriters, dealers and others[17] may necessitate recirculation of an amended preliminary prospectus.[18] In contrast, changes that currently are permitted to be made in a Rule 424(b)[19] prospectus rather than a pre-effective amendment to the registration statement, could continue to be made in the final prospectus. It is not contemplated that the proposals would change existing practice in this regard.

Proposed Rule 430A does not change requirements concerning the age of financial statements contained in a registration statement at the time of effectiveness.[20] Accordingly, the availability of the Rule would not eliminate the need to file a pre-effective amendment if the financial statements were required to be updated at the time of effectiveness. As the proposed Rule is not intended to change the disclosure to investors, the Commission does not intend Rule 430A to have the effect of permitting issuers to avoid financial statement updating requirements. Therefore, the Commission requests specific comment on whether proposed Rule 430A also should require registrants whose financial statements are not current at the time the first Rule 424(b) prospectus would be due to instead file a post-effective amendment containing updated financial statements, as well as the information omitted pursuant to Rule 430A.[21]

The proposed Rule is limited to registration statements that are declared effective, *i.e.*, where effectiveness is accelerated by the Commission or its staff acting pursuant to delegated authority, rather than by lapse of time.[22] Accordingly, an issuer who files a registration statement without the Rule 473 delaying amendment[23] would not be permitted to rely on Rule 430A.

At this time, the Commission does not intend to change the procedures applicable to securities to be offered under competitive bidding. Therefore, companies that offer and sell securities by that procedure may not use the proposed Rule. Such companies should continue to comply with the current rules and staff interpretations applicable to competitive bidding.[24]

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[10] *See* Item 601 of Regulation S–K.

[11] *See* section 7 and Schedule A(29) of the Securities Act, [15 U.S.C. 77g and 77aa Schedule A (29), respectively]; Item 601(b) (5), (6), (7), (8), and (24) of Regulation S–K [17 CFR 229.601(b) (5), (6), (7), (8), and (24)]; and Rules 436–439 [1,7 CFR 230.436 through 230.439]. An amendment to a registration statement that is filed solely for the purpose of adding exhibits and does not change the prospectus need include only the cover page to the registration statement, the exhibits and the signature page. *See* Rule 472 [17 CFR 230.472].

[12] Such exhibits may not be incorporated by reference into any subsequent filing made with the Commission. The completed exhibit, however, even if not part of the registration statement as declared effective, still may be incorporated by reference into other Commission documents if it is previously filed, *e.g.*, as part of a post-effective amendment or Form 8–K [17 CFR 249.308]. *See* Instruction 1 to Item 601 of Regulation S–K. These procedures would not be affected by proposed Rule 430A.

[13] *See* Item 503(d)(9) of Regulation S–K [17 CFR 229.503(d)(9)].

[14] *See* Item 504 of Regulation S–K [17 CFR 229.504].

[15] *See* Item 504 of Regulation S–K [17 CFR 229.504].

[16] For example, a change in the estimated public offering price may materially affect disclosure on the use of proceeds and, if applicable, the adequacy of the proceeds to accomplish one or more stated purposes. *See* Items 504 and 101(a)(2)(iii)(A)(1) of Regulation S–K [17 CFR 229.101(a)(2)(iii)(A)(1)], respectively. Other areas of disclosure that may require updating include the business and plan of operation, management's discussion and analysis of financial condition and results of operations, and certain pro forma financial information. *See* Items 101, 303 and 503(d)(9) of Regulation S–K [17 CFR 229.101; 17 CFR 229.303].

[17] *See* Rule 15c2–8 [17 CFR 240.15c2–8].

[18] Pursuant to Rule 460 [17 CFR 230.460], the adequacy and availability of information to the public may be considered in acting upon requests for acceleration of the effectiveness of a registration statement.

[19] 17 CFR 230.424(b).

[20] *See* Rule 3–12 of Regulation S–X [17 CFR 210.3–12].

[21] *See also* discussion *infra* in Part II.A.5, "Section 11 Liability Issues."

[22] *See supra* n. 7 and discussion *infra* in Part II.A.3., "Eligibility and Conditions for Use of Proposed Rule 430A."

[23] 17 CFR 230.473.

[24] Rule 445 [17 CFR 230.445] requires the filing of a post-effective amendment to reflect the results of the competitive bidding. The post-effective amendment to the registration statement becomes effective automatically at the time it is filed unless the registrant has been notified that proceedings under section 8 of the Securities Act [15 U.S.C. 77h] have been commenced. The staff, however, permits registrants to file prospectuses pursuant to Rule 424(c) [17 CFR 230.424(c)] to reflect the results of the competitive bidding for securities offered on a delayed or continuous basis under Rule 415 [17 CFR 230.415].

2. Information That May Be Omitted Under Rule 430A

The proposed Rule permits a registration statement to be declared effective that omits information on the public offering price, underwriting syndicate including material relationships with any underwriter not named therein, underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices and other matters dependent upon the public offering price. This range of information substantially parallels Rule 430.[25]

Unlike Rule 430, proposed Rule 430A specifically addresses information on the underwriting syndicate since the principal underwriters, respective amounts underwritten and material relationships with the registrant may be known at the time of effectiveness and disclosure would be required under item 508(a) of Regulation S–K [26] without a specific exclusion. The registration statement should include all of the required information on the plan of distribution [27] except the names of the syndicate members, material relationships with any underwriter not named therein, the amounts underwritten and the discounts and commissions. With respect to underwriter compensation, the registration statement should continue to disclose any compensation that is not easily reducible to a dollar per unit basis, such as options or warrants to purchase equity securities, fees for other services to be provided, and right of first refusal on future financings.[28] With respect to material relationships, the registration statement should continue to disclose required relationships between the registrant and those underwriters (for example, the anticipated managing underwriters) whose names do appear in the registration statement. Finally, the underwriting agreement or form thereof should continue to be filed as part of the registration statement prior to effectiveness.[29]

3. Eligibility and Conditions for Use of Proposed Rule 430A [30]

As proposed, the Rule would be available to any registrant whether or not subject to the reporting provisions of section 13(a) or 15(d) of the Securities Exchange Act of 1934 ("Exchange Act") [31] immediately prior to the filing of a registration statement. The Commission, however, specifically requests comment as to whether, in the case of non-reporting companies, the lack of public information, the lack of an existing trading market on which to base the price of the company's securities, or other factors are likely to result in a final determination of the public offering price that differs substantially from the estimate on which the registration statement disclosure is based and, if so, whether excluding such issuers from the proposed Rule is warranted.[32]

Comment also is solicited on other possible eligibility critieria such as: (1) Firm commitment underwriting arrangements; [33] (2) entities that are not development stage companies; [34] or (3) only those non-reporting companies where the public offering price falls within the bona fide estimate of the range of the maximum offering price contained in the preliminary prospectus.[35]

As proposed, the Rule would be limited to offerings of securities for cash. The "for cash" requirement is intended to prevent this Rule from being used for a registration statement covering securities issued in connection with a business combination, whether effected by a merger or exchange offer, recapitalization, reorganization or other similar transaction.[36] Most of these securities offerings are made in connection with a proxy solicitation or exchange offer where the price is known at the time the solicitation or offering commences, and there are not the same time pressures on pricing because of the solicitation and offering periods. Accordingly, there appears to be little need for the relief provided by proposed Rule 430A. Comments are solicited on the appropriateness of this limitation.

Proposed Rule 430A also is limited to registration statements that are declared effective—*i.e.*, where effectiveness is accelerated by the Commission or its staff acting pursuant to delegated authority, rather than by lapse of time pursuant to section 8(a) of the Securities Act.[37] Accordingly, the Rule would not be available for filings that lack a delaying amendment. To do otherwise would appear to provide a mechanism that could be used as a means to avoid the review process. While certain types of filings always become effective automatically and are not permitted to use delaying amendments,[38] the Commission believes these filings need not come within the scope of Rule 430A because such filings characteristically do not contain market-sensitive pricing information determined shortly before commencement of the offering.

[25] While Rule 430 permits the omission of the public offering price and price related information from a preliminary prospectus, it does not permit the omission of such information from the form of prospectus filed as part of a registration statement that is declared effective.

[26] 17 CFR 229.508(a).

[27] *See* Item 508 of Regulation S–K [17 CFR 229.508].

[28] *See* Item 508 of Regulation S–K [17 CFR 229.508(e)], which requires disclosure of all items that would be deemed by the National Association of Securities Dealers to constitute underwriting compensation for purposes of the Association's Rule of Fair Practice.

[29] *See supra* n.10–12 and accompanying text.

[30] In addition to the criteria for use of the proposed Rule discussed in this section, the Rule would contain two further conditions: (1) That the registration statement contain the new undertaking specified in proposed Item 512(j) of Regulation S–K (*see* proposed Rule 430A(a)(2)); and (2) that the information omitted from the registration statement be in the prospectus filed with the Commission under Rule 424(b)(3) (i) or (iv), Rule 497(i), or in a post-effective amendment (*see* proposed Rule 430A(a)(3)). These conditions are discussed *infra* in Parts II.A.5., "Section 11 Liability Issues", II.A.6., "Relationship to Rule 415," and II.B., "Amendments to Rule 424."

[31] 15 U.S.C. 78m(a); 15 U.S.C. 78*o*(d).

[32] If the Rule was to be made available only to reporting companies, a new condition under paragraph (a) could read substantilly as follows: "the registant is subject to the reporting requirements of section 13(a) or 15(d) of the Securities Exchange Act of 1934, and has filed in a timely manner all required reports during the most recent twelve calendar months (or such shorter period that the registrant was required to file such reports)."

[33] Self-underwritten offerings and best efforts underwriting arrangements may lack some of the scheduling and timing sensitivities associated with firm commitment underwritings.

[34] *See* Rule 1–02(h) of Regulation S–X [17 CFR 210. 1–02(h)], defining a development stage company. Due to a development stage company's lack of an operating history, the estimated and actual price of the securities offering may be subject to greater variation. If so, substantial revisions to price-related disclosure may be required.

[35] *See* Item 501(c)(6) of Regulation S–K [17 CFR 229.501(c)(6)]. If the public offering price is within the bona fide range of the maximum offering price, there may be fewer revisions to the price-related disclosure.

[36] This requirement should be interpreted in the same manner as the "for cash" requirement for certain primary offerings of securities on Form S–3 [17 CFR 239.13]. *See* General Instruction I.B.1 thereof. For example, notes evidencing promises to pay installments in cash are considered to be cash within the meaning of the proposed Rule.

[37] Under section 8(a) of the Securities Act, a registration statement or pre-effective amendment thereto automatically becomes effective on the twentieth day after filing. This ordinarily is prevented by the use of a "delaying amendment" in the form specified by Rule 473, which delays effectiveness until accelerated by the Commission or its staff.

[38] These registration statements are: (1) Forms S–3 and F–3 [17 CFR 239.33[for dividend or interest reinvestment plans; (2) Forms S–4 [17 CFR 239.25] for bank or savings and loan holding company formations; and (3) Forms S–8 [17 CFR 239.16b], which are used for employee benefit plans. *See also infra* Part II.A.4., "Applicability of Proposed Rule 430A to Investment Companies," for a discussion of automatically effective investment company registration statements.

4. Applicability of Proposed Rule 430A to Investment Companies

As proposed, Rule 430A would be available to mutual funds and other investment companies under the Investment Company Act of 1940 (the "Investment Company Act"),[39] as well as other issuers. It is likely that proposed Rule 430A would be used primarily by closed-end funds, because the pricing amendment typically is the last event preceding effectiveness of the registration statement for those funds. Conversely, it is unlikely that proposed Rule 430A would be extensively used by mutual funds or unit investment trusts, because the pricing amendment typically is not the last event, or is only part of the last event, preceding effectiveness of their registration statements. For example, unit investment trusts typically file financial statements at the end of the registration process, along with their pricing information, and these financial statements are reviewed by the staff. Also, proposed Rule 430A would only be available in connection with any registration statement that is "declared effective." Thus, it would not be available to unit investment trusts whose registration statements become effective automatically under Rule 487.[40]

Under the proposal, the time period for filing prospectuses containing the previously omitted information would be shortened for those investment companies relying on proposed Rule 430A.[41] The shortened filing requirements would be set forth in Rule 497, rather than Rule 424, because the Commission recently proposed to make Rule 497 the exclusive rule for investment company prospectus filing requirements.[42]

5. Section 11 Liability Issues

Section 11 of the Securities Act [43] imposes liability on the issuer, directors, signers, experts and other designated persons for material misstatements in or omissions from a registration statement at the time of effectiveness. Section 11 ordinarily does not apply to statements omitted from an effective registration statement and subsequently disclosed in a prospectus or prospectus supplement, rather than a post-effective amendment.[44] The Commission believes, however, that the proposal adequately preserves investors' rights under section 11.

While it may not be necessary to assure section 11 liability on the price itself, the Commission believes that the proposed Rule should not alter such liability for price-related information, including use and adequacy of proceeds, and underwriter-related information such as material relationships with the registrant. Accordingly, paragraph (d) of proposed Rule 430A would provide that such information would be deemed part of the registration statement and one condition to the use of the Rule would be inclusion in the registration statement of the new undertaking specified by proposed paragraph (j) to Item 512 of Regulations S–K. The effect of the proposed Rule and undertaking would be to maintain section 11 liability on the information omitted from the effective registration statement in reliance on proposed Rule 430A and subsequently disclosed in the prospectus used after the effective date.[45]

The proposed undertaking provides that the information omitted from an effective registration statement as permitted by proposed Rule 430A and filed in a prospectus pursuant to Rules 424(b)(3)(i) or (iv) or 497(i) [46] would be deemed to be incorporated by reference into the registration statement as of the time the registration statement was declared effective. Because of the close proximity in time between effectiveness of the registration statement, the filing of the final prospectus under Rule 424 or 497 and the initial bona fide offering of the securities (as used in sections 4(3) and 13 of the Securities Act),[47] proposed paragraph (j) to Item 512 omits any updating undertaking for statute of limitations and section 11 reliance purposes. Comments, however, are solicited on this approach and, in the event the five business day period specified by proposed Rule 430A is lengthened,[48] on whether an undertaking moving forward the date of the offering then should be required.

In the event the Rule 424 or 497 filing is not made within the five business day period, proposed Rule 430A would require the filing of a post-effective amendment. Since there would be no prescribed time period by which the post-effective amendment must be filed, the Commission solicits comment on whether an updating undertaking for liability and statute of limitations purposes is warranted. Such an undertaking could be similar to that applicable to post-effective amendments filed in connection with Rule 415 offerings.[49]

The Commission requests comment on the proposal and other approaches to the liability issues posed by elimination of pricing amendments. For example, in lieu of the proposed incorporation by reference undertaking, proposed Rule 430A could be revised to require all registrants using it to file, prior to the commencement of the public offering or sales, an automatically effective post-effective amendment signed by the issuer, a majority of the board of directors and other persons specified in section 6(a) of the Securities Act.[50] A further variation to this alternative would be to permit the post-effective amendment to be signed by the agent for service of process. Such a procedure would be similar to the current procedures applicable to competitive bidding registration statements.[51]

Section 11 liability will continue to extend to exhibits, opinions and consents of counsel and accountants' consents, which must be filed as part of the registration statement at the time of effectiveness, as discussed above.[52] In addition, underwriter liability under section 11 will not be affected by the omission of underwriters' names from the registration statement; anyone with the status of underwriter is liable under section 11 whether or not named in the registration statement.[53]

6. Relationship to Rule 415

The proposed Rule does not affect the existing eligibility requirements for filing

[39] 15 U.S.C. 80a–1 *et seq.*

[40] 17 CFR 230.487.

[41] The comparable rule changes for registrants other than investment companies are discussed *infra* in Part II.B.2., "Filing Period."

[42] *See* Investment Company Act Release No. 15315 (September 17, 1986) [51 FR 34384]. Because the Commission proposed in Release No. 15315 to add a paragraph (h) to Rule 497, the shortened filing requirements would be set forth in paragraph (i) of Rule 497.

[43] 15 U.S.C. 77k.

[44] Under section 12(2) of the Securities Act [15 U.S.C. 77*l*(2)], however, sellers of securities may be liable to their purchasers for misleading information contained in a prospectus.

[45] As other changes in the propectus would not be incorporated by reference into the registration statement, such changes would not be taken into account in determining the adequacy of the registration statement for section 11 liability purposes.

[46] *See infra* Part II.B.1., "Types of Prospectuses to be Filed and Classification of Prospectuses," and *supra* Part II.A.4., "Applicability of Proposed Rule 430A to Investment Companies."

[47] 15 U.S.C. 77d(3) and 77m.

[48] *See infra* Part II.A.6., "Relationship to Rule 415."

[49] *See id.*, and Item 512(a)(2) of Regulation S–K [17 CFR 229.512(a)(2)].

[50] 15 U.S.C. 77f(a).

[51] *See* Rules 445–447 [17 CFR 230.445 through 230.447] and *supra* n.24.

[52] *See supra* Part II.A.1., "Overview and General Considerations."

[53] *See generally* section 11 (a)(5), (b)(3), (d), (e) and (f) of the Securities Act [15 U.S.C. 77k (a)(5), (b)(3), (d), (e) and (f)].

a registration statement for a continuous or delayed offering under Rule 415. Accordingly, the securities being offered through a registration statement permitted by proposed Rule 430A must be priced before or shortly after the registration statement is declared effective, and the offering must commence promptly, unless the registration statement meets the criteria for a delayed offering under Rule 415.[54] In order to preclude the use of proposed Rule 430A to avoid compliance with the shelf eligibility criteria, the proposed Rule provides that when the prospectus containing the information omitted from the effective registration statement is not filed within five business days after effectiveness, the omitted information would have to be filed in a post-effective amendment (which would have to be declared effective before sale could be made). The five business day period is not intended as a definition of what constitutes a delayed offering for purposes of Rule 415, but rather as a mechanism to ensure that delays in pricing and marketing securities would not result in offerings inconsistent with the Rule 415 criteria. The Commission requests specific comment on the proposed approach and whether the five business day time period should be longer or shorter. The Commission also is considering whether it is necessary for the proposed Rule to include this or any other provision specifically targeted at protecting the Rule 415 delayed offering criteria. Comment is solicited on this question, as well as on whether there are other approaches that would clarify the relationship of Rule 415 to the proposed Rule.

Securities offerings that do meet the criteria for delayed offerings under Rule 415 would appear to have no need to rely upon the proposed Rule. Such registration statements already may become effective without price and syndicate information, because the information is not known at the time of effectiveness. The Commission does not propose to change the current practice, and such delayed offering filings are not subject to the conditions imposed by proposed Rule 430A.[55]

The proposed Rule would alleviate continuing interpretive and administrative questions concerning whether a registration statement otherwise eligible to be filed as a delayed offering under Rule 415 is a "convenience shelf," *i.e.*, a registration statement for which the offering of some or all the securities is intended to commence promptly. The Commission has stated that the securities to be offered immediately cannot be considered part of a delayed offering; therefore, a pricing amendment is required for such filings.[56] Under the proposal, such filings, would be able to be declared effective without pricing amendments, provided the terms and conditions of proposed Rule 430A were met.

7. Formula Pricing

Currently companies that intend to price an offering according to a formula related to the market price file alternative prospectus cover pages as part of the registration statement. One cover page describes the formula and is used to meet the requirements of paragraph (16) of Schedule A of the Securities Act and Item 501 of Regulation S-K.[57] The other, to be used in the final prospectus, omits the formula cover page and includes the pricing table that is completed after the securities are priced. Proposed Rule 430A would appear to make these procedures unnecessary.

B. Amendments to Rule 424 [58]

1. Types of Prospectuses Required to be Filed and Classification of Prospectuses

Rule 424 now requires the filing with the Commission of prospectuses in the exact form furnished to investors.[59] The Commission believes that the current rule results in unnecessary filings and, therefore, proposes to delete the word "exact" and restrict the filing requirement to prospectuses that contain substantive modifications or additions.[60] The term "substantive" refers to additions or modifications that update or correct the content and substance of the information contained in a prospectus. The term would exclude such matters as most typographical, grammatical, format and clarifying changes.[61]

In addition, to facilitate access to and use of the information, the prospectuses would be classified according to the nature of the information being added or modified. The Commission seeks comment on the proposed approach to the classification of prospectuses.

Because of the proposed new classification scheme, the Commission believes that it is unnecessary to retain the current distinction between the first prospectus filed after effectiveness and subsequently filed prospectuses. Accordingly, paragraphs (b) and (c) of Rule 424, which maintain such a distinction and specify different times for filing, would be merged.

Proposed paragraphs (b)(3) (i) and (ii) would apply to prospectuses disclosing "transaction-specific" information, *i.e.*, information relating primarily to the securities offering. If a registrant elected to use proposed Rule 430A, the prospectus used after effectiveness of the registration statement would ordinarily be filed under Rule 424(b)(3)(i). Any prospectus filed under that paragraph would disclose the price, price-related information and underwriter-related information that was omitted from the registration statement at the time of effectiveness.[62]

Any prospectus that discloses transaction-specific information about the offering of securities on a delayed shelf basis under Rule 415 would ordinarily be filed under new paragraph (b)(3)(ii).[63] The transaction information

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[54] Such criteria are set forth in Rule 415(a)(1) [17 CFR 230.415(a)(1)]; *see* particularly Rule 415(a)(1)(x) [17 CFR 230.415(a)(1)(x)].

[55] In contrast, continuous offerings under Rule 415, which are required to commence promptly, would be able to make use of the proposed Rule to omit price information that would otherwise be required. *See* Rule 415(a)(1)(ix) [17 CFR 230.415(a)(1)(ix)].

[56] *See* Securities Act Release No. 6499 (November 17, 1983) [48 FR 52889].

[57] 15 U.S.C. 77aa Schedule A(16); 17 CFR 229.501. *See* Instruction 2 to Item 501 of Regulation S-K.

[58] *See supra* Part II.A.4., "Applicability of Proposed Rule 430A to Investment Companies," for a discussion of the more limited proposed changes to Rule 497, the rule applicable to filing of investment company prospectuses.

[59] Currently, Rule 424(b) requires that 10 copies of the prospectus in the exact form used after the effective date of a registration statement be filed within 5 days after the effective date or the commencement of the public offering, whichever occurs later. Rule 424(c) requires that 10 copies of any prospectus varying from that filed pursuant to Rule 424(b) be filed with or mailed to the Commission before the prospectus is used. Temporary Rule 499(c)(7) [17 CFR 230.499(c)(7)] permits registrants participating in the Edgar pilot to file Rule 424 prospectuses electronically, rather than in the exact form furnished to investors; the filing contains a narrative explanation of variations in form.

[60] The changes to Rule 424 would only affect the filing requirements, not the legal determination as to whether information must be provided to investors, and if so, whether such information may be provided in a prospectus or prospectus supplement without being included in a post-effective amendment. *See, e.g.*, Item 512(a) of Regulation S-K [17 CFR 229.512(a)], which specifies certain filings that must be made by post-effective amendment.

[61] As a result of this change to Rule 424, most registrants that choose to follow traditional procedures and therefore file pricing amendments would not also have to file a Rule 424(b) prospectus, as that prospectus ordinarily would not contain substantive changes from the prospectus contained in the pricing amendment.

[62] As noted *supra* in Part II.A.6., "Relationship to Rule 415," proposed Rule 430A(a)(3) would require that a post-effective amendment be filed if the prospectus is not filed within five business days after effectiveness.

[63] This paragraph would be applicable only to primary offerings. Prospectuses used in connection with secondary offerings made on a delayed basis would be filed under proposed paragraph (b)(3)(iii).

would include the price, a description of the securities, and the specific method of distribution. Typically, such a prospectus would be filed every time another series or "tranche" of securities was offered.

Prospectuses reflecting other substantive changes or additions not covered in the first two categories would be filed under proposed paragraph (b)(3)(iii). Finally, prospectuses reflecting information that falls within more than one paragraph of proposed Rule 424(b)(3) would be filed under paragraph (b)(3) (iv) or (v), as applicable.[64] In order to make the classification system useful, paragraph (e) of Rule 424 would amened to require that the filing designate the paragraph, section and subsection (*i.e.*, (b)(3)(i) through (b)(3)(v)) pursuant to which it is being made.

2. Filing Period

The Commission proposes to shorten the time by which prospectuses used after effectiveness of the registration statement must be filed. Because only prospectuses containing substantive change would be filed, the Commission believes the remaining filings warrant a shorter time period in order to ensure currency and completeness of the information in the public files of the Commission and to provide prompt availability of the information to the investing public and the Commission. Under the proposed amendments, the filing date would be tied to the first use after effectiveness of the prospectus that contains modified or additional information.

The proposed amendments would require that a prospectus disclosing transaction-specific information specified in paragraphs (b)(3)(i) and (ii) be physically filed on or before the date it is first used after effectiveness in connection with the public offering or sales.[65] Mailing of these prospectuses to the Commission on the specified date, as permitted for prospectuses filed under present Rule 424(c), would not satisfy the proposed filing requirement.

Unlike prospectuses filed pursuant to paragraphs (b)(3)(i) and (ii), prospectuses reflecting other substantive changes would not have to be on file on the date of first use. Paragraph (b)(3)(iii) would require that such prospectuses be filed within two business days of first use or transmitted by a means reasonably calculated to result in filing with the Commission by that date. Accordingly, mailing of prospectuses would suffice if overnight mail service or similar means were used.

Finally, as prospectuses filed under paragraph (b)(iv) or (v) would contain information subject to the timing requirement provided for in paragraph (b)(3) (i) or (ii), they would be required to be filed on or prior to the date of first use.

The Commission requests comment on the proposed changes to be filing period. In particular, comment is solicited on whether prospectuses that do no more than reflect a change in the price of the security and other narrowly specified terms,[66] prospectuses containing new information only about selling security holders, or other specified categories of prospectuses should be provided a longer filing period.

3. Filing Format

The Commission proposes to revise Rule 424(b) to explicitly permit the filing of a prospectus supplement or "sticker" only, rather than requiring that a registrant using a supplement refile the entire prospectus with the supplement attached.[67] The prospectus supplement distributed to investors, however, ordinarily would still be required to be attached to the prospectus to which the supplement relates.[68] The proposed Rule would require that a supplement smaller than a prospectus page filed separately be attached to a sheet of 8-½" X 11" paper for ease in processing.

In a related amendment, the Commission also is proposing to require that the first page of each prospectus supplement include a cross reference to the date(s) of the related prospectus and/or prospectus supplement(s). Although the current rules do not require that this information be disclosed, some companies voluntarily do so. In the Commission's view, such information should be set forth if companies are permitted to file only the prospectus supplement, so that the Commission and persons obtaining this information will be able to determine which documents comprise the complete prospectus.[69]

III. Cost-Benefit Analysis

To evaluate fully the benefits and costs associated with proposed Rule 430A and the amendments to Rules 424 and 497 and Items 512 and 601 of Regulation S-K, the Commission requests commentators to provide views and data as to the costs and benefits associated with the rules to eliminate pricing amendments and non-substantive Rule 424 filings, to permit the filing of a supplement without the rest of the prospectus, and to require more immediate filing of the prospectus. In this regard, the Commission notes that the proposals should reduce the filing burden of registrants and associated costs such as printing and travel expenses. A reduction in these expenses, however, may be offset in part by an increase in the costs associated with filing a Rule 424(b) or 497(i) prospectus at an earlier time.

IV. Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis concerns proposed Rule 430A and proposed amendments to Rules 424 and 497 of Regulation C and Items 512 and 601 of Regulation S-K and has been

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[64] These two categories represent a combination of (i) and (iii), and (ii) and (iii), respectively. No combination of (i) and (ii) is needed, as delayed offering shelf filings cannot use Rule 430A; *See supra* Part II.A.6., "Relationship to Rule 415."

Category (iv) would be used when a prospectus includes both information previously omitted pursuant to Rule 430A and other substantive changes that are customarily permitted to be made in a Rule 424 filing. As noted *supra* n.60, the proposed revisions to Rule 424 are not intended to alter traditional considerations determining when information must be included in a post-effective amendment. Accordingly, if a registrant relying on Rule 430A determines after effectiveness that the prospectus will contain information required to be set forth in a post-effective amendment, filing a Rule 424(b) prospectus under category (iv) would not substitute for a post-effective amendment. *See supra* n.45.

[65] *See* Rule 456 [17 CFR 230.456].

[66] Such prospectus supplements are frequently filed by registrants that continuously sell debt securities at varying market or negotiated fixed rates of interest. A supplement reflecting the fixed interest rate for each sale is filed under Rule 424(c). Because of the volume of such supplements and the fact that they do no more than reflect a new interest rate or certain other limited terms such as maturity date and redemption price, a longer filing period may be warranted. In contrast, supplements that describe new features of the security being offered, such as a yield contingent on a variable not described in the original prospectus, would be required to be filed in accordance with the shorter time periods described *supra*.

[67] Part IV.E. of the Edgar Advance Notice of Proposed Rulemaking requests comment on whether Rule 424 should permit the filing of only a supplement. The Commission believes this concept is appropriate both for paper and electronic filings and therefore is proposing it at this time.

[68] The Commission staff previously has permitted registrants to send prospectus supplements not attached to the prospectus (often called an "appendix" in the employee benefit plan context) to participants in an employee benefit plan or dividend or interest reinvestment plan, provided that the supplement is understandable without reference to the prospectus and that the participants have previously received a complete copy of the prospectus to which the supplement relates and are advised that they may receive another copy on request. *See* Securities Act Release No. 6281 (January 15, 1981) [46 FR 8446] and, *e.g.*, letter re Illinois Power Company (available October 11, 1982). This would continue to be permitted.

[69] The cross reference would not necessarily refer to all previous supplements filed in connection with the prospectus, but only to those supplements that constitute part of the statutory prospectus with respect to the securities currently being offered.

prepared by the Commission in accordance with 5 U.S.C. 604.

Proposed Rule 430A, if promulgated, will eliminate the filing of many pricing amendments by permitting a registration statement to be declared effective without disclosing the price, certain information about the underwriting syndicate (including material relationships with any underwriter not named therein), underwriting and dealer compensation, amount of proceeds, conversion rates, call prices and price-related information. This information would continue to be disclosed in the prospectus used after the effective date of the registration statement.

Certain amendments to Rules 424 and 497 and Items 512 and 601 are necessitated by proposed Rule 430A. Specifically, proposed Rule 430A and the new undertaking contained in Item 512(j) will maintain liability under section 11 of the Securities Act on the information permitted to be omitted from the effective registration statement and subsequently disclosed in the prospectus used after the effective date. The proposed technical amendment to Instruction 1 to Item 601 merely clarifies, with respect to information on price and similar matters from an exhibit, that subsequent inclusion of such information in the prospectus used after effectiveness of a registration statement permitted by proposed Rule 430A would satisfy the existing requirement that such information be contained in an amendment to the registration statement. Additionally, in order to ensure timely access to price, price-related and underwriter-related information, Rules 424(b) and 497 are proposed to be amended to require more immediate filing of the prospectus where the procedure outlined in proposed Rule 430A has been employed. Finally, other proposed amendments to Rule 424 apply to prospectuses not necessarily affected by proposed Rule 430A. These proposed amendments would eliminate unnecessary filings, provide for classification of prospectuses according to the nature of the information being modified or disclosed, and shorten the filing period for prospectuses used after the effective date.

Objectives

The objectives of proposed Rule 430A and the related amendments are to simplify and to reduce filing procedures and to minimize possible disruptions to a registrant's marketing schedule as the result of having to file a pre-effective pricing amendment. The proposed amendments to Rule 424 governing the prospectus classification system, filing format and time requirements are intended to provide a more useful and effective system for filing posteffective prospectuses. The Commission believes that the proposal will achieve these purposes without affecting the adequacy of disclosure of information to investors or investor protection under the Federal securities laws.

Legal Basis

The proposed amendments would be promulgated pursuant to sections 7, 10 and 19(a) of the Securities Act.

Small Entities Subject to the Rules

A small issuer for purposes of the Regulatory Flexibility Act is defined by Rule 157 [70] under the Securities Act as an issuer those total assets on the last day of its most recent fiscal year were $5 million or less and that is engaged or proposing to engage in an offering of securities which does not exceed $5 million. In the recent experience of the Commission, several hundred registration statements a year may be filed with the Commission by small issuers.

In addition, a "small business" or "small organization" for purposes of the Regulatory Flexibility Act is defined by Rule 0–10 [71] under the Investment Company Act as an investment company with net assets of $50 million or less as of the end of its most recent fiscal year. As of March 31, 1986, about 1300 of 2592 active registered investment companies would be small entities as defined by Rule 0–10. Because the Commission anticipates that Rule 430A would be primarily used by closed-end investment companies, it notes that, as of August 31, 1986, there were 215 closed-end companies, approximately 100 of which would be small entities as defined by Rule 0–10.

Reporting, Recordkeeping and Other Compliance Requirements

The Commission believes that proposed Rule 430A and the proposed amendments to Rules 424 and 497 and Items 512 and 601 would not result in any significant increase in reporting or recordkeeping requirements. The proposals do not change the information required to be disseminated to investors. Rather, the proposals decrease the information required to be filed with the Commission prior to effectiveness of the registration statement. Thus, the proposals will not only ease the burdens associated with the filing of a registration statement by a small issuer, but will minimize possible disruptions to a small issuer registrant's marketing schedule. Similarly, the proposed Rule and amendment to Item 512 do not affect the section 11 liability associated with the information currently required to be filed with the Commission prior to effectiveness. The proposals merely retain that liability for information that may be filed after effectiveness.

Small issuer registrants may be affected by the corollary amendments to Rules 424 and 497. Current Commission rules require the filing of the prospectus used after the effective date of a registration statement within five days after the effective date or the commencement of the public offering, whichever occurs later. The amendments to Rules 424 and 497 provide, however, that if the registrant chooses to comply with the requirements of proposed Rule 430A, a prospectus used after the effective date of a registration statement shall be filed on or prior to the date it is first used in connection with the public offering or sales. This proposed amendment is intended to ensure prompt availability of the price and price-related information to the investing public. Rule 424 would also require the same timing if the registrant chooses to make a delayed offering under Rule 415.

The Commission does not believe that the burdens associated with small issuer registrants filing prospectuses at an earlier date are significant. The proposed changes are voluntary in the sense that small issuers need not choose to use the procedures provided by Rules 430A or 415.

Registrants, including small issuer registrants, that choose not to follow the procedures outlined in proposed Rule 430A and, instead, file a pre-effective pricing amendment may no longer be required under Commission rules to file a prospectus used after the effective date of a registration statement. Proposed amendments to rule 424(b) provide that non-substantive changes to the information set forth in the last prospectus filed with the Commission need not be filed with the Commission in a prospectus used after the effective date of the registration statement. If substantive changes to information set forth in the last prospectus filed after effectiveness with the Commission do occur, such information must be filed within two business days of first use or transmitted by a means reasonably calculated to result in filing by that date. This proposed amendment will shorten the previously noted five day time period permitted registrants, including small entity issuers, for filing the prospectus used after the effective date of the registration statement or the

[70] 17 CFR 230.157.

[71] 17 CFR 230.0 through 270.

commencement of the public offering. In such situations, however, the proposed amendments would ease the filing requirement to permit the filing of a prospectus supplement rather than the entire prospectus.

Overlapping or Conflicting Federal Rules

The Commission does not believe that the proposed rules duplicate or conflict with any existing rule provisions.

Significant Alternatives

The Commission has requested comment on whether or not eligibility requirements to use proposed Rule 430A should be adopted. Specifically, the Commission has requested whether proposed Rule 430A should be available to registrants not subject to the reporting provisions of section 13(a) or 15(d) of the Exchange Act immediately prior to the filing of a registration statement. As noted, however, such an exemption may deny small issuer registrants the benefits of Rule 430A.

The Commission has considered imposing fewer requirements on filing of prospectuses used after effectiveness by small issuers, such as not requiring small issuers to file these prospectuses any earlier than currently required. The Commission does not believe that such alternative proposals would be consistent with the Commission's statutory mandate of investor protection. Similarly, the Commission does not consider the use of performance standards to be a significant alternative because such standards would be inconsistent with the Commission's statutory mandate.

V. Request for Comments

Any interested persons wishing to submit written comments on the proposals, as well as on other matters that may have an impact on the proposals contained herein, are requested to do so. In particular, the Commission specifically requests comment on whether proposed rule 430A should be available to all registrants or, in the alternative, whether different requirements should apply with respect to non-reporting companies and whether other eligibility criteria are appropriate. As noted throughout this release, the Commission also requests comment on a number of other aspects of the proposals.

The Commission also encourages the submission of written comments with respect to any aspect of the initial regulatory flexibility analysis. Such written comments will be considered in the preparation of the final regulatory flexibility analysis if the proposed rules are adopted.

VI. Statutory Basis

Rule 430A is being proposed by the Commission and Rules 424 and 497 and Items 512 and 601 of Regulation S-K are proposed to be amended by the Commission pursuant to sections 7, 10 and 19(a) of the Securities Act.

List of Subjects in 17 CFR Parts 229 and 230

Reporting and recordkeeping requirements, Securities.

VII. Text of Proposed Rules

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 299—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND CONSERVATION ACT OF 1975—REGULATION S-K

1. The authority citation for Part 229 is amended by adding the following citation: (Citations before * * * indicate general rulemaking authority).

Authority: Sec. 19, 48 Stat. 85, as amended: 15 U.S.C. 77s * * * Sections 229.512(j) and 229.601 also issued under sec. 7, 48 Stat. 78; 15 U.S.C. 77g.

2. By adding new paragraph (j) of § 229.512 to read as follows:

§ 229.512 (Item 512) Undertakings.

* * * * *

(j) Include the following in a registration statement permitted by Rule 430A under the Securities Act of 1933 (§ 230.430A of this chapter):

The undersigned registrant hereby undertakes that:

For purposes of determining any liability under the Securities Act of 1933, the information omitted from the form of prospectus filed as part of a registration statement as permitted by Rule 430A and contained in the form of prospectus to be filed by the registrant pursuant to Rule 424(b)(3) (i) or (iv) or 497(i) under the Securities Act (§§ 230.424(b)(3) (i) or (iv) or 230.497(i) of this chapter) shall be deemed to be incorporated by reference into the registration statement at the time it was declared effective.

3. By revising Instruction 1 to § 229.601 to read as follows:

§ 229.601 (Item 601) Exhibits.

* * * * *

Instructions to Item 601. 1. If an exhibit to a registration statement (other than an opinion or consent), filed in preliminary form, has been changed only (A) to insert information as to interest, dividend or conversion rates, redemption or conversion prices, purchase or offering prices, underwriters' or dealers' commissions, names, addresses or participation of underwriters or similar matters, which information appears elsewhere in an amendment to the registration statement or a prospectus filed pursuant to Rule 424(b)(3) (i) or (iv) under the Securities Act (§ 230.424(b)(3) (i) or (iv) of this chapter), or (B) to correct typographical errors, insert signatures or make other similar immaterial changes, then, notwithstanding any contrary requirement of any rule or form, the registrant need not refile such exhibit as so amended; provided the registrant states in the amendment to the registration statement the basis provided by this Instruction for not refiling such exhibit. Any such incomplete exhibit may not, however, be incorporated by reference in any subsequent filing under any Act administered by the Commission.

* * * * *

PART 230—GENERAL RULES AND REGULATIONS SECURITIES ACT OF 1933

1. The authority citation for Part 230 is amended by adding the following citations: (Citations before * * * indicate general rulemaking authority).

Authority: Sec. 19, 48 Stat. 85, as amended: 15 U.S.C. 77s. * * * Sections 230.424(b), 424(c), and 424(e), 230.430A, and 230.497(i) also issued under secs. 7, 48 Stat. 78, 15 U.S.C. 77g; 10, 48 Stat. 81, as amended; 15 U.S.C. 77j.

* * * * *

2. By revising paragraphs (b), (c), and (e), and adding a "Note" after paragraph (c) of § 230.424 to read as follows:

§ 230.424 Filing of prospectuses, number of copies.

* * * * *

(b)(1) Ten copies of each form of prospectus purporting to comply with section 10 of the Act shall be filed with the Commission in the form in which it is used after the effectiveness of the registration statement; *Provided, however*, that only a form of prospectus that contains substantive changes or additions to a previously filed prospectus is required to be filed.

(2) This paragraph shall not apply in respect to a form of prospectus contained in a registration statement and relating solely to securities offered at competitive bidding, which prospectus is intended for use prior to the opening of bids.

(3) A form of prospectus used after effectiveness shall be filed or, if spcifically permitted, transmitted for filing as follows:

(i) A form of prospectus that discloses information previously omitted from an effective registration statement as permitted by Rule 430A under the

Securities Act (§ 230.430A of this chapter) shall be filed with the Commission on or prior to the date it is first used after effectiveness in connection with a public offering or sales;

(ii) A form of prospectus used in connection with a primary offering of securities on a delayed basis as permitted by Rule 415 under the Securities Act (§230.415 of this chapter) that discloses the public offering price, description of securities, specific method of distribution or similar matters shall be filed with the Commission on or prior to the date it is first used after effectiveness in connection with a public offering or sales;

(iii) A form of prospectus that reflects facts or events other than those covered in paragraphs (b) (3) (i) and (ii) of this rule that represent a substantive change in or addition to the information set forth in the last form of prospectus filed with the Commission under this rule or as part of a registration statement under the Securities Act shall be filed with the Commission within Two business days after the date it is first used after effectiveness in connection with a public offering or sales, or transmitted by a means reasonably calculated to result in filing with the Commission by that date;

(iv) A form of prospectus that discloses information facts or events covered in both paragraphs (b)(3) (i) and (iii) of this section shall be filed with the Commission on or prior to the date it is first used after effectiveness in connection with a public offering or sales;

(v) A form of prospectus that discloses information, facts or events covered in both paragraphs (b)(3) (ii) and (iii) shall be filed with the Commission on or prior to the date it is first used after effectiveness in connection with a public offering or sales.

(c) If a form of prospectus consists of a prospectus supplement attached to a prospectus that has been previously filed pursuant to this rule, only the prospectus supplement need be filed under paragraph (b) of this section, provided that the first page of each prospectus supplement includes a cross reference to the date(s) of the related prospectus and any propectus supplements thereto that together constitute the prospectus required to be delivered by section 5(b) of the Securities Act with respect to the securities currently being offered or sold.

Note.—Any Prospectus supplement being filed separately that is smaller than a prospectus page should be attached to an 8½"×11" sheet of paper.

* * * * *

(e) Each copy of a prospectus filed under this rule shall contain in the upper right corner of the cover page the paragraph, section and subsection of this rule under which the filing is made and the file number of the registration statement to which the prospectus relates. The information required by this paragraph may be set forth in longhand, provided it is legible.

3. By adding new § 230.430A to read as follows:

§ 230.430A Prospectus in a registration statement at the time of effectiveness.

(a) A form of prospectus filed as part of a registration statement that is declared effective may omit information with respect to the offering price, underwriting syndicate (including any material relationships between the registrant and underwriters not named therein), underwriting discounts or commissions, discounts or commissions to dealers, amount of proceeds, conversion rates, call prices and other matters dependent upon the offering price, *Provided that:*

(1) The securities to be registered are offered for cash;

(2) The registrant furnishes the undertaking required by Item 512(j) of Regulation S–K (§ 229.512(j) of this chapter); and

(3) The information omitted from the form of prospectus filed as part of a registration statement that is declared effective shall be contained in the form of prospectus filed with the Commission pursuant to Rule 424(b)(3) (i) or (iv) or Rule 497(i) under the Securities Act (§ 230.424(b)(3) (i) or (iv) of § 230.497(i) of this chapter); or if such form of prospectus is not filed within five business days after the effective date of the registration statement, the information shall be filed in a post-effective amendment to the registration statement.

(b) This rule shall not limit the information required to be contained in a form of prospectus meeting the requirements of section 10 of the Act for purposes of section 5(b) thereof used after effectiveness of the registration statement.

(c) This rule shall not be applicable to registration statements for securities to be offered by competitive bidding.

(d) The information permitted by paragraph (a) of this rule to be omitted from an effective registration statement and contained in a form of prospectus filed with the Commission pursuant to Rule 424(b)(3) (i) or (iv) or Rule 497(i) shall be deemed to be part of the registration statement as of the time it was declared effective.

4. By adding new paragraph (i) of § 230.497 to read as follows:

§ 230.497 Filing of prospectus—number of copies.

* * * * *

(i) On or prior to the date it is first used after effectiveness in connection with a public offering or sales, ten copies of every form of propectus and Statement of Additional Information, where applicable, that discloses the information previously omitted from an effective registration statement as permitted by Rule 430A under the Securities Act (§ 230.430A of this chapter) shall be filed with the Commission in the exact form in which it is used.

Dated: October 27, 1986.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–24814 Filed 10–31–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Ch. V

[Docket No. T84–01; Notice 11]

Passenger Motor Vehicle Theft Data for 1985; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for comments.

SUMMARY: This notice publishes data on passenger motor vehicle thefts in 1985 for public review and comment. These data were calculated based on information provided to this agency by the National Crime Information Center (NCIC). These 1985 theft data indicate that vehicle thefts in 1985 increased above the 1983/84 level. Of the 158 lines sold in the United States during 1985, 87 of the lines had theft rates that exceeded the median theft rate for 1983/1984.

To address the potential problem of multiple counting of the same vehicle theft, this notice uses the same approach adopted by the agency for the final calculation of 1983/1984 theft rates. That is, once a vehicle has been reported as stolen, any reported thefts of the same vehicle within seven calendar days of the first report were *not* counted as additional thefts of that vehicle.

DATE: All comments on this notice must be received by NHTSA not later than December 3, 1986.

ADDRESS: Comments should refer to Docket No. T84–01; Notice 11, and be submitted to: Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are 8:00 am to 4:00 pm, Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Brian McLaughlin, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202–366–4808).

SUPPLEMENTARY INFORMATION:

Pursuant to Title VI of the Motor Vehicle Information and Cost Savings Act (the Cost Savings Act; 15 U.S.C. 2021 *et seq.*), NHTSA promulgated a motor vehicle theft prevention standard applicable to high-theft car lines. Section 603(a)(1) of the Cost Savings Act (15 U.S.C. 2023(a)(1)) specifies that three types of car lines are high theft lines within the meaning of Title VI. These three types are:

(1) Existing lines that had a theft rate exceeding the median theft rate in 1983 and 1984;

(2) New lines that are likely to have a theft rate exceeding that median theft rate; and

(3) Lines with theft rates below the median theft rate, but which have a majority of major parts interchangeable with lines whose thefts rates exceeded or are likely to exceed the median theft rate.

Section 603(b) of the Cost Savings Act explains how the agency is to determine whether existing lines had a theft rate that exceeded the median theft rate in 1983 and 1984. Section 603(b)(3) directs NHTSA to "obtain from the most reliable source or sources accurate and timely theft and recovery data and publish such data for review and comment. To the greatest extent possible, the [NHTSA] shall utilize theft data reported by Federal, State, or local police. After such publication and opportunity for comment, the [NHTSA] shall utilize the theft data to determine the median theft rate under this subsection."

In accordance with this statutory directive, NHTSA published a final notice on November 12, 1985, setting forth the 1983/1984 theft data; 50 FR 46666. Based on those data, NHTSA calculated the median theft rate for purposes of Title VI as 3.2712 thefts per 1000 vehicles produced.

Section 603(b)(3) provides that NHTSA shall publish theft data for review and comment "immediately upon enactment of this title, *and periodically thereafter.*" (Emphasis added). These updated publications of theft data do not affect the determination of which car lines are subject to the theft prevention standard. According to section 603, these periodic publications of updated theft data are *not* to be used by the agency to calculate an updated median theft rate, or to determine whether new lines are likely to be high theft lines, because such lines are likely to have theft rates exceeding some updated theft rate.

The agency believes that the reason for its being directed to periodically publish updated theft data was to inform the public, particularly law enforcement groups, automobile manufacturers, and Congress, of the extent of the vehicle theft problem and the impact, if any, on vehicle thefts as a result of the Federal motor vehicle theft prevention standard. To carry out this purpose, this notice sets forth the theft rates for the 158 lines of passenger motor vehicles sold in the United States for the 1985 model year. NHTSA calculated these theft rates based on information provided by the NCIC.

These 1985 theft data show an increase in vehicle thefts above the levels experienced in 1983/1984. According to the Uniform Crime Reports published by the FBI, motor vehicle thefts in 1985 increased 6.8 percent as compared with 1984. This increase in thefts is reflected in the 1985 theft rates. For 1983/1984, the median theft rate was 3.2712 thefts per 1000 vehicles produced. Exactly 50 percent of the lines exceeded this theft rate. For 1985, 87 of the 158 lines, or 55 percent, exceeded 3.2712 thefts per 1000 vehicles produced.

In calculating the 1985 theft data, the agency followed the same approach it used in calculating the 1983/1984 median theft rate for limiting the possibility of multiple countings of the same vehicle theft. NHTSA became aware of the possibility that multiple countings of a single theft could arise if a law enforcement agency computer operator followed incorrect data entry procedures after getting further information about a vehicle already reported as stolen. Operators are supposed to revise an existing theft data entry to reflect new or additional data about the theft, but they sometimes cancel the original theft entry and enter a new theft report. The result of such actions would be that one actual theft reported to NCIC would be entered into the system more than once. To address this situation for the 1983/1984 theft data calculations, NHTSA excluded all duplicate vehicle identification numbers (VIN's) of stolen vehicles reported within seven calendar days of each other. This approach takes into account the possibility that a vehicle might actually be stolen more than once during a particular calendar year, but that it is highly unlikely to be stolen more than once in a week.

	Manufacturer	Make/model (line)	Thefts 1985	Production (mfgr's) 1985	Theft rate (thefts/product) (1985) (1,000's)
1	General Motors	Pontiac Firebird	1,691	86,221	19.6124
2	General Motors	Chevrolet Camaro	2,691	167,309	16.0840
3	Mazda	RX-7	864	58,848	14.6819
4	General Motors	Chevrolet Corvette	543	37,730	14.3917
5	General Motors	Buick Riviera	908	63,225	14.3614
6	General Motors	Chevrolet Monte Carlo	1,546	113,847	13.5796
7	General Motors	Buick Regal	1,599	120,772	13.2398
8	General Motors	Pontiac Grand Prix	728	59,790	12.1759
9	General Motors	Cadillac Eldorado	865	75,215	11.5004
10	Toyota	Supra	285	27,442	10.3855
11	General Motors	Oldsmobile Cutlass Supreme	2,412	234,470	10.2870
12	Chrysler Corp.	Dodge Conquest	25	2,502	9.9920
13	Toyota	Celica	693	74,235	9.3352
14	General Motors	Pontiac Fiero	609	69,391	8.7764
15	Mitsubishi	Starion	50	6,067	8.2413
16	General Motors	Oldsmobile Toronado	309	40,415	7.6457
17	Ford Motor Co.	Lincoln Town Car	864	115,763	7.4635
18	General Motors	Cadillac Seville	287	38,920	7.3741
19	Chrysler Corp.	Plymouth Conquest	17	2,500	6.8000
20	Toyota	MR2	153	23,323	6.5600
21	Volkswagen	Quantum	89	13,787	6.4554
22	General Motors	Cadillac Fleetwood Brougham (RWD)	372	58,364	6.3738

	Manufacturer	Make/model (line)	Thefts 1985	Production (mfgr's) 1985	Theft rate (thefts/product) (1985) (1,000's)
23	Nissan	300ZX	476	74,832	6.3609
24	Ford Motor Co.	Ford Mustang	909	143,627	6.3289
25	Toyota	Camry	538	93,198	5.7727
26	Volkswagen	Cabriolet	72	12,555	5.7348
27	Mazda	GLC	386	67,960	5.6798
28	Ford Motor Co.	Ford Thunderbird	821	144,627	5.6767
29	Porsche	911	26	4,590	5.6645
30	General Motors	Pontiac Grand AM	427	75,962	5.6212
31	General Motors	Cadillac Deville/Limo (FWD)	1,066	190,979	5.5818
32	Porsche	944	77	14,230	5.4111
33	AMC/Renault	Alliance/Encore	707	134,664	5.2501
34	Ford Motor Co.	Ford Exp	138	26,351	5.2370
35	Ford Motor Co.	Mercury Cougar	584	111,667	5.2298
36	Mercedes-Benz	500SEL	45	8,695	5.1754
37	Chrysler Corp.	Dodge Diplomat	133	25,751	5.1648
38	Chrysler Corp.	Chrysler Fifth Avenue/Newport	572	110,999	5.1532
39	Toyota	Corolla/Corolla Sport	820	160,804	5.0994
40	Pininfarina	Spider/Azzura	3	600	5.0000
41	Mitsubishi	Tredia	61	12,320	4.9513
42	Isuzu	I-Mark	89	18,244	4.8783
43	General Motors	Pontiac Bonneville	259	53,395	4.8506
44	Mazda	626	446	93,709	4.7594
45	Ford Motor Co.	Mercury Capri	72	15,198	4.7375
46	Nissan	Sentra	821	173,873	4.7218
47	Toyota	Cressida	203	43,129	4.7068
48	Nissan	200 SX	156	33,460	4.6623
49	General Motors	Pontiac 6000	725	156,326	4.6377
50	Mitsubishi	Cordia	50	11,131	4.4920
51	Chrysler Corp.	Laser	227	50,916	4.4583
52	BMW	6-Series	16	3,681	4.3466
53	General Motors	Buick LeSabre	640	147,679	4.3337
54	Chrysler Corp.	Dodge Daytona	205	47,437	4.3215
55	Mitsubishi	Mirage	88	20,366	4.3209
56	Mercedes-Benz	380SL	48	11,111	4.3200
57	Ford Motor Co.	Ford LTD	784	184,863	4.2410
58	Ford Motor Co.	Lincoln Mark VII	75	17,692	4.2392
59	General Motors	Pontiac 1000	68	16,143	4.2124
60	Chrysler Corp.	Dodge Lancer	192	45,873	4.1855
61	General Motors	Chevrolet Sprint	116	27,781	4.1755
62	Mercedes-Benz	500SEC	7	1,687	4.1494
63	General Motors	Oldsmobile Delta 88/Custom Cruiser	924	227,481	4.0619
64	Volkswagen	Scirocco	56	13,812	4.0544
65	General Motors	Buick Skylark	328	81,409	4.0290
66	Chrysler Corp.	Chrysler Executive Sedan/Limousine	3	757	3.9630
67	Chrysler Corp.	Dodge 600	232	58,893	3.9393
68	Mitsubishi	Galant	37	9,447	3.9166
69	General Motors	Chevrolet Chevette	400	105,427	3.7941
70	Subaru	XT	19	5,019	3.7856
71	Alfa Romeo	Spider Veloce 2000	8	2,142	3.7348
72	Ford Motor Co.	Mercury Topaz	289	77,431	3.7324
73	General Motors	Buick Electra	485	129,998	3.7308
74	Avanti	Avanti II	1	270	3.7037
75	General Motors	Oldsmobile 98 Regency	577	161,135	3.5808
76	Volvo	740/760	176	49,272	3.5720
77	Chrysler Corp.	Dodge Aries	422	118,525	3.5604
78	Chrysler Corp.	Dodge Colt/Colt Vista	152	43,641	3.4830
79	General Motors	Chevrolet Impala/Caprice	830	239,308	3.4683
80	General Motors	Cadillac Cimarron	68	19,770	3.4396
81	Isuzu	Impulse	47	13,695	3.4319
82	Chrysler Corp.	Plymouth Gran Fury	43	12,543	3.4282
83	Nissan	Pulsar	135	40,252	3.3539
84	Jaguar	XJ-S	14	4,187	3.3437
85	Ford, Motor Co.	Ford Tempo	961	291,667	3.2949
86	General Motors	Pontiac 2000/Sunbird	316	96,080	3.2889
87	Chrysler Corp.	Dodge Charger	186	56,854	3.2715
88	General Motors	Buick Somerset	259	79,492	3.2582
89	General Motors	Pontiac Pariesinne	225	69,526	3.2362
90	Toyota	Tercel	330	103,800	3.1792
91	General Motors	Buick Century	745	237,862	3.1321
92	General Motors	Oldsmobile Cutlass Ciera/Cruiser (FWD)	943	303,943	3.1026
93	General Motors	Oldsmobile Calais	299	98,574	3.0333
94	Chrysler Corp.	Chrysler New Yorker	181	60,766	2.9786
95	Chrysler Corp.	Dodge Omni	219	74,423	2.9426
96	Chrysler Corp.	Plymouth Reliant	402	137,762	2.9181
97	Mercedes-Benz	190	80	27,683	2.8899
98	Lotus	Espirt	1	350	2.8571
99	Chrysler Corp.	Chrysler LeBaron/Town & Country	261	92,967	2.8074
100	Chrysler Corp.	LeBaron GTS	170	60,838	2.7943
101	Chrysler Corp.	Plymouth Caravelle	111	40,010	2.7743
102	Ford Motor Co.	Ford Escort	1,128	407,315	2.7694
103	General Motors	Chevrolet Cavalier	989	360,353	2.7445
104	General Motors	Buick Skyhawk	199	73,821	2.6957
105	Peugeot	1505	56	20,824	2.6892
106	General Motors	Chevrolet Spectrum	122	46,341	2.6327
107	BMW	17-Series	24	9,130	2.6287
108	Chrysler Corp.	Plymouth Horizon	228	88,338	2.5810
109	General Motors	Chevrolet Citation	135	53,258	2.5348
110	Audi	5000S	127	50,558	2.5120
111	Saab	900	100	39,858	2.5089
112	Jaguar	XJ	43	17,277	2.4889
113	General Motors	Chevrolet Celebrity	873	354,144	2.4651
114	Ford Motor Co.	Mercury Lynx	209	84,805	2.4645

	Manufacturer	Make/model (line)	Thefts 1985	Production (mfgr's) 1985	Theft rate (thefts/product) (1985) (1,000's)
115	Nissan	Stanza	118	48,006	2.4580
116	Chrysler Corp	Plymouth Colt/Colt Vista	101	41,368	2.4415
117	Ford Motor Co	Lincoln Continental	67	27,521	2.4345
118	General Motors	Oldsmobile Firenza	101	41,527	2.4322
119	Honda	Prelude	189	78,432	2.4097
120	Ford Motor Co	Mercury Marquis	226	95,040	2.3779
121	Mercedes-Benz	300D/CD/TD	55	23,344	2.3561
122	Chrysler Corp	Plymouth Turismo	123	52,471	2.3442
123	Bertone	X-1/9	3	1,310	2.2901
124	AMC/Renault	Fuego	8	3,509	2.2799
125	Mercedes-Benz	300SD/380SE	44	19,734	2.2297
126	Maserati	BiTurbo	4	1,840	2.1739
127	Ford Motor Co	Mercury Grand Marquis	323	151,102	2.1376
128	Honda	Accord	539	260,055	2.0726
129	BMW	13-Series	109	53,804	2.0259
130	Volkswagen	Jetta	149	73,665	2.0227
131	Nissan	Maxima	176	88,097	1.9978
132	BMW	15-Series	38	19,306	1.9683
133	Audi	4000/Coupe	45	23,025	1.9544
134	Honda	Civic	369	204,148	1.8075
135	Porsche	928	4	2,300	1.7391
136	Alfa Romeo	GTV6	1	626	1.5974
137	Subaru	Subaru	161	101,220	1.5906
138	Ferrari	308	1	645	1.5504
139	Ford Motor Co	Ford LTD Crown Victoria	221	166,346	1.3286
140	Volkswagen	Golf GTI	146	112,070	1.3028
141	Ford Motor Co	Merkur XR4TI	16	12,404	1.2899
142	Volvo	DL/GL	57	52,770	1.0802
143	AMC/Renault	181/Sportwagon	3	2,850	1.0526
144	General Motors	Chevrolet Nova	16	27,943	0.5726
145	Ferrari	Testarossa	0	120	0.0000
146	Rolls-Royce/Bentley	Silver Spirit/Silver Spur/Mulsanne	0	906	0.0000
147	Aston Martin	Saloon/Vantage/Volante	0	29	0.0000
148	Maserati	Quattroporte	0	143	0.0000
149	Audi	Quattro	0	69	0.0000
150	Excalibur	Phaeton/Roadster	0	96	0.0000
151	Ferrari	Mondial	0	148	0.0000
152	Aston Martin	Lagonda	0	23	0.0000
153	Rolls-Royce/Bentley	Corniche	0	226	0.0000
154	Rolls-Royce/Bentley	Continental	0	2	0.0000
155	Zimmer	Classic/Elegante/Cabriolet	0	170	0.0000
156	Rolls-Royce/Bentley	Camargue	0	135	0.0000
157	Bitter GMBH	Bitter SC	0	135	0.0000
158	TVR	280i	0	225	0.0000

Interested persons are invited to submit comments on these data. The agency is particularly interested in comments about the accuracy of these data and the methodology used to calculate theft rankings. It is requested but not required that 10 copies be submitted.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicate above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered before publication of final 1985 theft data. Comments on this notice will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Authority: 15 U.S.C. 2023; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.

Issued on: October 28, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-24821 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-59

Notices

Federal Register
Vol. 51, No. 212
Monday, November 3, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF UNITED STATE COURTS

Board of Certification; United States Courts of Appeals Circuit Executive; Meeting

AGENCY: Board of Certification, United States Courts of Appeals, Circuit Executive, Administrative Office of United States Courts.

ACTION: Notice of meeting of Board of Certification in Washington, DC on November 7, 1986 to interview applicants who are interested in being certified as qualified for the position of circuit executive.

SUMMARY: Individuals who wish to serve as circuit executives in the United States judicial system must be certified as qualified by the statutorily created Board of Certification (28 U.S.C. 332(f)). While certification is a prerequisite for appointment as circuit executive, it does not ensure employment. By action of the Judicial Conference of the United States, persons who wish to be appointed as district court executives must also be certified by the Board.

A personal interview with the Board is necessary for certification, and the Board cannot reimburse candidates for attendant travel expenses.

Details on how to apply for certification may be had by writing to: Board of Certification, Administrative Office of the U.S. Courts, Washington, DC 20544.

The next meeting of the Board will be held in Washington, DC on November 7, 1986.

L. Ralph Mecham,

Secretary of the Board of Certification and Director, Administrative Office of the U.S. Courts.

[FR Doc. 86-24764 Filed 10-31-86; 8:45 am]

BILLING CODE 2210-01-M

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on Designation Applicant in the Geographic Area Currently Assigned to the Columbus Agency, Ohio

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for official agency designation in the geographic area currently assigned to Columbus Grain Inspection, Inc. (Columbus).

DATE: Comments to be postmarked on or before December 18, 1986.

ADDRESS: Comments must be submitted, in writing, to Lewis Lebakken, Jr., Information Resources Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382-1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS requested applications for official agency designation to provide official services within a specified geographic area in the September 2, 1986, **Federal Register** (51 FR 31153). Applications were to be postmarked by October 2, 1986. Columbus was the only applicant for designation in its geographic area and applied for designation renewal in the area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation applicant. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the address listed above.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicant will be informed of the decision in writing.

Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: October 23, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86-24761 Filed 10-31-86; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned to the Chattanooga Agency Tennessee

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of one agency will terminate, in accordance with the Act, and requests applications from parties, including the agency currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agency. The official agency is Chattanooga Grain Inspection Company, Inc.

DATE: Applications to be postmarked on or before December 3, 1986.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and

determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of FGIS is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Chattanooga Grain Inspection Company, Inc. (chattanooga), Judd Road, P.O. Box 16711, Chattanooga, TN 37416, was designated under the Act as an official agency to provide inspection functions on May 1, 1984.

The official agency's designation terminates on April 30, 1987. Section 7(g)(1) of the Act states that official agencies' designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Chattanooga in the State of Tennessee pursuant ot section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows:

Bounded on the North by the northern Tennessee State line from Sumner County east;

Bounded on the East by the eastern Tennessee State line southwest;

Bounded on the South by the southern Tennessee State line west to Interstate 65; and

Bounded on the West by Interstate 65 north to the northern Williamson County line; the northern Williamson County line east; the western Rutherford, Wilson, and Sumner County lines north.

Interested parties, including Chattanooga, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning May 1, 1987, and ending April 30, 1990. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 23, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86–24762 Filed 10–31–86; 8:45 am]

BILLING CODE 3410-EN-M

Designation Renewal of the Amarillo Agency and the State of Wisconsin

AGENCY: Federal Grain Inspection Service (FGIS).

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Amarillo Grain Exchange, Inc. (Amarillo) and Wisconsin Department of Agriculture, Trade and Consumer Protection (Wisconsin), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: December 1, 1986.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

FGIS announced that Amarillo's and Wisconsin's designations terminate on November 30, 1986, and requested applications for official agency designation to provide official services within specified geographic areas in the June 2, 1986, **Federal Register** (51 FR 19769). Applications were to be postmarked by July 2, 1986. Amarillo and Wisconsin were the only applicants for designation in their respective geographic areas and each applied for designation renewal in the area currently assigned to that agency.

FGIS announced the applicant names and requested comments on the same in the August 1, 1986, **Federal Register** (51 FR 27572). Comments were to be postmarked by September 15, 1986. Three favorable comments were received regarding Amarillo's designation renewal; no comments were received regarding Wisconsin's designation renewal.

FGIS evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Amarillo and Wisconsin are able to provide official services in the geographic area for which FGIS is renewing their designation. Effective December 1, 1986, and terminating November 30, 1989, Amarillo will provide official inspection services and Wisconsin will provide official inspection and Class X or Class Y weighing services in their entire specified geographic areas, previously described in the June 2 **Federal Register**.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or by contacting the agencies at the following addresses:

Amarillo Grain Exchange, Inc., 1300 South Johnson Street, Amarillo, TX 79101

Wisconsin Department of Agriculture, Trade and Consumer Protection, 801 West Badger Road, Madison, WI 53713

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: October 23, 1986.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 86–24760 Filed 10–31–86; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-012]

Hot-Rolled Carbon Steel Plate Cut to Length From Brazil; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by an exporter and an importer, the Department of Commerce has conducted

an administrative review of the antidumping duty order on hot-rolled carbon steel plate cut to length from Brazil that was in effect prior to October 1, 1984. The review indicates the existence of dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

When no information was received in response to our questionnaire we used the best information available for assessment purposes.

On August 21, 1985, the Department published in the **Federal Register** (50 FR 33815) the final results of a changed circumstances administrative review and the revocation of the order, effective October 1, 1984. Therefore, no cash deposits of estimated antidumping duties are required on this merchandise entered, or withdrawn from warehouse, for consumption on or after October, 1984.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–5255/3601.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 10692) an antidumping duty order on hot-rolled carbon steel plate cut to length from Brazil. We began the current review of the order under our old regulations. After the promulgation of our new regulations, two exporters and an importer requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation of the antidumping duty administrative review on November 27, 1985 (50 FR 48825). One exporter withdrew its request on December 27, 1985. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of hot-rolled carbon steel plate cut to length. Hot-rolled carbon steel plate cut to length covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width, as currently classifiable under item 607.6615 or 607.9400 of the Tariff Schedules of the United States Annotated ("TSUSA"); and hot-rolled carbon steel plate which has been coated or plated with metal, including any material which has been painted or otherwise covered after having been coated or plated with metal, as currently classifiable under item 608.0710 or 608.1100 of the TSUSA. Semifinished products of solid rectangular cross sections with a width at least four times the thickness in cast condition or processed only through primary mill hot rolling are not included.

Hot-rolled carbon steel plate is used in the construction of bridges, mining equipment, pressure vessels, railroad freight and passenger cars, ships, line pipe, industrial machinery, machine parts, and a large variety of other products.

The review covers three exporters of Brazilian hot-rolled carbon steel plate cut to length to the United States and the period June 10, 1983 through September 30, 1984.

USIMINAS and CSN did not respond to our questionnaire. For those non-responsive firms, we used the best information available for assessment purposes. The best information available was the most recent rate for each of those firms.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the c. & f. price to an unrelated purchaser in the United States. We made deductions for ocean freight, brokerage, and handling charges. We did not adjust for a tax which was rebated upon exportation of the merchandise, since the tax was not included in the foreign market value. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used constructed value, as defined in section 773(e) of the Tariff Act. The respondent provided insufficient information to indicate whether sufficient quantities of such or similar merchandise were sold in the home market at or above the cost of production to provide an adequate basis for comparison and provided no information on third-country sales; therefore, we used constructed value, which was calculated as the sum of materials and fabrication costs, general expenses, and profit. There were no packing costs.

For general expenses the Department used actual general expenses because they were higher than the statutory minimum of ten percent of the sum of materials and fabrication costs. Because actual profit information was inadequate, as best information available the Department used the statutory minimum of eight percent of the sum of materials and fabrication costs and general expenses. We made adjustments for differences in the merchandise, differences in credit costs, indirect selling expenses when a commission was paid in one market and not the other, and a tax included in the United States price. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period June 10, 1983 through September 30, 1984:

Manufacturer/Exporter	Margin (percent)
COSIPA	24.29
USIMINAS	65.58
CSN	86.81

Interested parties may submit written comments on these preliminary results within 21 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 21 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

On August 21, 1985, the Department published in the **Federal Register** (50 FR 33815) a notice of the final results of its changed circumstances administrative review and its revocation of the order,

effective October 1, 1984. This administrative review does not affect the revocation of the antidumping duty order. Therefore, we will instruct the Customs Service to continue to liquidate all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984 without regard to antidumping duties.

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 § 353.53a of the Commerce Regulations (19 CFR 353.53a; 50 FR 32556, August 13, 1985).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-24785 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-122-604]

Preliminary Determination of Sales at Less Than Fair Value; Certain Fresh Cut Flowers From Canada

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Canada are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Jess Bratton or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377-3963 or (202) 377-5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Canada are being, or are likely to be, sold in the United States at less than fair value as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value furnished by petitioner. The margin preliminarily found for all companies investigated is listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Canada are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21946, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Canada materially injure a U.S. industry (USITC Pub. No. 1887).

Based on information provided by the government of Canada and the Foreign Commercial Service of the U.S. Embassy in Ottawa we established that, of the 34 known Canadian growers of the subject flowers, only three growers had export sales to the United States during the period of investigation. This was subsequently confirmed by our own research. Between July 17 and August 8, 1986, we served questionnaires on Unsworth Greenhouses, Ltd., Tage Hansen, Ltd., and Renkema Florists, Ltd. These companies account for virtually all exports from Canada of the subject merchandise to the United States. We requested that responses be received by September 10, 1986.

On August 15, 1986, we received a response to Section A of our questionnaire from Unsworth Greenhouses, Ltd. On August 21, 1986, we requested additional information. On September 29, 1986, Unsworth Greenhouses, Ltd. notified us that the company would not supply the requested information.

On September 15, 1986, we received a response from Renkema Florists, Ltd. Also on September 15, 1986, we requested additional information. To date we have not received a reply to that request.

On September 22, 1986, Tage Hansen, Ltd. mailed a response which we did not receive until October 10, 1986. On October 15, 1986, we requested additional information. We have not received a response to that request.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.1700 of the *Tariff Schedules of the United States Annotated (TSUSA)*, and standard carnations currently provided for in item 192.2130 of the *TSUSA*.

Fair Value Comparisons

To determine whether sales by the respondents were made at less than fair value, we compared the United States price, based on best information available, with the foreign market value, also based on the best information available. We used best information available as required by section 776(b) of the Act because respondents did not provide full and complete responses to our antidumping duty questionnaires. The best information available was that in the petition.

United States Price

We calculated the purchase price of flowers on the basis of best information available which is the monthly average f.o.b. unit values of cut flowers imports reported by the Bureau of Census import statistics presented in the petition.

Foreign Market Value

We calculated the foreign market value on the basis of best information available which is the production costs presented in the petition, revised to eliminate apparent duplication. To this sum was added the constructed value statutory minimums of ten and eight percent for general expenses and profit, respectively. Petitioner derived constructed values through the use of United States growers' costs, adjusted for differences between U.S. and Canadian costs for labor.

Verification

We will verify all information used in making our final determination in

accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Canada that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-avarage amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margin is as follows:

	Weighted-average margin percentage
All Manufacturers/Sellers/Exporters	11.33

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in our final determination, after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m., on December 17, 1986, at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue NW, Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 10, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 USC 1673b(f)).

October 28, 1986.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-24786 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-337-602]

Preliminary Determination of Sales at Less Than Fair Value; Standard Carnations From Chile

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that standard carnations from Chile are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1756 or (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that standard carnations from Chile are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the same class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were made between United States price and foreign market value, which was based on home market prices. The margins preliminarily found for all companies investigated are listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows standard carnations. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Chile are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21951, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of

standard carnations from Chile materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented antidumping duty questionnaires to Agricola Longotoma, Ltda. and Jorge Puiggros Mazuela. These companies account for approximately 63 percent of exports from Chile of the subject merchandise to the United States, we requested responses in 30 days. On August 18, 1986, at the request of respondents. We granted extensions of the due dates for the questionnaire responses. On September 10, we received the responses from the companies. On October 1, we requested additional information from respondents. We received supplemental responses on October 14, 1986.

Scope of Investigation

The products covered by this investigation are fresh cut standard carnations currently provided for in item 192.21 of the *Tariff Schedules of the United States.*

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted-average monthly price of U.S. sales with foreign market value based on home market prices. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same products at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history of the Trade and Tariff Act of 1984 demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the cut flowers investigations. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike nonperishable products, sellers cannot withold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in lieu of destroying the product. This comparision yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

As provided by section 776(b) of the Act, we used publicly available information from other Chilean respondents as best information available for certain adjustments and charges.

United States Price

As provided in section 772(b) of the Act, we used purchase price to represent the United States price for Agricola Longotoma, Ltda., when the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated purchase price based on f.o.b., packed prices to unrelated purchasers in the United States. We made deductions for foreign inland freight.

For Agricola Longotoma, Ltda. and, for Jorge Puiggros Mazuela, when the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales price to represent the United States price, as provided in section 772(c) of the Act. We made deductions, where appropriate, for foreign inland freight, brokerage and handling, air freight, commissions, credit expenses and credit returns. Because the Generalized System of Preferences is applicable to Chilean flowers, no U.S. duty charge was deducted.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales.

In calculating foreign market value, the period of investigation was broken into two six-month periods. During each six-month period, if home market sales occurred in three months or more, then the weighted average for the months with sales were used for the entire six-month period. When there were sales in two months or less, constructed value was used for months without sales.

In accordance with section 773(a) of the Act, we calculated foreign market value based on f.o.b., packed, home market prices to unrelated purchasers for Jorge Puiggros Mazuela and Agricola Longotoma, Ltda. When comparing foreign market value to U.S. exporter's sales price transactions, we deducted home market commissions in accordance with § 353.15 of the Commerce Regulations. For U.S. purchase price sales we made an adjustment under § 353.15 for differences in credit expenses.

For both purchase price and exporter's sales price, we also added U.S. packing to foreign market value.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Chilean pesos to U.S. dollars in accordance with § 353.56(a)(1) of our regulations. For comparisons involving exporter's sales price transactions, we used the official exchange rate on the date of purchase pursuant to section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations. Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York, but no certified rates were available for Chile. Therefore, we used monthly exchange rates published by Bank of America, London, as best information available. We have requested the Federal Reserve Bank to certify the exchange rates for the period of investigation. If the certified Federal Reserve Bank exchange rates are available, we will use the certified rates for our final determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of

relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of standard carnations from Chile that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Jorge Puiggros Mazuela	0
Agricola Longotoma, Ltda	33.2
All others	33.2

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in our final determination, after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10 a.m., on December 16, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 9, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within ten days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

October 28, 1986.

[FR Doc. 86-24793 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-301-602]

Preliminary Determination of Sales at Less Than Fair Value; Certain Fresh Cut Flowers From Colombia

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Colombia are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers, except for entries from Flores Timana, Flores Esmeralda, Inversiones Almer and Flores de Cota, that are entered, or withdrawn from warehouse, for consumption, or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Jay Kenkel or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5404 or (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Colombia are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value. Foreign market value was based on third country prices or constructed value. The margins preliminarily found for all companies investigated are listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36) the petition alleged that imports of the subject merchandise are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, as amended, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Colombia

materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented antidumping duty questionnaires to the Flores La Pampa, Ltda., Flores Timana, Ltda., Flores Del Rio, S.A., Flores Generales, Ltda., Royal Carnations, Ltda., Cultivos del Caribe, Floramerica, S.A., Jardines de Colombia, Universal de Flores, Ltda., Inversiones Almer, Ltda., Inversiones Patxi, Flores de Cota, Ltda., Productura el Rosal, and Prismaflor. These companies account for at least 34 percent of exports from Colombia of the subject merchandise to the United States. We requested respones in 30 days.

On July 31, 1986, we received a voluntary response to section A of the questionnaire in acceptable form from Flores Esmeralda, Ltda. On August 1, 1986, the companies which received questionnaires filed their responses to section A of the questionnaire. On August 18, 1986, at the request of respondents, we granted extensions of the due dates for the remaining portions of the questionnaire responses. On September 10, we received the remaining portions of the responses from the companies, including a voluntary response from Flores Esmeralda which was submitted in proper form. Another company, Agrodex, filed a voluntary response on September 10, 1986. This response was incomplete and, therefore, was not used.

We received supplemental information on October 10, 14, 16, 17, 22, 23, 24, 27, and 28, 1986. At the request of the petitioner, we initiated a cost of production investigation against certain growers of standard carnations.

On August 11, 1986, we received a letter on behalf of the respondents, challenging the standard of the Floral Trade Council and requesting dismissal of the petition on the ground that the petition was not filed "on behalf of" the U.S. industry, as required by section 732 of the Act (19 U.S.C. 1673a). As we have previously stated, *see e.g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada,* (51 FR 10041, March 24, 1986), neither the act nor the Commerce Regulations require a petitioner to establish affirmatively that it has the support of a majority of a particular industry. The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. In this case, we have not received any opposition from the domestic industry.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.17 of the *Tariff Schedules of the United States* (TSUS), and standard carnations, standard chrysanthemums, pompom chrysanthemums, alstroemeria, gerbera, and gypsophila, currently provided for in item 192.21 of the TSUS.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a monthly weighted-average price of U.S. sales with a foreign market value based on third country prices or constructed value. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same product at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history which accompanied the Trade and Tariff Act demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the cut flowers investigations. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in *lieu* of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

We used the best information available as required by section 776(b) of the Act for three companies because they only submitted responses to section A of our antidumping duty questionnaire. In cases where companies have failed to respond to our questionnaire, or where responses are deemed too deficient to be employed in our calculations, we have determined that it is appropriate for this preliminary determination to assign such companies the higher rate of either (1) that rate calculated from information supplied in the petition, adjusted, as appropriate, to remedy certain errors which in this case we consider obvious, or (2) the rate for the firm in Colombia with the highest margin of all firms that supplied adequate responses. Using this methodology to determine whether sales by these three companies, Inversiones Patxi, Productura el Rosal and Prismaflor, were made at less than fair value, we used the highest margin calculated for a responding firm.

We also selectively used the best information available for the remaining companies when they did not submit the information requested in the specified format. Best information available was used, where appropriate, for certain adjustments and charges based on an average amount calculated from data provided by Colombian growers for a particular adjustment or charge.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price, where the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated purchase price based on the f.o.b. packed and unpacked price to unrelated purchasers in the United States. We made deductions, where appropriate, for

foreign inland freight and airport cold storage charges.

Where the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales price to represent the United States price, as provided in section 772(c) of the Act. We made deductions, where appropriate, for foreign inland freight, airport cold storage charges, brokerage and handling, air freight, box commissions, credit expenses, returned merchandise expense, royalties, U.S. duty and either selling commissions paid to unrelated U.S. importers or indirect U.S. selling expenses of related consignees. We added a box charge to the U.S. selling price, where appropriate.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales. In calculating foreign market value, the period of investigation was broken into the six-month periods. During each six-month period, if home market or third country sales occurred in three months or more, then the weighted average for the months with sales were used for the entire six-month period. When there were sales in two months or less, that data was used only for those months and constructed value was used for months without sales.

For Royal Carnations, Flores La Pampa, Floramerica, Jardines de Colombia and Flores del Rio, we initiated a cost of production investigation with respect to their sales of standard carnations. We compared the cost of production of standard carnations to sales of that flower in the third country market, since there were no home market sales of such or similar merchandise. For all sales of Royal Carnations and for Flores La Pampa's sales in the first six-month period, we found that all sales were below cost. Therefore, we used constructed value data to determine foreign market value for the first six months for Flores La Pampa and for the entire period of investigation for Royal Carnations. For the sales by Flores La Pampa in its second six-month period, we found sufficient sales at or above cost to determine foreign market value. We deducted inland freight credit expense, damaged flower return expense and airport cold storage charges from the third country sales (f.o.b.) prices of Flores La Pampa in its second six-month period.

Two companies, Inversiones Almer and Floramerica, for gypsophila, had sufficient third-country sales to compare to U.S. sales. Accordingly, we deducted from the f.o.b. farm prices, credit expense and returned-flower charges, as appropriate.

In accordance with section 773(e) of the Act, we calculated foreign market based on constructed value for Flores Esmeralda, Flores Generales, Timana, Cultivos del Caribe, Floramerica (for flowers other than standard carnations and gypsophila) and Jardines, de Colombia (for alstroemeria) as there were not sufficient home market or third country sales of such or similar merchandise for purposes of comparison.

Constructed value, for all flowers of these companies and for those companies whose third country sales were below cost, was based on information submitted by respondents. Where necessary, constructed values were adjusted for the difference between reported production volumes and reported sales of export-quality flowers to account for spoilage. Where there were no sales to the home market or third countries or where selling expenses for these markets were not reported, U.S. selling expenses were included in constructed value. Where general expenses were less than 10 percent of the cost of materials and fabrication, the statutory minimum of 10 percent was used. The statutory minimum profit of eight percent was used. Where we compared constructed value to exporter's sales price, we deducted sales commissions when the importer was unrelated, or indirect U.S. selling expenses if sales were made through a related U.S. importer, credit expenses and royalties, as appropriate. For purchase price transactions, we adjusted the constructed value for credit expenses and deducted packing costs, as appropriate.

Flores Del Rio, Floramerica and Jardines de Colombia did not provide usable third country data on sales of standard carnations in sufficient time to analyze. Also, Universal de Flores did not provide usable constructed value data. Therefore, for these companies, we used the weighted/average constructed value of all Colombian growers that was submitted and analyzed as the best information available.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Colombian pesos to U.S. dollars in accordance with § 353.56(a) of our regulations. For comparisons involving exporter's sales price transactions, we used the official exchange rate for the date of purchase pursuant to section 615 of the Trade and Tariff Act of 1984 rather than § 353.56(a)(2) of our regulations, as the statute supersedes that section of the regulations. Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York, but no certified rates were available for Colombia. Therefore, we used monthly exchange rates published by Bank of America, London, as best information available. We have requested the Federal Reserve Bank to certify the exchange rates for the period of investigation. If the Federal Reserve Bank exchange rates become available, we will use these certified rates for our final determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Colombia, except for entries from Flores Timana, Flores Esmeralda, Inversiones Almer and Flores de Cota, that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Flores La Pampa, Ltda	49.11
Flores Timana, Ltda	0
Flores Del Rio, S.A.	11.13
Flores Generales, Ltda	17.59
Royal Carnations, Ltda	252.78
Flores Esmeralda Ltda	0
Cultivos del Caribe	1.67
Floramerica, S.A.	1.67
Jardines de Colombia	1.67
Universal de Flores, Ltda	122.74
Inversiones Almer, Ltda	0
Inversiones Patxi	252.78
Flores de Cota, Ltda	0
Productura el Rosal	252.78
Prismaflor	252.78
All others	8.91

Article VI.5 of the General Agreement on Tariffs and Trade provides that "(n)o product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in the final determination after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1:00 p.m., on December 18, 1986 at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 11, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

October 28, 1986.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-24787 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-223-602]

Preliminary Determination of Sales at Less Than Fair Value; Certain Fresh Cut Flowers From Costa Rica

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Costa Rica are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Terri Feldman or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0160 or (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Costa Rica are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by respondent during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value, based on home market prices or constructed value. The margin preliminarily found for the company investigated is listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Costa Rica are being, or are likely to be, sole in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Costa Rica materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented an antidumping duty questionnaire to the American Flower Corporation. This company accounts for at least 60 percent of exports from Costa Rica of the subject merchandise to the United States. We requested a response in 30 days. On August 11, 1986, at the request of respondent, we granted an extension of the due date for the questionnaire response. On September 10, we received a response from the company. On October 1 and 10, we requested additional information from respondent. On October 10 and 16, we received supplemental responses. Outstanding deficiencies in the response remain.

On August 11, 1986, we received a letter on behalf of the respondent, American Flower Corporation, challenging the standing of the Floral Trade Council and requesting dismissal of the petition on the ground that the petition was not filed "on behalf of" the domestic industry, as required by section 732(b)(1) of the Act. As we have previously stated, *see e.g., Final Affirmative Countervailing Duty Determination: Certain Fresh Atlantic Groundfish from Canada* (51 FR 10041, March 24, 1986), neither the Act nor the Commerce Regulations requires a

petitioner to establish affirmatively that it has the support of a majority of a particular industry. The Department relies on petitioner's representation that it has, in fact, filed on behalf of the domestic industry, until it is affirmatively shown that this is not the case. In this case, we have not received any opposition from the domestic industry.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.17 of the *Tariff Schedules of the United States* (TSUS), and standard carnations and pompon chrysanthemums currently provided for in item 192.21 of the TSUS.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted average monthly price of U.S. sales with a foreign market value based on home market prices or constructed value. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same products at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history of the Trade and Tariff Act of 1984 demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins and to maximize efficient use of limited services, without loss of reasonable fairness in the results. In the instant situation there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the flowers cases. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in *lieu* of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less that fair value.

To determine whether sales of miniature carnations by American Flower Corporation were made at less than fair value, we compared the United States price with the foreign market value based on the best information available, as noted below, as required by section 776(b) of the Act.

For certain adjustments to United States sales, we used, as the best information available, public information from growers' responses from Peru and Colombia submitted in connection with our investigations of certain flowers from those countries.

United States Price

As provided in section 772(c) of the Act, as all the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales price to represent the United States price. From f.o.b. delivered exporter's sales price, we made deductions, where appropriate, for brokerage and handling, air freight, box and sales commissions, and credit expenses. Since the respondent's responses were partially incomplete, we made deductions, where appropriate, for foreign inland freight and return credit expenses based on the best information available, as provided for in section 776(b) of the Act. Best information available was based on public information from growers' responses from our investigation of fresh cut flowers from Peru and Colombia. Because the Generalized System of Preferences is applicable to Costa Rican flowers, no U.S. duty charge was deducted.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales. In calculating foreign market value, the period of investigation was broken into two six-month periods. During each six-month period, if home market or third country sales occurred in three months or more, then the weighted averages for the months with sales were used for the entire six-month period. When there were sales in two months or less, constructed value was used for months without sales.

In accordance with section 773(a) of the Act, we calculated foreign market values for standard carnations and pompon chrysanthemums, based on delivered, packed home market prices to unrelated purchasers by American Flower Corporation. No deductions were made to home market prices because American Flower Corporation's response was incomplete with respect to adjustments and charges included in home market prices. U.S. packing was added to home market prices.

American Flower Corporation had no reported sales of such or similar merchandise for miniature carnations in the home market, but did have adequate third country sales. However, since American Flower Corporation did not provide a proper third country response for miniature carnations, we calculated foreign market value for miniature carnations based on constructed value of such or similar merchandise, as provided for in section 773(e) of the Act. In determining constructed value we used best information available as provided in section 776(b) of the Act. In the petition, constructed value for Costa Rica was based on Colombian growers' costs adjusted for Costa Rican labor costs. We have followed petitioner's methodology of using adjusted Colombian growers' costs for the Costa Rican constructed value. However, we have revised the constructed value in the petition for apparent duplication and have added general expenses and profit. Also, based on the constructed value responses received in the concurrent case on cut flowers from Colombia, we have adjusted petitioner's constructed value figures to reflect more accurately the actual costs incurred by Colombian growers. U.S. packing was added to the constructed value.

Currency Conversion

For comparisons involving exporter's sales price transactions, we used the

official exchange rate on the date of purchase pursuant to section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as section 615 supersedes that section of the regulations. Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York, but no certified rates were available for Costa Rica. Therefore, we used monthly exchange rates published by Bank of America, London, as best information available. We have requested the Federal Reserve Bank to certify the exchange rates for the period of investigation. If the Federal Reserve Bank exchange rates are available, we will use these certified rates for our final determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verifiction procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Costa Rica that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
American Flower Corporation	27.29
All others	27.29

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o products . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 722(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in the final determination after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protrective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2:00 p.m., on December 15, 1985, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B–099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 8, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if recevied not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673(f)).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

October 28, 1986.

[FR Doc. 86–24788 Filed 10–31–86; 8:45 am]

BILLING CODE 3510-DS-M

[A-331-602]

Preliminary Determination of Sales at Less Than Fair Value; Certain Fresh Cut Flowers From Ecuador

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Ecuador are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, except for entries from Flores Equinocciales, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–1756 or (202) 377–3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Ecuador are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value. Foreign market value was based on home market prices or constructed value. The margins preliminarily found for all companies investigated are listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the

Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Ecuador are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Ecuador materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented antidumping duty questionnaires to the Jardines De Mojanda, Inverflora, Florisol, Flores Equinocciales, Eden Flowers and Terraflor. These companies account for approximately 62 percent of exports from Ecuador of the subject merchandise to the United States. We requested responses in 30 days. On August 18, 1986, at the request of respondents, we granted extensions of the due dates for the questionnaire responses. On August 20, we were informed that Jardines De Mojanda did not export to the United States. On September 10, we received responses from Flores Equinocciales and Florisol. On September 16, we received responses from Inverflora. On October 1, we requested additional information from respondents. We received supplemental responses on October 17, 1986. We received a response to our antidumping questionnaire from Terraflor on October 20, 1986.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.17 of the *Tariff Schedules of the United States* (TSUS), and standard carnations, standard chrysanthemums and pompon chrysanthemums currently provided for in item 192.21 of the TSUS.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted-average monthly price of U.S. sales with foreign market value based on home market prices. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same products at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history which accompanied the Trade and Tariff Act of 1984 demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's cost and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation, there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the cut flowers investigations. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike nonperishable products, sellers cannot withhold their flower from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in *lieu* of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

In access where companies have failed to respond to our questionnaire, or where responses are deemed too deficient to be employed in our calculation, we have determined that it is appropriate for this preliminary determination to assign such companies the higher rate of either, (1) that rate calculated for information supplied in the petition, adjusted, as appropriate, to remedy certain errors which in this case we consider obvious, or (2) the rate for the firm from Ecuador with highest margin of all firms that supplied adequate responses. We used best information available for Eden flowers because that company did not submit a response to our antidumping duty questionnaire. We used best information available for Terraflor because Terraflor did not provide a full and completed response to our antidumping duty questionnaire in sufficient time for use in our preliminary determination. We have also used best information available to calculate the dumping margin for Inverflora. Although Inverflora provide an adequate home market sales response, that company did not supply a complete and full United States sales response. In this investigaton we are using as best information available the United States price and the constructed value information in the petition. In the petition, constructed value for Ecuador was based on the Colombia growers' cost adjusted for Ecuadorean labor costs. We have followed petitioner's methodology of using adjusted Colombian growers' cost for the Ecuadorian construced value. However, we have revised the constructed value in the petition to eliminate apparent duplication and have added general expense and profit. Also, based on the constructed value responses we received in the concurrent investigation of cut flowers from Colombia, we have adjusted petitioner's constructed value to reflect more accurately the actual costs insurred by Colombia growers. As required by section 776(b) of the Act, we used publicly available information from other Ecuadorian respondents as best information available for certain charges and adjustments.

United States Price

As provided in section 72(b) of the Act, we used the purchase price for the subject merchandise to represent the United States price for Flores Equinocciales, and, where appropriate, for Florisol, as the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated purchase price based on the f.o.b., Quito, packed price to unrelated

purchasers in the United States. We made deductions, where appropriate, for foreign inland freight.

As provided in section 772(c) of the Act, we used the exporter's sales price, where appropriate, to represent the United States price for Florisol, for that company's merchandise sold to unrelated purchasers after importation into the United States. We made deductions, where appropriate, for foreign inland freight, insurance, handling, air freight, and commissions. Because the Generalized System of Preferences is applicable to Ecuadorean flowers, no U.S. duty charge was deducted.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales.

In calculating foreign market value, the period of investigation was broken into two six-month periods. During each six-month period, if home market sales occurred in three months or more, then the weighted average for the months with sales were used for the entire six-month period. When there were sales in two months or less, constructed value was used for months without sales.

In accordance with section 773(a) of the Act, we calculated foreign market value for Florisol and Flores Equinocciales based on f.o.b. prices to unrelated purchasers in the home market. When comparing foreign market value to U.S. exporter's sales price transactions we made a deduction for home market credit expenses. For U.S. purchase price sales, we made an adjustment under § 353.15 of the Commerce Regulations for differences in circumstances of sale for credit expense in the United States.

For both purchase price and exporter's sale price comparisons, we subtracted home market packing and added U.S. packing to foreign market value.

Currency Conversion

For comparisons involving purchase price transactions, when calculating foreign market value, we made currency conversions from Ecuadorean sucres to U.S. dollars in accordance with § 353.56(a)(1) of our regulations. For comparisons involving exporter's sales price transactions, we used the official exchange rate on the date of purchase pursuant to section 615 of the Trade and Tariff Act of 1984 rather than § 353.56(a)(2) of our regulations, as the statute supersedes that section of the regulations. Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York but no certified rates were available for Ecuador. Therefore, we used monthly exchange rates published by Bank of America, London, as best information available. We have requested the Federal Reserve Bank to certify the exchange rates for the period of investigation. If Federal Reserve Bank certified exchange rates are available, we will use the certified rates for our final determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of that Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Ecuador that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, except for entries from Flores Equinocciales. The U.S. customs Services shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Florisol	4.59
Flores Equinocciales	
Invertflora	30.43
Terraflor	30.43
Eden Flowers	30.43
All others	25.86

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[no] product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(D) of the Act, which prohibits assessing antidumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in our final determinations, after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 2 p.m., on December 16, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 9, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within ten days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

October 28, 1986.

[FR Doc. 86-24789 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-779-602]

Preliminary Determination of Sales at Less Than Fair Value; Certain Fresh Cut Flowers From Kenya

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Kenya are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Jim Riggs or Charles Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202 377-5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Kenya are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondent during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value. Foreign market value was based on third country prices. The margin preliminarily found is listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Kenya are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Kenya materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented an antidumping duty questionnaire to counsel for Sulmac Company Ltd. This company accounts for virtually all exports from Kenya of the subject merchandise to the United States. We requested a response in 30 days. On August 8, 1986, at the request of respondent, we granted an extension of the due date for the questionnaire response to August 29, 1986. On August 8 and August 15, 1986, we received responses to Section A of the Department's questionnaire. On August 18 we granted an additional extension to September 10, 1986. We received responses to Sections B and C on September 22 and September 23, 1986. We requested additional information on October 1, 1986 to be submitted no later than October 10, 1986. We received additional information from the respondent on October 10, 1986.

We also requested additional information pertaining to U.S. sales. We requested by phone additional information on October 14, 1986, and in writing on October 17, 1986, due no later than October 28, 1986.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in iterm 192.17 of the *Tariff Schedules of the United States* (TSUS), and standard carnations, currently provided for in item 192.21 to the TSUS.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted-average monthly price of U.S. sales with foreign market value based on third country prices. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same product at less than fair value from a number of countries, the limited resources of the Depatment are severely taxed due to the statutory deadlines imposed. The legislative history which accompanied the Trade and Tariff Act demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the flowers investigations. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in *lieu* of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

To determine whether sales by Sulmac were made at less than fair value, we compared the United States

price with the foreign market value based on the best information available. This was information selected from the response. We used the best information available as required by section 776(b) of the Act, because we did not receive a complete response.

United States Price

Based on the response, it appears that the merchandise is sold to the first unrelated purchaser after importation into the United States. For purposes of our preliminary determination, we were able to calculate the exporter's sales price of fresh cut flowers, as provided in section 772(c) of the Act, on the basis of respondent's c.&f. price. We made a deduction for airfreight based on an estimated airfreight charge to the United States from invoices furnished by respondent. We also deducted a commission paid to an unrelated party on all U.S. sales. We added U.S. packing costs based on a typical packing charge to the United States found in invoices furnished by respondent.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales. In calculating foreign market value, the period of investigation was broken into two six-month periods. During each six-month period, if home market or third country sales occurred in three months or more, then the weighted averages for the months with sales were used for the entire six-month period.

In accordance with section 773(a), we used third country prices to determine foreign market value, since, based on the response, the respondent did not appear to have a viable home market. Using the producer's prices, we arrived at ex-factory prices by deducting an estimated airfreight charge from Kenya to the Federal Republic of Germany (FRG). We also deducted a commission paid to an unrelated party. We added U.S. packing costs based on the typical packing charge to the United States.

Currency Conversion

When calculating foreign market value, we made currency conversions for German marks to U.S. dollars in accordance with § 353.56(a) of our regulation. We converted as of the date of shipment, as the best information available, using official exchange rates furnished by the Federal Reserve Bank of New York.

Verification

We will verify all information used in making our final determination in accordance with seciton 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresn cut flowers from Kenya that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margin is as follows:

Manufacturers/sellers/exporters	Weighted-average margin percentage
Sulmac Co. Ltd.	4.69
All Others	4.69

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with section 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:00 a.m., on December 17, 1986 at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue NW, Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 10, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

October 28, 1986.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-24790 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-601]

Preliminary Determination of Sales at Less than Fair Value; Certain Fresh Cut Flowers From Mexico

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Mexico are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers, with the exception of those from Floremor, that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: William D. Kane or Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–1766 or (202) 377–5288.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Mexico are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value. The margins preliminarily found are listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Mexico are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21950, June 17, 1986), and notified the ITC of our action. On July 17, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Mexico materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented antidumping duty questionnaires to Florex SPR. de RL. (Florex); Visaflor; Floremor; Tzitzic Tareta; Rancho Daisy; Rancho Alisitos; Rancho Mision el Descanso; Rancho Las Dos Palmas; and Las Flors de Mexico. These companies account for approximately 90% of all exports from Mexico of the subject merchandise to the United States. we requested responses to section A of the questionnaires in 10 days and responses to the balance of the questionnaires in 30 days. On July 29, 1986, we received responses to section A of our questionnaires from all companies except Las Flors de Mexico. On August 6, counsel for all respondents, with the exception of Las Flors de Mexico, requested an extension of the due date for the remaining sections of the questionnaire. The Department, on August 12, granted an extension to September 1, 1986. On August 18, we granted an additional extension to September 10, 1986. On September 10, we received responses from Florex; Visaflor; Floremor; Tzitzic Tareta; Rancho Daisy and Rancho Alisitos. On September 15, 1986, we received a response from Rancho Mision el Descanso. We received no subsequent information from Rancho Las Dos Palmas or Las Flors de Mexico. On October 1, 7 and 15, we requested further information from Florex; Visaflor; Floremor; Tzitzic Tareta; Rancho Daisy; Rancho Alisitos and Rancho Mision el Descanso. From October 7–17, supplemental responses were received from those firms.

Scope of Investigation

The products covered by this investigation are fresh cut pompon chrysanthemums, currently provided for in item 192.2110 of the *Tariff Schedules of the United States Annotated,* (TSUSA), standard carnations, currently provided for in item 192.2130 of the TSUSA, and standard chrysanthemums, currently provided for in item 192.2120 of the TSUSA.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, where possible, we compared a weighted-average monthly price of U.S. sales with foreign market value based on weighted-average monthly home market prices and constructed values. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United Stats price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation where, as here, there is a mass filing of petitions alleging the sale of the same product at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history which accompanied the Trade and Tariff Act demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation, there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the flower investigations. Although the number of transactions vary among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a comparison that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of day" sales with sales that are not undertaken in lieu of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

In cases where companies have failed to respond to our questionnaire, or where responses are deemed too deficient to be employed in our calculations, we have determined that it is appropriate for his preliminary determination to assign such companies the higher rate of either, (1) that rate calculated from information supplied in the petition, adjusted, as appropriate, to remedy certain errors which in this case we consider obvious, or (2) the rate for the firm from Mexico with the highest margin of all firms that supplied adequate responses. Using this methodology for Las Flors de Mexico and Rancho Las Dos Palmas, who failed to answer our questionnaires, and Tzitzic Tareta, whose response was

found to be incomplete and inadequate for purposes of our calculations, we applied, as best information available, the highest margin calculated for a responding firm.

For Rancho Mision el Descanso, where reported cost of production information was deficient, we used best information available to reflect foreign market values.

U.S. Price

For purposes of our preliminary determination, we used purchase price when sales were made to unrelated purchasers in the United States prior to the date of importation, as provided in section 772(b) of the Act, and exporter's sales price when sales were made to unrelated purchasers in the United States after the date of importation. Purchase price was calculated based on the f.o.b. Mexico City airport or c.i.f. delivered, Ciudad Juarez, packed prices, to unrelated customers in the United States, or to an unrelated Mexican broker for resale to the United States. Deductions were made, where appropriate, for foreign inland freight and insurance, and foreign brokerage and handling. Exporter's sales price was calculated based on the price to the first unrelated customer in the United States. Deductions were made, where appropriate, for foreign inland freight and insurance, foreign brokerage and handling, further packing incurred in the United States, and selling commissions to unrelated parties.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales. In calculating foreign market value, the period of investigation was broken into two six-month periods. Because Mexico was determined to be a hyperinflationary economy, where possible, we calculated foreign market value based on weighted monthly average home market prices or monthly constructed values based on quarterly cost data submitted. Where foreign market value was based on home market prices, we calculated foreign market value based on f.o.b. ranch, packed prices. No deductions from this price were claimed or allowed. We deducted home market packing, and added U.S. packing. For Rancho Daisy, Rancho Alisitos and Rancho Mision el Descanso, foreign market value was based on constructed value, because there were insufficient home market or third country sales. The constructed values were based on information submitted by respondents. Where general expenses were less than 10 percent, the statutory minimum of 10 percent was used. The statutory minimum profit of 8 percent was used. We added U.S. packing.

For Florex and Visaflor, the qualities of products sold in the home market could not be identified for purposes of comparison to U.S. sales. Therefore, we based foreign market value for these companies on a weighted-average of constructed values for other responding companies. Rancho Mision el Descanso provided only 1985 cost data. Therefore, where necessary, we used, as best information available, petitioner's cost information for the relevant periods to calculate constructed values.

Currency Conversion

For ESP comparisons, we used the official exchange rate for the date of purchase since the use of that exchange rate is consistent with section 615 of the Tariff and Trade Act of 1984 (1984 Act). We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations because the later law supersedes that section of the regulations.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Mexico, with the exception of those from the firm Floremor, that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturers/Sellers/Exporters	Weighted-Average Margin Percentage
Florex	16.25
Visaflor	15.70
Floremor	0.00
Tzitzic Tareta	30.42
Rancho Daisy	30.42
Rancho Alisitos	11.28
Rancho Mision el Descanso	3.58
Rancho Las Dos Palmas	30.42
Las Flors de Mexico	30.42
All others	15.17

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 1 p.m., on December 16, 1986, at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 9, 1986. Oral presentations will be limited to issues raised in the briefs.

Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

October 28, 1986.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-24791 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

[A-333-602]

Preliminary Determination of Sales at Less than Fair Value; Certain Fresh Cut Flowers From Peru

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that certain fresh cut flowers from Peru are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to suspend the liquidation of all entries of certain fresh cut flowers that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Suspension of Liquidation" section of this notice.

If this investigation proceeds normally, we will make our final determination by January 12, 1987.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Terri Feldman or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-0160 or (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that certain fresh cut flowers from Peru are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b(b)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondent during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on United States price and foreign market value, based on third country prices or constructed value. The margin preliminarily found for the company investigated is listed in the "Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows certain fresh cut flowers. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Peru are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of certain fresh cut flowers from Peru materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented an antidumping duty questionnaire to Flores Esmeralda, S.R.L. This company accounts for at least 95 percent of exports from Peru of the subject merchandise to the United States. We requested a response in 30 days. On August 17, 1986, at the request of respondent, we granted an extension of the due date for the questionnaire response. On September 10, we received a response from the company. On October 2 and 10, we requested additional information from respondent. We received supplemental responses on October 10 and 16, 1986. Outstanding deficiencies in the response remain.

Scope of Investigation

The products covered by this investigation are fresh cut miniature (spray) carnations, currently provided for in item 192.17 of the *Tariff Schedules of the United States* (TSUS), and pompon chrysanthemums, and gypsophila, currently provided for in item 192.21 to the TSUS.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted-average monthly price of U.S. sales with a foreign market value based on third country prices or constructed value. Section 620(a) of the Trade and Tariff Act of 1984 expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average U.S. sales. In a situation, such as here, where there is a mass filing of petitions alleging the sale of the some products at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines imposed. The legislative history which accompanied the Trade and Tariff Act of 1984 demonstrates that it was the intent of Congress in promulgating section 620(a) to reduce the Department's costs and administrative burden in determining dumping margins, and to maximize efficient use of limited resources, without loss of reasonable fairness in the results. In the instant situation there are eight simultaneous antidumping investigations and over 260,000 separate United States transactions from the countries under consideration. Another influential factor is the need for consistency in our treatment of all the flowers cases. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Our decision to average United States price over short periods of time is also based on the fact that the subject merchandise is perishable. Because of this characteristic, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

We do not believe that the purpose of the antidumping duty law is to render such sales unfair. Instead, in situations like these where the product is perishable, we seek a compromise that takes this characteristic into account. We have preliminarily determined that the best way to achieve this is to average over short time periods, thus, in essence, balancing these "end of the day" sales with sales that are not undertaken in *lieu* of destroying the product. This comparison yields, in our view, the most accurate basis for determining whether sales are at less than fair value.

United States Price

As provided in section 772(c) of the Act, as all the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales prices to represent the United States price. We made deductions, where appropriate, for box and sales commissions, return credits, brokerage and handling, inland freight, and credit expenses. We made an addition for the CERTEX export rebate. Because the Generalized System of Preferences is applicable to Peruvian flowers, no U.S. duty was deducted.

Foriegn Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales. In calculating foreign market value, the period of investigation was broken into two six-month periods. During each six-month period, if home market or third country sales occurred in three months or more, then the weighted average for the months with sales were used for the entire six-month period. When there were sales in two months or less, constructed value was used for months without sales.

For Peru, the first three months of the period of investigation have been deemed hyperinflationary, thus foreign market value was calculated on a monthly basis for these first three months. Effective September 1, 1985, the Government of Peru instituted inflation controls. We thus have determined that effective September 1, 1985, Peru was not a hyperinflationary economy. Therefore, to compare sales in the second three-month period and the final six-month period, one weighted-average foreign market value was used for each period, consistent with our determination to divide the period of investigation into two six-month periods.

As Flores Esmeralda, S.R.L. had no reported sales of such or similar merchandise in the home market for gypsophila, we calculated foreign market value, where appropriate, based on third country, packed prices to unrelated purchasers in the Federal Republic of Germany. Deductions were made, as appropriate, for inland freight and brokeage and handling. We made an addition for the CERTEX tax rebate. We made a deduction for third country credit expenses and third country market packing. We added U.S. packing to third country prices.

In accordance with section 773(e) of the Act, we calculated foreign market value based on the constructed value of miniature carnations and pompon chrysanthemums for Flores Esmeralda, S.R.L., as there were not sufficient home market or third country sales of such or similar merchandise. For the preliminary determination, estimated raw material costs submitted by respondent were adjusted based on actual raw material costs reported in other months. The constructed values were adjusted to reduce the variations resulting from fluctuations in monthly production volumes. Where actual general expenses were less than 10 percent of the cost of materials and fabrication, the statutory minimum of 10 percent was used. The statutory minimum profit of 8 percent was used since the actual profits in the third country were not reported. We added U.S. packing to constructed values. We made a deduction for home market credit expenses, and, where appropriate, we used indirect expenses to offset other United States selling expenses in accordance with § 353.15(c) of our regulations.

Currency Conversion

For comparisons involving exporter's sales price transactions, we used the official exchange rate for the date of purchase pursuant to section 615 of the 1984 Act, rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations. Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York, but no certified rates were available for Peru. Therefore, we used monthly exchange rates published by Bank of America, London, as best information available. We have requested the Federal Reserve Bank to certify the exchange rates for the period of investigation. If the Federal Reserve Bank exchange rates are available we will use these certified rates for our final determination.

Verification

We will verify all information used in making our final determination in accordance with section 776(a) of the Act. We will use standard verification procedures, including examination of relevant sales and financial records of respondents.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain fresh cut flowers from Peru that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The suspension of liquidation will remain in effect until further notice. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Flores Esmeralda, S.R.L.	1.78
All others	1.78

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[n]o products . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. We will consider this issue in our final determination after we make a final countervailing duty determination.

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry prior to the later of 120 days after our preliminary affirmative determination or 45 days after we make our final determination.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 9:00 a.m., on December 15, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a

request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, ten copies of any pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 8, 1986. Oral presentations will be limited to issues raised in the briefs. Written views will be considered if received not less than 30 days before the final determination or, if a hearing is held, within 10 days after the hearing transcript is available.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

October 28, 1986.

[FR Doc. 86-24792 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Yellowfin Tuna

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

ACTION: Notice of determination.

SUMMARY: The Assistant Administrator for Fisheries, NMFS, in consultation with the Department of State, finds that the Government of the Republic of Vanuatu is in substantial conformance with U.S. regulations governing the taking of marine mammals incidental to commercial tuna purse seining operations. Therefore, yellowfin tuna and yellowfin tuna products may be exported to the United States until such time as new regulations regarding yellowfin tuna are promulgated and new findings required under those regulations.

EFFECTIVE DATE: November 3, 1986.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Species and Habitat Conservation, NMFS, Washington, DC 20235 (202/673-5351).

SUPPLEMENTARY INFORMATION:

Background

The NMFS published regulations in the Federal Register on December 23, 1977 (42 FR 64548-64560) governing the taking of marine mammals incidental to commercial fishing operations. These regulations were repromulgated on October 31, 1980 (45 FR 72178-72196). Included in these regulations are provisions concerning the importation of yellowfin tuna and tuna products from nations whose vessels participate in the yellowfin tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Effective January 1, 1978, these importation provisions made the importation of yellowfin tuna and tuna products from nations known to be involved in the ETP fishery contingent upon certain findings by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator). The Assistant Administrator must find (a) that the fishing operations of the nation concerned ". . . are conducted in conformance with U.S. regulations and standards . . ." or (b) that ". . . although not in conformance with these regulations such fishing is accomplished in a manner which does not result in an incidental mortality and serious injury in excess of that which results from U.S. fishing operations under these regulations." To ensure that the conditions under which the original finding was made continue to exist, the Assistant Administrator requires an annual update of the items listed in § 216.24(e)(5)(ii).

Finding of Conformance

On October 22, 1986, the Government of the Republic of Vanuatu submitted information under 50 CFR 216.24(e) and requested that Vanuatu-flag tuna purse seine operations be found in conformance with U.S. regulations. The NMFS has reviewed this information and has determined that Vanuatu-flag purse seine vessels are fishing in substantial conformance with U.S. regulations regarding the protection of porpoise. Therefore, yellowfin tuna yellowfin tuna products may be exported to the United States. This finding of conformance will remain in effect until 90 days after the new regulations regarding the importation of yellowfin tuna become effective (see 51 FR 28963, August 13, 1986). On that date, all findings of conformance made under the current regulations will terminate and any nation purse seining in the ETP that does not have a new finding will be prohibited from exporting yellowfin tuna to the United States.

The information considered in Vanuatu's finding is summarized below:

(a) *Fleet.* The Republic of Vanuatu has three purse seine vessels, the *Grenadier*, the *American Eagle* and the *Sandra C.* The *Grenadier* and *American Eagle* transferred from U.S. to Vanuatu flag in 1985 and the *Sandra C.* in 1986. These three vessels have a combined carrying capacity of 3,515 tons and therefore make up less than 3 percent of the ETP tuna fleet's carrying capacity.

(b) *Gear and Techniques.* The Government of Vanuatu has certified that all three Vanuatu-flag purse seine vessels use the same gear and techniques as required on U.S. vessels. In addition, the Inter-American Tropical Tuna Commission (IATTC) has confirmed that the *American Eagle* and *Grenadier* are equipped with safety panels, and other dolphin rescue gear similar to panels and gear required by regulations for U.S. purse seine vessels. They also perform the backdown procedure when porpoise are captured and position crewmen as rescuers in the backdown area. The gear and porpoise release procedures of the *Sandra C.* have not been observed by IATTC but that vessel will carry an observer later this year. All three vessels carry high intensity floodlights for use during dark backdowns.

(c) *Mortality.* As the Vanuatu purse seine vessels did not change flag and take IATTC observers until late in 1985, there is insufficient data to project their 1985 mortality. However, as Vanuatu-flag purse seine vessels have been confirmed by the IATTC to be using the porpoise rescue gear and procedures required for U.S. vessels, mortality rates are expected to be similar to that incurred on U.S.vessels.

(d) *Observers.* The Government of the Republic of Vanuatu participates in the IATTC observer program. In 1985, 40 percent of the fleet's trips were covered. For 1986, 27 percent of the fleet's trips have been covered but will increase later this year as two more observer placements are expected.

The information submitted by the Government of the Republic of Vanuatu in requesting a finding of conformance by the United States is available to the public at the information contact address set out above.

Dated: October 28, 1986.

Carmen J. Blondin,

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

[FR Doc. 86-24758 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council and its advisory entities will convene public meetings, November 18-20, 1986, at the Red Lion Motor Inn-

Columbia River, 1401 North Hayden Island Drive, Portland, OR, as follows:

Council—will convene November 19 at 9 a.m. with an executive session (not open to the public) to discuss litigation and personnel matters. The general session (open to the public) will convene at 10 a.m. to consider administrative matters, including appointment of members to the Scientific and Statistical Committee (SSC), and the groundfish, salmon, and anchovy advisory subpanels for 1987 through 1988. The Council also will hear reports on the 1986 groundfish fishery and the final 1987 estimates for groundfish acceptable biological catch (ABC); domestic annual harvest; domestic annual processing, and total allowable level of foreign fishing. The Council will then adopt specifications, determine optimum yields, and adopt management measures to be recommended to the Secretary of Commerce for implementation in 1987. Other groundfish matters on the agenda include consideration of foreign fishing applications; definitions of ABC and other terms; plan amendment issues for 1988, and long-term sablefish management. There will be a public comment period at 4:45 p.m.

On November 20, the Council will hear salmon management matters, including a report on the 1986 ocean fishery; plan amendment issues for 1988; the 1987 management schedule and process; a hooking mortality study review, and a report on the Klamath River Salmon Management Group meeting.

Groundfish Select Group—will convene at 8 a.m., November 18, to develop recommendations for management measures for the balance of 1986 and 1987.

SSC—will convene at 1 p.m., November 18 to consider matters on the Council agenda. On November 19 the SSC will reconvene at 8 a.m.

Groundfish Advisory Subpanel—will convene at 1 p.m., November 18, to consider groundfish matters on the Council agenda.

Council Performance Select Group—will convene at 7 p.m., November 18 to review the staff report on Council performance and comments received on the report, and determine a process for further evaluation of the issues presented in the report and comments received.

Foreign Fishing Committee—will convene at 7 p.m., November 18, to review any foreign fishing applications received.

Budget Committee—will convene at 7 a.m., November 19 to consider the 1986 and 1987 budget status.

Salmon Select Group—will convene at 1 p.m., November 19 to review the schedule and process for developing the 1987 management measures.

Saltonstall-Kennedy (S–K) Criteria Committee—will convene at 7 a.m., November 20 to establish procedures for reviewing S–K proposals.

Detailed agendas for all of the above meetings will be available to the public on November 7. For further information contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Center, 2000 SW First Avenue, Suite 420, Portland OR 97201; telephone: (503) 221–6352

Dated: October 29, 1986.

Carmen J. Blondin,

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

[FR Doc. 86–24794 Filed 10–31–86; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled in the Northern Mariana Islands (CNMI) From Imported Parts

October 29, 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 November 1, 1986. For further information contact Pamela Smith, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On October 22, 1985, a notice was published in the **Federal Register** (50 FR 42750) announcing that, effective on April 15, 1985, cotton, wool and man-made fiber sweaters in Categories 345, 445, 446, 645 and 646, determined by the U.S. Customs Service to be products of foreign countries or foreign territories and exported from the Commonwealth of the Northern Mariana Islands (CNMI), and certified to have been assembled in the CNMI, may be entered into the United States for consumption, or withdrawn from warehouse for consumption, in an amount not to exceed 73,500 dozen. This limited exception was to be effective for sweaters exported from the CNMI during the period which began on November 1, 1985 and extends through October 31, 1986.

The purpose of this notice is to advise the public that this exception is being continued for goods exported on and after November 1, 1986 and extending through October 31, 1987. The amount is being increased to 100,000 dozen, with a wool sublimit not to exceed 15,000 dozen, contingent upon certification from the United States Government by January 1, 1987 that 40 percent of local labor is used in production of textile products. If this requirement is not fulfilled, the limit will revert to 77,910 dozen, the standard increase based on last year's limit.

A certification will continue to be required and will be issued by the authorities in the CNMI prior to exportation as verification of assembly in the CNMI. A facsimile of the certification stamp was published in the **Federal Register** on September 9, 1985 (50 FR 36645).

For those sweaters properly certified, no export visa or license will be required from the country of origin of the merchandise, and imports entered under this procedure will not be charged to limits established for exports from the country of origin. Exports of sweaters in Categories 345, 445, 446, 645 and 646, which are not accompanied by a certification and those in excess of 100,00 dozen, will require the appropriate visa or export license from the country of origin and will be subject to any other applicable restriction.

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

William H. Houston III,

Chairman, Committee for the Implementation of Textile Agreements.

October 29, 1986.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, effective on November 1, 1986, you are directed to permit entry or withdrawal from warehouse for consumption in the United States of 100,000

dozen cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, with a wool sublimit for Categories 445 and 446 not to exceed 15,000 dozen, the product of any foreign country or foreign territory, as determined under Customs Regulation Part 12, § 12.130 and which have been certified as assembled in the Commonwealth of the Northern Marianas Islands (CNMI) and exported to the United States during the twelve-month period beginning on November 1, 1986 and extending through October 31, 1987. You are directed not to require any otherwise applicable export visa or license and not to charge against any otherwise applicable import restriction sweaters subject to this provision. A certification will be issued by the authorities in the CNMI prior to exportation as verification of assembly in the CNMI. A facsimile of the certification stamp has been provided.

Imports of cotton, wool and man-made fiber textile products in Categories 345, 445, 446, 645 and 646, assembled in the CNMI, but not of the CNMI origin which are not accompanied by a certification and those in excess of 100,000 dozen exported during the twelve-month period beginning on November 1, 1986 and extending through October 31, 1987 will require the appropriate visa or export license from the country of origin and will be charged to any applicable quota.

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

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 Textile Agreements

[FR Doc. 86-24784 Filed 10-31-86; 8:45 am]

BILLING CODE 3510-DR-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket 87-C0001]

Black and Decker (U.S.), Inc., A Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a Settlement Agreement under the Consumer Product Safety Act.

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

DATE: Any interested person may ask the Commission not to accept this agreement or otherwise comment on it's contents by filing a written request with the Office of the Secretary by November 18, 1986.

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

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

Dated: October 21, 1986.

Sheldon D. Butts,

Deputy Secretary.

SUPPLEMENTARY INFORMATION:

Consumer Product Safety Commission

[CPSC No. 87-C0001]

Settlement Agreement and Order

In the matter of BLACK & DECKER (U.S.) INC., a corporation.

1. This Settlement Agreement is made by and between Black & Decker (U.S.) Inc., a corporation, (hereinafter "Black & Decker") and the staff of the Consumer Product Safety Commission (hereinafter "staff") to resolve the staff allegations described herein.

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

I. The Parties

3. Black & Decker is a corporation organized and existing under the laws of the State of Maryland with its principal corporate offices located at 701 E. Joppa Road, Baltimore, Maryland 21204.

4. Black & Decker is a manufacturer, as that term is defined in section 3(a)(4) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052(a)(4), of certain weed/grass trimmers (hereinafter "trimmers") which it has distributed in commerce.

5. The trimmers are consumer products, as defined in section 3(a) of the CPSA, 15 U.S.C. 2052(a).

6. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory Commission of the United States of America (hereinafter "Commission") created pursuant to section 4 of the CPSA, as amended, 15 U.S.C. 2053.

II. Staff Allegations

7. From 1981-1984, Black & Decker manufactured and distributed in commerce approximately 647,000 units of the weed/grass trimmers. The model numbers were Black & Decker model numbers 8243 (Types 1 and 2), 8251 (Types 1 and 2) and 8255 (Type 1); Montgomery Ward model numbers XBA2098A, XBA2098B, and XBA2099A; and McCulloch model numbers MAC30 (Type 1), and MAC40 (Type 2).

8. On March 4, 1986, the firm reported to the staff that the fan and cap hub assembly of this product may fracture during use, thereby throwing plastic pieces out from under the guard which could cut or bruise the user and/or bystanders.

9. Before reporting to the staff, Black & Decker was aware of approximately 102 incidents of product failure, beginning in 1982. A laceration or bruise injury was alleged by the complainant in 82 of the incidents.

10. The staff is now aware of a total of 139 incidents.

11. In addition, Black & Decker had alerted its service centers in late 1984 of this problem and issued guidelines for replacing the product under the warranty.

12. The staff further alleges that Black & Decker possessed sufficient information well in advance of the March 4, 1986 reporting date to reasonably support the conclusion that these trimmers contained a defect which could create a substantial product hazard but failed to report that information to the Commission in a timely manner as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b).

III. Agreement of the Parties

13. Black & Decker and the staff agree that the Commission has jurisdiction in this matter over Black & Decker and over the trimmers.

14. Without admitting the existence of a substantial produce hazard or a violation of any reporting requirements under section 15(b) of the CPSA, 15 U.S.C. 2064(b) Black & Decker agrees to pay to the Commission, in accordance with the attached Order, a civil penalty sum of $85,000 within 30 days of the final acceptance of this Settlement Agreement and service of the Commission's Order on Black & Decker. This penalty payment constitutes a settlement of any violations of the requirements of sections 15(b) and 19(a) (3) and (4) of the CPSA, 15 U.S.C. 2064 and 2068(a) (3) and (4), that may be alleged on the basis of the information that the Commission staff currently possesses concerning these trimmers.

15. Upon final acceptance of this Settlement Agreement by the Commission, Black & Decker knowingly, voluntarily and completely, waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission whether a violation has occurred, and (4) to a statement of findings of fact and conclusions of law. Should the Commission decide not to accept and adopt this Settlement Agreement and Order, the Settlement Agreement and Order shall have no force and effect.

16. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued and the Settlement Agreement and Order will be made available to the public.

17. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and the provisional acceptance of the agreement shall be announced in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date of the announcement in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

18. Upon final Commission acceptance of this Settlement Agreement and Order, the Commission shall enter the incorporated Order and make the Settlement Agreement and Order available for public review at the Office of Secretary, Consumer Product Safety Commission. This Settlement Agreement and Order becomes effective only upon such final acceptance by the Commission and service upon Black & Decker.

19. The requirements of the Settlement Agreement and the Order resolve all issues that have arisen or could arise under section 15(b) of the Consumer Produce Safety Act, with respect to the allegations contained in Paragraphs 7 – 12, *supra*, and are in addition to and not to the exclusion of other remedies under the Consumer Product Safety Act.

20. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will subject Black & Decker to appropriate legal action.

21. No agreement, understanding, representation, or interpretation not contained in this Settlement Agreement and Order may be used to vary or to contradict its terms.

22. Nothing in this Agreement should be construed as limiting Black & Decker's obligation to report pursuant to section 15(b) of the CPSA.

Dated: September 15, 1986.

Black & Decker (U.S.) Inc.

Charles L. Costa,

Vice President.

The Consumer Produce Safety, Commission

Melvin I. Kramer,

Counsel for the Consumer Product Safety Commission.

Dated: September 29, 1986.

David Schmeltzer,

Associate Executive Director, Directorate for Compliance and Administrative Litigation.

Order

Upon consideration of the the Settlement Agreement of the parties, it is hereby

Ordered, that Black & Decker shall pay within 30 days of final acceptance of this final Settlement Agreement and entry of this Order, a civil penalty in the sum of $85,000 to the Consumer Product Safety Commission for transference to the U.S. Treasury.

Provisionally accepted on the 28th day of October, 1986.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 86-24825 Filed 10-31-86; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Long Term Intertie Acess Policy and Announcement of Public Meetings

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposed policy; announcement of technical discussion session on the proposed policy; public comment meetings on the proposed policy and the draft intertie development and use environmental impact statement; and request for comment.

BPA File No.: TIE-1. BPA requests that all comments submitted in response to this notice contain the file number designation *TIE-1.*

SUMMARY: BPA is announcing the availability of its Proposed Long Term Intertie Access Policy (IAP) for pubilc review and comment. The IAP will define long-term access to the Federally owned portion of the Pacific Northwest-Pacific Southwest Interties (Intertie).

This proposed policy reflects information and experience received since implementation of the Near Term IAP on September 7, 1984, as well as comments received at various public meetings held by BPA and comments received on the March 11, 1986, Long Term IAP discussion paper. The final Long Term IAP is expected to be implemented on or about July 1, 1987.

Responsible Official: Mr. James L. Jones, Deputy Power Manager, is the official responsible for the development of the Interties Access Policy.

DATES: BPA has scheduled a technical discussion session to clarify the proposed policy. This meeting will be held on: November 19, 1986—1 p.m.–5 p.m., Viscount Hotel, Crater Lake and Mt. Jefferson Rooms, 1441 NE. Second Avenue, Portland, Oregon.

BPA also has scheduled several public comment meetings to receive comments on both the proposed policy and the Draft Interties Development and Use Environmental Impact Statement (IDU DEIS). Dates and times for these meetings are listed below:

December 9, 1986—10 a.m.–2 p.m., Hyatt-Regency, Calvin Simmons, Room 4, 1001 Broadway, Oakland, California.

December 10, 1986—1 p.m.–3 p.m., Red Lion at Jantzen Beach, Clackamas Room, 909 North Hayden Island Drive, Portland, Oregon.

December 11, 1986—7 p.m.–10 p.m. Thunderbird Motor Inn, Conference, Room, 3612 South Sixth Street, Klamath Falls, Oregon.

BPA will hold additional public meetings on request. To arrange for a meeting, contact Ms. Shirley Price, (503) 230-4261, by November 14, 1986.

BPA will accept comments on the proposed policy through January 2, 1987.

ADDRESSES: Written comments should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: The Public Involvement office at the address listed above, 503-230-3478. Oregon callers outside of Portland may call toll-free 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Washington, and Wyoming may call toll-free 800-547-6048. Information may also be obtained from:

Mr. Georgia Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE. Irving Street, Portland, Oregon 97232, 503-230-4551.

Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952.

Mr. Wayne Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509-456-2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington 98801, 509-662-4377, extension 379.

Mr. Terry Esvelt, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130.

Mr. Thomas V. Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-522-6226.

Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706.

Mr. Frederic D. Rettenmund, Boise District Manager, Owyhee Plaza, Suite 245, 1109 Main Street, Boise, Idaho 83707, 208-334-9137.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background

The Pacific Northwest-Pacific Southwest Intertie (Intertie) is the high-voltage transmission system that connects the Pacific Northwest with the Pacific Southwest. The Intertie currently consists of three high-voltage transmission lines; two 500-kilovolt (kV) alternating-current (AC) lines and one 1000-kV direct-current (DC) line. The AC lines extend from John Day Substation near John Day Dam on the Columbia River in Oregon to the Lugo Substation near Los Angeles. The interconnect with other transmission lines at eight points. The DC line runs from the Celilo Station near The Dalles Dam in Oregon to the Sylmar Station near Los Angeles. The line transmits power directly between the Pacific Northwest and Southern California. Present capability of the three Intertie lines is approximately 5200 MW—about 3200 MW on the two AC lines and 2000 MW on the DC line.

Ownership of the AC Intertie north of the Oregon border is primarily by BPA. One line segment from Grizzly Substation to Malin Substation is owned by the Portland General Electric Company and some facilities are owned by Pacific Power and Light Company. BPA is the owner of the DC Intertie north of the Oregon border. Ownership of the AC and DC Intertie south of the Oregon border is divided among private and public utilities in California.

In the summer of 1983, BPA's Administrator began to explore the development of an Intertie Access Policy to enhance BPA's power marketing efforts and ability to recover revenues, and to provide certainty with respect to BPA's and others' firm and nonfirm transactions with Southwest utilities. In September 1983, BPA implemented an Interim IAP. In June 1985, upon completing an Environmental Assessment and Finding of No Significant Impact (FONSI) on the Near Term IAP, BPA implemented the Near Term IAP. This policy will continue in effect until it is superseded by a Long Term IAP.

When formulating and implementing the Near Term IAP, BPA anticipated development of a Long Term IAP. This phased approach recognized that there are both long-term and short-term Intertie issues. The Near Term IAP resolved immediate, discrete access issues resulting from the immediate surplus and revenue conditions. It also provides a solid basis for operating until a Long Term IAP is in effect.

In developing the Proposed Long Term policy, BPA has examined many issues concerning use by BPA and Scheduling Utilities of the BPA-controlled share of existing and future Intertie facilities, including: Access for new resources, extraregional resources, and resources qualifying under section 9(i)(3) of the Pacific Northwest Electric Power Planning and Conservation Act (Pacific Northwest Power Act); use of the Intertie for various types of power tranactions, including the trade-off between firm and nonfirm power transactions, and capacity arrangements; and provisions to protect, mitigate, and enhance fish and wildlife resources.

A. Legal Authority

The Pacific Northwest Preference Act, 16 U.S.C. 837(e), authorizes the BPA Administrator to make first use of the Federal Intertie lines to carry Federal surplus power to the Pacific Southwest. Only after BPA's needs are met may any excess capacity be made available to non-Federal entities. Congress reaffirmed this position in the Federal Columbia River Transmission System Act of 1974 (Transmission System Act, 16 U.S.C. 838(d)), and in the Pacific Northwest Power Act (16 U.S.C. 839f(i)). In April 1985, the Ninth Circuit Court of Appeals affirmed the priority for Federal needs, BPA's authority to allocate available Intertie capacity, and the authority to restrict the access of extraregional entities. (*Los Angeles Department of Water and Power* v. *Bonneville*, 759 F.2d 684 (9th Cir. 1985) (*LADWP*).)

B. Process to Date

The development of BPA's IAP stated on July 22, 1983, with a Notice of Intent to Develop Intertie Policy (48 FR 33515). BPA met with numerous organizations and interest groups to identify, discuss, and seek notice on the issues in response to the July 22 Notice. After several rounds of public scoping and comment, it became clear that some Intertie access issues had to be addressed immediately, while others could be addressed only through the development of a long term policy.

A draft interim Near Term IAP was published on July 30, 1984. After a comment period, the Interim Near Term IAP became effective on September 7, 1984. The initial term of this policy was to be approximately 6 months to allow for continuing public discussion environmental analyses, and an opportunity to gain operational experience under the policy. (The policy in effect during this time is referred to as the Interim IAP to distinguish it from the final Near Term IAP.) BPA simultaneously began the scoping process to develop an Environmental Impact Statement (EIS) on a Long Term IAP.

On January 31, 1985, a draft Near Term IAP was distributed that incorporated information and experience received under the Interim IAP. BPA requested comments, particularly on the specific aspects of this Near Term IAP that had changed from the Interim IAP. After a comment period, the final Near Term IAP was adopted on June 1, 1985, to be in effect until it is superseded by the Long Term IAP.

Throughout the development of the Near Term IAP and the Proposed Long Term IAP, BPA simultaneously worked on the environmental issues associated with these policies. BPA prepared an Environmental Assessment on the Near Term IAP that was approved by the Department of Energy on March 7, 1985. This Environmental Assessment supported a FONSI and was approved by the Department of Energy on May 31, 1985.

A Federal Register Notice of Intent to prepare an EIS on the Long Term IAP was published on October 15, 1984. The title of the EIS was changed from "Long Term Intertie Access Policy EIS" to "Intertie Deveopment and Use EIS," (IDU EIS) reflecting the fact that the analyses for the EIS includes potential and planned expansions of Intertie capacity as well as policies concerning access to the Intertie. The IDU EIS addresses the interaction between Intertie capacity and IAP alternatives in order to determine the potential environmental effects of decisions pertaining to the development and use of the Intertie system. On October 14, 1986, the Department of Energy

approved the Draft IDU EIS. Copies of the Draft IDU EIS are available upon request by contacting the Public Involvement Office.

C. Summary of the Proposed Policy

The purposes of the Long Term IAP are many. The include: (1) Enhancing BPA's ability to repay the U.S. Treasury in a timely manner for the Federal investment in the Federal Columbia River Power System; (2) supporting the Adminsitrator's ability to maintain reasonable power rates for BPA's wholesale customers in the Pacific Northwest; (3) allocating equitable access to Intertie capacity in excess of the Intertie capacity the Administrator determines is required for BPA use; (4) providing an opportunity for long-term assured access to enable non-Federal long-term power or firm capacity transactions; (5) supporting acceptable environmental quality; and (6) achieving consistency with other National environmental policies.

The proposed Long Term IAP is similar in format to the Near Term IAP. It has sections on definitions, term, conditions for Intertie access, Intertie capacity reserved for BPA, assured delivery and formula allocation methods for Intertie access, extraregional access, remedies, and exhibits.

The Proposed Long Term IAP identifies the Intertie capacity that will be reserved for BPA transactions. After meeting this requirement, the proposed policy establishes two types of Intertie access for Scheduling Utilities in the Northwest: Assured delivery, which provides firm access, and formula allocation, which provides hourly access. The policy provides that assured delivery will be granted for qualifying firm contracts from Scheduling Utilities in the Northwest. Assured delivery sales are given priority access to available Intertie capacity after the reservation for BPA. After this Intertie access is provided, the remainder of the Intertie is available for hourly sales via formula allocation methodologies.

The proposed policy provides for allocating the available Intertie capacity available for hourly sales depending on which of three conditions exists. Condition 1 defers to an existing agreement in the Northwest known as the Exportable Agreement, which expires at the end of 1988. The provisions of this agreement have been incorporated as Condition 1 of this policy until the agreement expires. Once the Exportable Agreement expires, Condition 1 would be defined as when the Federal system is in spill condition or likelihood of spill. BPA would declare the surplus it has for sale to the Southwest and Scheduling Utilities could declare surplus hydroelectric energy. BPA and the Scheduling Utilities would be provided a pro rata share of the available Intertie capacity.

An issue paper discussion the major issues concerning the Proposed Long Term Intertie Access Policy is available upon request made to the BPA Public Involvement Office, P.O. Box 122999, Portland, Oregon 97212. Or call BPA's toll-free document request line at 800–841–5867 in Oregon, 800–624–9495 in other Western States.

Condition 2 occurs when there is more Northwest energy declared available for sale in the Southwest at any price than there is Intertie capacity to transmit it. Under Condition 2, each Scheduling Utility and BPA makes a declaration of the amount of energy it would like to sell and is provided a pro rata share of the available Intertie capacity.

Condition 3 occurs when the declared nonfirm energy in the Northwest available for sale is less than the available Intertie capacity. Extraregional utilities will be granted access to excess Intertie capacity only under Condition 3, with U.S. extraregional utilities having the first chance to use the excess Intertie capacity. The IAP defines extraregional resources as resources that are not located within the region and are not dedicated to regional load. There are two kinds of extraregional resources: Extraregional resources in the U.S. and resources from Canada.

II Proposed Long Term Intertie Access Policy

A. Definitions

1. "Administrator" means the Administrator of Bonneville Power Administration (BPA) and is used interchangeably herein with BPA.

2. "Administrator's Power Marketing Program" or "BPA's Power Marketing Program" means the aggregate of BPA's power marketing actions taken and policies developed to fulfill BPA's statutory obligations and policy directives. These actions and policies are based on the exercise of broad authority to act, consistent with sound business principles, to recover adequate revenue to repay the Federal investment in the Federal system while, at the same time, encouraging the widest possible diversified use of electric power at the lowest possible rates for BPA customers. BPA's Power Marketing Program includes the Administrator's obligation to meet his power supply obligations in the Pacific Northwest and to market surplus power in the Pacific Northwest in manner that assures an adequate, reliable, economical, efficient, and environmentally acceptable power supply, while preserving regional and public preferene to Federal electric power and maintaining BPA's present and future rates to all customers at the lowest possible consistent with sound business principles. BPA's Power Marketing Program also includes the Administrator's objectives to market surplus Federal power to the Southwest utilities at equitable prices under rates adopted pursuant to section 7(i) of the Pacific Northwest Electric Power Planning and Conservation Act (Pacific Northwest Power Act) and to assist in the marketing of the Pacific Northwest's surplus firm power to the Southwest.

3. "Assured Delivery" means Intertia transmission service provided by BPA under this policy that, for the term agreed to by BPA in the transmission contract and regardless of changes in this policy, is interruptible only as result of uncontrollable forces or by a determiniation of the Administrator pursuant to subsection I.3.

4. "BPA Resources" means Federal Columbia River Power System (FCRPS) hydroelectric projects; resources acquired by the Adminstrator under long-term contracts, including resources acquired pursuant to section 6 of the Pacific Northwest Power Act; Exchange Resources consisting of electric power purchased under section 5(c) of the Pacific Northwest Power Act; and resources acquired pursuant to section 11(b)(6)(i) of the Federal Columbia River Transmission System Act (Transmission Act).

5. "Entity" means an owner of a resource other than a Scheduling Utility.

6. "Existing Extraregional Resources" are those resources located outside the Pacific Northwest that were operational on September 7, 1984, other than extraregional resources that qualify as Existing Pacific Northwest Resources.

7. "Existing Pacific Northwest Resources" are:

a. The Pacific Northwest resources of Scheduling Utilities that were operational on September 7, 1984;

b. The extraregional resources of Scheduling Utilities dedicated to Pacific Northwest load on September 7, 1984, which include pro rata portions of Montana Power Company's and Pacific Power and Light Company's shares of Colstrip 4 based on the ratio of their regional loads to their total loads and the Idaho Power Company's share of Valmy 2; and

c. The Pacific Northwest resources of Pacific Northwest Entities that were operational on September 7, 1984, and for which a continuing relationship had

been established by that date with a Scheduling Utility of BPA to serve Pacific Northwest load.

Existing Pacific Northwest Resources do not include BPA Resources.

8. "FD Supported Sales" means that portion of a firm sale by a Pacific Northwest utility to a Southwest part that is equal to the utility's purchase of BPA Firm Displacement Power.

9. "Intertie Capacity" means transmission capacity on the Pacific Intertie controlled by BPA through ownership or contract right, increased by electric power scheduled South to North and decreased by loop flow, outages, and other factors that reduce transmission capacity from North to South, and decreased by Pacific Power and Light's scheduling rights at Malin under contracts Nos. DE–MS79–86BP92299 and DE–MS79–79BP90091.

10. "New Hydroelectric Plant" means any non-Federal hydroelectric power producing facility within the Columbia River Basin that becomes operational on or after September 7, 1984.

11. "Pacific Intertie" means the Pacific Northwest-Pacific Southwest Intertie that consists of three high-voltage transmission lines (two 500-kilovolt (kV) alternating current (AC) lines and one 1,000-kV direct current (DC) line), which extend from Oregon into California or Nevada, and any additions thereto identified by BPA as Pacific Northwest-Pacific Southwest Intertie facilities.

12. "Pacific Northwest" means, as defined in the Pacific Northwest Power Act, 16 U.S.C. 839e, the area consisting of the States of Oregon, Washington, and Idaho, the portion of the State of Montana west of the Continental Divide, and such portions of the States of Nevada, Utah, and Wyoming as are within the Columbia River Drainage Basin, and any contiguous areas, not in excess of 75 air miles from the area referred to above, which are a part of the service area of a rural electric cooperative customer served by the Administrator on the effective date of the Pacific Northwest Power Act which has a distribution system from which it serves both within and without such region.

13. "Qualified Extraregional Resources" means:

a. Existing Extraregional Resources until such time that the Administrator determines that the capacity of the Pacific Intertie is rated at approximately 7900 MW; and

b. after the Administrator has determined that the capacity of the Pacific Intertie is rated at approximately 7900 MW, all resources located outside of the Pacific Northwest, other than extraregional resources that are Qualified Pacific Northwest Resources.

14. "Qualified Pacific Northwest Resources" means:

a. Existing Pacific Northwest Resources; and

b. New regional resources of Scheduling Utilities:

(1) If the Administrator determines that the new regional resource is necessary to fulfill a firm power sales contract that has been granted Assured Delivery based on Existing Pacific Northwest Resources, which resources have since been removed from operation or have become necessary to serve the Scheduling Utility's regional load; or

(2) After the Administrator has determined that the capacity of the Pacific Intertie is rated at approximately 7900 MW.

15. "Resource" means an identified electric generating plant or stack of particular electric generating plants identified to supply power or capacity for sale over the Intertie.

16. "Section 9(i)(3) priority resource" means a resource that the Administrator has determined qualifies under section 9(i)(3) of the Pacific Northwest Power Act as interpreted by BPA's "Legal Interpretation of section 9(i)(3)", issued March 3, 1986.

17. "Scheduling Utility" means a utility, not including BPA, that operates a generation control area within the Pacific Northwest, and any utility within BPA's generation control area that schedules with BPA and is designated as a Computed Requirements customer.

18. "Substantial adverse impact," or "substantial increase" or "substantial decrease," or "substantially interfere," means a change that is of qualitative significance, of significant measurable effect, and of sufficient magnitude to require remedial action.

B. Term

This policy is effective on July 1, 1987, and will continue in effect until terminated or modified by the Administrator.

C. Conditions of Intertie Access

1. The Administrator will provide Assured Delivery or will allocate available Intertie Capacity to BPA and to Scheduling Utilities pursuant to the conditions and procedures set forth in this policy, unless otherwise provided by the terms of existing contracts listed in Exhibit C. An entity that desires access to the Pacific Intertie for a resource may request access through the Scheduling Utility or BPA depending upon whose control area contains the Entity's resource.

2. The Administrator will provide Assured Delivery or allocate available Intertie Capacity only for power from BPA Resources and Qualified Pacific Northwest Resources, except to the extent that Qualified Extraregional Resources are permitted access under this policy. For purposes of determining access to BPA's Intertie Capacity, utility declarations of available surplus shall not include amounts of energy that have been purchased from an extraregional utility if the Administrator determines such purchase would interfere with the marketing of BPA power or would decrease the Intertie access that BPA and Scheduling Utilities would otherwise have. If BPA determines that an extraregional purchase has been improperly included in the declaration, BPA shall adjust utility's Intertie access accordingly.

3. Subject to reserving Intertie Capacity otherwise required by the Administrator to support the Administrator's Power Marketing Program, the Administrator will provide Assured Delivery or allocate Intertie Capacity for a Qualified Pacific Northwest Resource or a Qualified Extraregional Resource only when providing such Intertie access:

a. Will not substantially interfere with:

(1) The Administrator's Power Marketing Program; or

(2) The operating limitations of the Federal system; and

b. Will not conflict with:

(1) The Administrator's existing contractual obligations; or

(2) Any other legal obligations of the Administrator; and

c. Will not enable:

(1) The construction or operation of a New Hydroelectric Plant that will have a substantial adverse impact on fish or wildlife resources within the Columbia River Basin; or

(2) The operation of Qualified Pacific Northwest Resources including New Hydroelectric Plants in a manner that is not in the compliance with applicable licenses, permits, or other provisions of state or Federal law; or

(3) The operation of Existing Pacific Northwest Resources whose use will adversely impact fish or wildlife in a manner that results in a substantial decrease in the effectiveness of, or a substantial increase in the need for, expenditures or other actions by the Administrator to protect, mitigate, or enhance fish and wildlife; or otherwise substantially interferes with the obligations of the Administrator under the Pacific Northwest Power Act to adequately protect, mitigate, or enhance

fish and wildlife including taking into account at each relevant stage of decisionmaking processes to the fullest extent practicable the Fish and Wildlife Program adopted by the Northwest Power Planning Council pursuant to the Pacific Northwest Power Act.

4. "Operating limitations of the Federal system," which includes the Federal power and transmission systems, result from the Administrator's obligation to operate the Federal system in an economical and reliable manner consistent with prudent utility practices. These operating limitations include, but are not limited to:

a. The BPA Reliability Criteria and Standards;

b. Western System's Coordinating Council (WSCC) Minimum Operating Reliability Criteria;

c. North American Electric Reliability Council-Operating Committee Minimum Criteria for Operating Reliability; and

d. The limitations that result from the Administrator's coordination with other utilities and Federal agencies regarding resources and river operations.

5. "The Administrator's existing contractual obligations" include, but are not limited to, those contracts listed in Exhibit C. Section D describes how BPA will implement the Assured Delivery and allocation procedures to avoid conflict with these contracts.

6. Any Scheduling Utility or Entity that has access to Southwest markets by contractual or ownership rights to non-BPA transmission facilities will be required to use the capacity of such facilities prior to receiving any access to BPA Intertie Capacity.

7. Access to Intertie Capacity is conditioned on compliance with the terms of this policy, including compliance with the Procedures for Review of Compliance and Remedies, section I below.

D. Intertie Capacity Reserved for BPA

1. BPA will reserve for BPA's use Intertie Capacity sufficient to transmit the full amount of BPA's surplus firm power.

2. BPA will reserve Intertie Capacity sufficient to perform its obligations under existing BPA contracts as listed in Exhibit C, Existing BPA Contracts.

3. In addition to the Intertie Capacity reserved by BPA pursuant to 1 and 2 above, BPA may utilize available Intertie Capacity as specified in a. and b. below. BPA will give notice to Scheduling Utilities of such transactions.

a. To perform BPA's obligations under new BPA transactions.

b. To transmit a Scheduling Utility's energy and/or capacity under an FD Supported Sale in the proportion of the FD component to the total sale. The remaining portion of the sale must qualify for Assured Delivery as provided in section E.

E. Assured Delivery for Intertie Access

1. Exhibit B for Scheduling Utilities

a. For each Scheduling Utility, BPA will establish, and may from time to time revise, a maximum amount of Assured Delivery, based on the utility's average firm energy surplus, which will be shown in Exhibit B of this policy. A Scheduling Utility may retain all or part of its Exhibit B surplus to the extent the Scheduling Utility obtains Assured Delivery for a firm sale during the period of its surplus and later obtains new resources or power to serve such sale. Two transmission-contracts of the Washington Water Power Company (WWPCo), listed in Exhibit C, that were executed prior to September 7, 1984, are an exception. These contracts have a combined firm transmission demand greater than WWPCo's average firm surplus shown in Exhibit B. WWPCo's rights to use these transmission contracts above its Exhibit B amount are not altered by this policy.

b. A Scheduling Utility may increase its Exhibit B amount by purchasing surplus firm power from BPA or any Scheduling Utility. BPA will adjust Exhibit B for the buying and selling utilities accordingly.

2. Assured Delivery for Firm Power Contracts of Scheduling Utilities

a. Assured Delivery will be provided for Scheuduling Uitilities' contracts listed in Exhibit C.

b. For new firm power contracts of a Scheduling Utility or for existing firm power contracts of a Scheduling Utility not included in Exhibit C. Assured Delivery may be provided for a maximum of 20 years to the extent that such contract:

(1) Meets the conditions of section C., above; and

(2) Is determined by BPA to be a firm power sale on the basis of the following considerations:

(a) The extent to which the contract provides for the sale of firm power from specified resources by a Scheduling Utility in which the amount of power to be delivered, the price, and terms for delivery are specified in a manner that assures that the contract is not merely an advance arrangement to sell nonfirm power;

(b) The extent to which the contract provides for a firm sale resulting in a net decrease in the region's surplus;

(c) The extent to which the selling price is not subject to change based on day-to-day fluctuation in market price;

(d) The extent to which the sale does not increase the costs to the Administrator of Exchange Resources; and

(e) The extent to which the buyer does not have the right to displace purchases under the contract with nonfirm energy.

c. The total maximum peak delivery of the contract or contracts for which a Scheduling Utility may be granted Assured Delivery may not exceed the Scheduling Utility's average firm energy surplus determined pursuant to subsection E.1.a. and as shown in Exhibit B.

d. A Scheduling Utility may be granted Assured Delivery only to the extent that the total firm energy that the utility is contractually obliged to deliver for an operating year does not exceed the utility's total energy surplus for such operating year, as set forth in Exhibit B.

3. Assured Delivery for Capacity Contracts of Scheduling Utilities

a. Assured Delivery may be provided for contracts for sales of capacity only, to the extent that such contracts:

(1) Meet the conditions of section C., above; and

(2) The total maximum peak delivery of the contract or contracts, including the capacity contract, of which a Scheduling Utility is granted Assured Delivery, may not exceed the Scheduling Utility's average firm surplus as shown in Exhibit B; and

(3) When Condition 1 is in effect, pursuant to subsection F.1., the capacity contract will not be granted Assured Delivery, but rather may be served under the Scheduling Utility's Formula Allocations, or if that allocation is insufficient the contract may be served by purchasing power from BPA.

4. Assured Delivery for Capacity/Energy and Seasonal Exchange Contracts of Scheduling Utilities

a. Until BPA is within a planning horizon of load/resource balance, as determined by the Administrator, Assured Delivery generally will not be granted for capacity/energy or seasonal exchange contracts of Scheduling Utilities.

b. Once BPA is within a planning horizon of load/resource balance, as determined by the Administrator, Assured Delivery may be granted for capacity/energy and seasonal exchange contracts of Scheduling Utilities. The criteria BPA will use to determine whether to grant Assured Delivery for capacity/energy or seasonal exchange

contracts are that the contracts do not conflict with:

(1) The provisions of section C;

(2) BPA's ability to recover revenues; and

(3) The efficient operations of the Federal Columbia River Power System.

5. Assured Delivery for Firm Displacement Supported Sales

a. As provided in subsection D.3., above, BPA will provide, from BPA's reserved Intertie Capacity, Assured Delivery necessary to transmit the power and/or capacity under an FD Supported Sale in the amount of the FD component to the total sale.

b. For the remainder of the FD Supported Sale, the Scheduling Utility may be granted Assured Delivery consistent with the provision of Subsections E.2., E.3.,, and E.4., whichever is appropriate.

c. The Assured Delivery granted a Scheduling Utility for the remainder of the FD Support Sale plus the total of all Assured Delivery granted for other contracts of that Scheduling Utility may not exceed that Scheduling Utility's average firm energy surplus as shown in Exhibit B.

6. Assured Delivery for Section 9(i)(3) Priority Resources

A Scheduling Utility will be granted Assured Delivery for the total regional share of a section 9(i)(3) Priority Resource even if the amount of Assured Delivery exceeds the Exhibit B of the Scheduling Utility, if the contract under which the section 9(i)(3) priority resource is soldin otherwise in compliance with the terms of this policy.

7. Implication on BPA's Obligation to Serve Pacific Northwest Load

a. It is BPA's intent that the granting of Assured Delivery under subsections E.2., E.3., and E.4. not decrease BPA's ability to serve Pacific Northwest load. To ensure this result, the granting of Assured Delivery will be conditioned on a satisfactory contractual commitment by the Scheduling Utility at the time Assured Delivery is granted that either:

(1) The Scheduling Utility will purchase from BPA requirements to meet the Scheduling Utility's deficit up to the cumulative amount of Assured Delivery that is granted; or

(2) The Scheduling Utility's increased requirements on BPA, when the Scheduling Utility notifies BPA of increased load requirements aunder the provisions of the Scheduling Utility's Power Sales Contract with BPA, will be reduced by the cumulative amount of Assured Delivery that BPA has granted the Scheduling Utility.

Sales by Scheduling Utilities of Pacific Northwest hydroelectric resources will be subject to section 3(d) of Pub. L. 88–552.

8. Requests for Assured Delivery and Scheduling Requirements

a. Scheduling Utilities requesting Assured Delivery for a contract must submit a conformed copy of the executed contract to the Administrator. The Administrator shall review the contract and make a determination of whether to grant Assured Delivery consistent with the following procedure:

(1) If the Qualified Pacific Northwest Resource for which the Scheduling Utility seeks Assured Delivery is not a New Hydroelectric Plant or, if Assured Delivery is sought for a system sale and the Scheduling Utility's resource stack does not include such New Hydroelectric Plant, the Administrator shall determine whether the submitted contract meets the eligibility criteria set forth above, and will provide within 60 days written notification of tis determination, specifying the amount and term of Assured Delivery to be provided for the contract.

(2) If the Qualified Pacific Northwest Resource for which the Scheduling Utility seeks Assured Delivery is a New Hydroelectric Plant or, if Assured Delivery is sought for a system sale and the Scheduling Utility's resource stack includes such New Hydroelectric Plant, within 30 days of receipt of the request the Administrator will give notice of the request for Assured Delivery and request comment from the applicable State and Federal fish and wildlife agencies, the Northwest Power Planning Council, the Indian Tribes, and other interested persons. Those comments received within 90 days of the notice of the request for Assured Delivery will be considered by the Administrator in determining whether to grant Assured Delivery. Based on the comments received and the analysis of BPA staff, the Administrator shall determine whether the New Hydroelectric Plant will have a subsntaital adverse impact on fish and wildlife resources within the Columbia River Basin. If the Administrator:

(a) Fails to find that the New Hydroelectric Plant will have a substantial adverse impact on fish and wildlife resources within the Columbia River Basin, and

(b) Determines that the submitted contract meets the eligibility criteria set forth above, the Administrator shall endeavor to provide written notification within 180 days from the date of submission of the request for Assured Delivery of the determination specifying the amount and term of Assured Delivery to be provided for the contract.

b. In the event that available Intertie Capacity is reduced such that it is, in BPA's determination, insufficient for BPA firm deliveries and Assured Deliveries of other Scheduling Utilities, the Pacific Northwest and Southwest parties will establish schedules for delivery.

c. Once a Scheduling Utility has been granted Assured Delivery for a firm contract, in order for the Scheduling Utility to receive Assured Delivery, the parties to the contract must establish firm hourly schedules and must inform BPA of those firm hourly schedules prior to BPA's allocating Intertie Capacity as provided in section F below.

F. Formula Allocation Methods

1. BPA will determine the Intertie Capacity available for formula allocations described in subsection F.2., below, after first taking into account the conditions for Intertie access specified in section C, above; the Intertie Capacity necessary to serve existing contractual obligations as described in Exhibit C; the Intertie Capacity necessary to fulfill new BPA contractual obligations; the Intertie Capacity reserved for BPA's Firm Surplus Power; and the Intertie Capacity necessary to provide Assured Delivery for qualifying firm contracts as described in subsection E.2, E.3, and E.4, above. Access to the remaining available Intertie Capacity will be allocated according to the formulae described below. BPA reserves the right to preempt this allocation, in part or in whole, should BPA require additional Intertie Capacity in order to take actions to protect fish and wildlife resources with in the Comumbia Basin.

2. One of three formulae will be used to allocate the available Intertie Capacity depending on which of these following three conditions exists:

a. Condition 1: When Exportable Energy is being scheduled pursuant to the terms of the Exportable Agreement (BPA Contract No. 14–03–73155), Intertie Capacity will be allocated pursuant to the Exportable Agreement. An example of an allocation under Condition 1 is shown in Exhibit A. The allocation procedure of the Exportable Agreement is an existing contractual obligation and has not been changed as a result of this policy. Upon expiration of the Exportable Agreement on December 31, 1988, Condition 1 will be in effect when the Federal system is in spill or in likelihood of spil, as determined by BPA. Access to the Intertie Capacity will be allocated to BPA, for the purpose of transmitting Federal energy available

for sale outside the region, and to Scheduling Utilities declaring surplus hydro energy. After expiration of the Exportable Agreement, at those times when Condition 1 is in effect the capacity will be allocated pursuant to the following procedure:

(1) On any day the Scheduling Utilities observe as a normal workday, each Scheduling Utility shall submit to BPA declarations of daily quantities of surplus hydro energy and hourly capacity it has available for export sale for the period normally beginning at midnight of the day of declaration and continuing through midnight of the next normal workday.

(2) BPA's and the Scheduling Utilities' allocations for each hour will approximate the ratio of each delcaration to the sum of all declarations for each hour multiplied by the available Intertie Capacity, except that each Scheduling Utility's allocation will be limited by the ratio of the Scheduling Utility's hydroelectric capacity to the total regional hydroelectric capacity multiplied by the total of all allocations.

b. Condition 2: When Condition 1 is not in effect, but PBA and Scheduling Utilities declare amounts of power available for access to the Intertie that exceed the available Intertie Capacity, as determined as described in subsection F.1., above the capacity will be allocated pursuant to the following procedure:

(1) On any day the Scheduling Utilities observe as a normal workday, each Scheduling Utility shall submit to BPA declarations of daily quanitities of energy and hourly capacity it has available for export sale for the period beginning at midnight of the day of declaration and normally continuing through midnight of the next noraml workday.

(2) BPA's and the Scheduling Utilities' allocation for each hour will be determined and will approximate the ratio of each declaration to the sum of all declarations for each hour multiplied by the available Intertie Capacity. An example of an allocation under Condition 2 is shown in Exhibit A.

c. Condition 3: When Condition 1 is not in effect, and when BPA and Scheduling Utilities declare power available for access to the Intertie in an amount that does not exceed the available Intertie Capacity, BPA's and each Scheduling Utility's allocation will be equal to their declarations. An example of an allocation under Condition 3 is shown in Exhibit A.

d. The allocation accored each Scheduling Utility under subsections a., b., and c., above, will be decremented by the capacity associated with any New Hydroelectric Plant that the Administator has determined pursuant to subsection I.3., below, has a substantial adverse impact on fish or wildlife resources within the Columbia River Basin.

G. Access for Qualified Extraregional Resources

1. Qualified Extraregional Resources will be granted access as follows:

a. *Assured Delivery.* Qualified Extraregional Resources will not be granted Assured Delivery, except as provided in the contracts shown in Exhibit C or as provided in section H, below.

b. *Formula Allocation.* Prior to the expiration of the Exportable Agreement, access during Condition 1 is governed by that agreement which provides that access to Intertie Capacity is limited to signatories to that agreement. After expiration of the Exportable Agreement, under Condition 1 and, except as provided in section H, below, under Condition 2, Extraregional Utilities will not receive and allocation of Intertie Capacity.

c. Under Condition 3, Extraregional Utilities will have access to the Intertie to the extent that Intertie Capacity is available in excess of the capacity used by BPA and Scheduling Utilities, except as provided in section H, below. Utilities outside the Pacific Northwest must fully use other available transmission before receiving access to Intertie Capacity.

H. Special Provisions for Candian Resources

1. Candian resources will be granted Assured Delivery only by contract with BPA. Such proposed contract would be evaluated by BPA and reviewed publicly to determine that there is no substantial interference with BPA's Power Marketing Program. Such contract must include benefits to BPA such as increased storage, improved system coordination or operations, or disposition of downstream benefits under the Canadian Treaty beginning in 1998. All transactions would contain as a condition precedent an increase in Intertie capacity to approximately 7900 MW. BPA would expect to conduct a National Environmental Policy Act review of such contracts when the contractual terms and conditions are proposed.

2. BPA may, by contract, provide Canadian utilities limited access to Intertie Capacity under Condition 2. Such access, however, would be conditioned on such utilities' participation in the Pacific Northwest's coordinated planning and operation to a greater extent than in the past or agreement to provide other appropriate consideration of value to the Pacific Northwest.

3. Under Condition 3, Canadian utilities will have access to the Intertie to the extent that Intertie Capacity is available in excess of the capacity used by BPA, Scheduling Utilities and other U.S. Extraregional Utilities.

I. Procedures for Review of Compliance and Remedies

1. Access to Intertie Capacity is conditioned upon compliance with the terms of this policy. To verify condistency with this policy, upon BPA's request, Scheduling Utilities and extraregional utilities that are requesting or have received Assured Delivery or an allocation of Intertie Capacity, shall provide BPA with a list of resources that are to be operated or that were operated at such hours as access to the Intertie will be or was provided, and such other information as BPA may reasonably need to implement the policy. The utility shall clearly indicate whether it considers any such information proprietary. BPA will make such information available to the public to the extent it is not protected from disclosure by law.

2. Upon a determination by the Administrator that for reasons other than fish and wildlife considerations the terms of this policy are not being met, BPA will so notify the appropriate person(s) setting forth the nature of the noncompliance and the action(s) that may be taken to achieve compliance.

a. BPA will provide a reasonable opportunity to correct such noncompliance before imposing a sanction, other than decrementing an allocation as provided in subsection F.2.d., above. BPA may impose a prospective sanction to account for actions already taken that were not in compliance with this policy.

b. BPA may fashion and impose an appropriate sanction for noncompliance. Sanctions that BPA may impose inlcude, but are not limited to:

(1) Denial of access for a resource; or

(2) Refusal to accept schedules.

3. Procedures for review of compliance and remedies relating to Fish and Wildlife Resources:

a. This policy presumes that Qualified Pacific Northwest Resources, other than New Hydroelectric Plants, and Qualified Extraregional Resources are being operated consistent with applicable licenses, permits, or other provisions of State and Federal law, and that the operation of these resources or providing access for these resources will

not adversely impact fish or wildlife resources in a manner described in subsection C.3.c., above, unless the Administrator determines otherwise.

b. Any interested person who wishes to challenge the presumption that a Qualified Pacific Northwest Resource or Qualified Extraregional Resource is being operated consistent with applicable licenses, permits, or other applicable provisions of State and Federal law must make that challenge with the State or Federal agency responsible for regulation of the resource or administration of that law.

c. Any interested person who wishes to challenge the presumption that the operation of a Qualified Pacific Northwest Resource or Qualified Extraregional Resource will not adversely impact fish and wildlife in the manner described in subsection C.3.c., above shall notify the Administrator in writing. The notification shall state in detail the manner in which and the extent to which fish or wildlife resources are being adversely impacted. The Administrator will provide a copy of that notification to the Scheduling Utility and to any other owner or operator of the resource, and accept public comment before making a determination whether fish or wildlife are being adversely impacted by the operation of the challenged resource.

d. Upon receipt of a determination by the relevant agency, under subsection I.3.b., above, that a hydroelectric resource is not in compliance with applicable licenses or permits or other applicable State and Federal law, the Administrator will not provide access to the Intertie for that resource.

e. For a resouce that is being operated in compliance with applicable licenses or permits and other applicable State or Federal law, but that the Administrator determines will adversely impact fish or wildlife resources in the manner described in subsection C.3.c., above, the Administrator will not provide access unless:

(1) The owner or operator of the resource agrees to modify the operation of the resource in a manner to assure that the operation of the resource will not have the adverse impact determined by BPA; or

(2) The owner or operator of the resoruce agrees to make expenditure or take other actions not inconsistent with the program adopted by the Northwest Power Planning Council to protect, mitigate, or enhance fish and wildlife to offset the adverse impact to fish and wildlife described in subsection C.3.c., above.

f. At any time after the effective date of this policy, upon the petition of any interested person alleging that a New Hydroelectric Plant has a substantial adverse impact on fish or wildlife resources in the Columbia River Basin, the Administrator will determine whether such New Hydroelectric Plant has a substantial adverse impact on fish or wildlife resources within the Columbia River Basin. Before making such a determination, the Administrator will provide notice of such petition to the Scheduling Utility and the owner and/or operator of such New Hydroelectric Plant and to other interested person including the state and Federal fish and wildlife agencies and Indian Tribes of the Pacific Northwest.

(1) Notice will establish a date by which comment must be received on the petition for such a determination and a process whereby the Administrator will make the determination, which will ordinarily be made within 180 days of receipt of a petition.

2. Upon a determination that such New Hydroelectric Plant will have a substantial adverse impact on fish or wildlife resources in the Columbia River Basin, each allocation to a Scheduling Utility pursuant to section F., above, will be decremented as provided in that section.

g. After a determination by the Administrator that a New Hydroelectric Plant will have a substantial adverse impact on fish or wildlife resourcs within the Columbia River Basin, the owner or operator of such new Hydroelectric Plant may petition for rescission of the determination upon a showing that the New Hydroelectric Plant no longer has a significant adverse impact on fish and wildlife resources within the Columbia River Basin. The Administrator will provide notice of such petition to interested persons including the state and Federal fish and wildlife agencies, the Northwest Power Planning Council, and Indian Tribes of the Pacific Northwest.

1. Notice will establish a date by which comment must be received on the petition for rescission, and a process whereby the Administrator will determine whether to rescind the determination that a New Hydroelectric Plant has a significant adverse impact on fish and wildlife resources within the Columbia River Basin.

2. After rescision of a determination that a New Hydroelectric Plant has a significant adverse impact on fish or wildlife of the Columbia River Basin, the Administrator will not decrement any allocation of the Scheduling Utility pursuant to subsection F.2.d., above, by the amount of capacity associated with such Plant.

J. Exhibits

Exhibits A, B, and C are a part of this policy.

Issued in Portland, Oregon on October 15, 1986.

James J. Jura,

Bonneville Power Administration.

Exhibits

Exhibit A

Examples of formula allocations under each condition will be appended to the final policy when published.

Exhibit B

Exhibit B is proposed to be developed as it was for the Near Term Intertie Access Policy, based on regional planning documents.

Exhibit C

The following is a list of contracts that were signed before the implementation of the Near Term IAP and were grandfathered under the Near Term IAP. These contracts will continue to receive Intertie access under the Long Term IAP.

This list is current as of October 1, 1986, and will be updated for the final Long Term IAP.

Utility	Contract No.	Expiration date
Washington Water Power.	14-03-79101	04/01/88
Washington Water Power.	De-MS79-81BP90185	07/01/91
Western Area Power Administration.	DE-MS79-84BP91627	10/31/90
Pacific Gas & Electric	14-03-54132	07/31/87
Burbank	14-03-53290	05/05/87
Glendale	14-03-53295	12/30/86
Pasadena	11-03-53297	01/24/88
Pacific Gas and Electric	14-03-54134	07/31/87
San Diego Gas and Electric.	14-03-58638	12/29/87
Southern California Edison.	14-03-54126	07/31/87

[FR Doc. 86-24779 Filed 10-31-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ES87-3-000 et al.]

Electric Rate and Corporate Regulation Filings; Kansas Gas and Electric Co. et al.

October 27, 1986.

Take notice that the following filings have been made with the Commission:

1. Kansas Electric and Gas Co.

[Docket No. ES87-3-000]

Take notice that on October 14, 1986, Kansas Gas and Electric Company (Applicant) filed an application seeking an order pursuant to section 204(a) of the Federal Power Act, authorizing the

Applicant to issue not more than $80,000,000 principal amount of one or more series of its first mortgage bonds and seeking exemption from competitive bidding requirements.

Comment date: November 13, 1986, in accordance with Standard Paragraph E at the end of this notice.

2. Baltimore Gas and Electric Co.

[Docket No. ES87-4-000]

Take notice that on October 14, 1986, Baltimore Gas and Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $425 million of short-term unsecured promissory notes and commercial paper with a final maturity no later than December 31, 1988.

Comment date: November 13, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Oklahoma Gas and Electric Co.

[Docket No. ES87-5-000]

Take notice that on October 14, 1986, Oklahoma Gas and Electric Company filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204 of the Federal Power Act, to issue not more than $250,000,000 of short-term debt on or before December 31, 1988, with a final maturity no later than December 31, 1989.

Comment date: November 13, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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 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. 86-24767 Filed 10-31-86; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2899-003, etc.]

Twin Falls Canal Co. et al.; Intent to Prepare Environmental Impact Statement; To Hold Scoping Session and Public Hearing

October 22, 1986.

In the matter of;

Twin Falls Canal Company, Project No. 2899-003
Cogeneration, Inc., Project No. 4797-001
B and C Energy Inc., Project No. 5797-002
Western Hydropower I, Ltd., Project No. 8795-000.

Four applications have been filed for licenses for hydropower projects located on or immediately adjacent to the Upper Snake River in Cassia, Jerome, Minidoka, and Twin Falls counties, Idaho. These projects are the Milner Project, (FERC No. 2899), the Auger Falls Project, (FERC No. 4797), the Star Falls Project, (FERC No. 5797), and the Royal Catfish Project, (FERC No. 8795). One of the proposed projects involves modifications to an existing structure; the other three projects would be entirely new structures.

The Commission staff has determined that issuance of licenses for the proposed hydroelectric projects would constitute a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement (EIS) in accordance with the National Environmental Policy Act. Possible alternatives to the proposed actions and potential cumulative impacts will be addressed. A scoping document will follow this public notice and be sent to all recipients of this notice prior to the public and scoping meetings scheduled for December 1986.

Scoping Session

Interested persons and agencies are invited to participate in a scoping session to discuss the environmental impact issues associated with the proposed four projects listed above. The scoping session will be held on Wednesday, December 10, 1986, commencing at 1:00 p.m. at the College of Southern Idaho, Shields Building, Room 117, 315 Falls Avenue, Twin Falls, Idaho 83301-1238.

Scoping sessions are utilized by the Commission staff to do the following: (1) Present environmental issues that have been identified for coverage in the EIS to the public and to experts familiar with the projects; (2) receive input from the public and experts on the issues presented; (3) clarify the significance of issues; (4) identify additional issues for EIS treatment; and (5) identify issues that do not merit EIS treatment. Agencies and individuals with environmental expertise and concerns are encouraged to attend the meeting and to assist the Commission's staff with the determination of issues to be addressed in the EIS. For additional information, contact Lee Emery at 202-376-1955.

Public Hearing

Interested officials and members of the public are invited to express their views about the projects in a public hearing. A public hearing will be held on Wednesday, December 10, 1986, commencing at 7:00 p.m., at the College of Southern Idaho, Shields Building, Room 117, 315 Falls Avenue, Twin Falls, Idaho 83301-1238. The public hearing will be conducted by the Commission's staff.

At the public hearing persons may give their statements orally or in writing. The hearing will be recorded by a stenographer, and all statements (oral and written) will become part of the public hearing record. In addition, the public hearing record will remain open until January 21, 1987, and anyone may submit written comments on the projects until that time. Comments should be addressed to Kenneth F. Plumb Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, and should clearly show the project names and numbers (*e.g.*, the Milner Project, FERC No. 2899-003; the Auger Falls Project, FERC No. 4797-001, *etc.*) on the first page.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-24817 Filed 10-31-86; 8:45 am]

BILLING CODE 6717-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 86-28: Agreement No. 003-010965]

Island Ocean Terminal Agreement; Order of Investigation

This proceeding is instituted pursuant to sections 15 and 22 of the Shipping Act, 1916, 46 U.S.C. App. 814 and 821.[1]

[1] Agreement 003-010965 was filed with the Commission on June 18, 1986 under the Shipping Act, 1916, 46 U.S.C. App. 801-842, and the Shipping Act of 1984, 46 U.S.C. App. 1701-1720, because its provisions apply to both foreign and domestic commerce. As to foreign commerce, the Agreement became effective on August 2, 1986 pursuant to section 6(c)(1) of the Shipping Act of 1984, 46 U.S.C. App. 1705(c)(1). Accordingly, this proceeding is limited to consideration of the Agreement only as it relates to domestic commerce.

Agreement 003–010965 (Agreement) is between Puerto Rico Maritime Shipping Authority, Trailer Marine Transport Corporation and Sea-Land Service, Inc. (Proponents). Each is a vessel operating ocean carrier engaged in the domestic offshore trade between the United States mainland and Puerto Rico and, currently, each carries cargo in that trade pursuant to joint through rates set forth in tariffs on file with the Interstate Commerce Commission. In connection with their water carrier services, Proponents operate marine terminals and related facilities at ports in Puerto Rico and provide containers, chassis and related equipment.

The Agreement pertains only to terminal operations and related services and not linehaul ocean freight rates or intermodel through rates. Proponents seek authority to agree upon and establish a common tariff setting forth terminal and accessorial charges, and rules, regulations and provisions governing receipt and delivery of cargo at marine terminals in Puerto Rico. Authority also is sought for Proponents to cooperate both in collection of terminal and accessorial charges established under the Agreement and in the administration of the Agreement's rules, regulations and provisions. In addition, Proponents seek authority to establish neutral body policing of the Agreement.[2] The purported purpose of the Agreement is to curtail or eliminate malpractices.

Protests were filed by Marine Transportation Services Sea Barge Group, Inc. and Gulf Puerto Rican Transport, Inc. (Protestants), vessel operating carriers competing with Proponents in the Puerto Rican trade. Comments in opposition to the Agreement and a request for an evidentiary hearing were filed by the Puerto Rico Manufacturers Association (Protestant), a multi-industry trade association whose members are shippers or consignees in the Puerto Rican trade.

The submissions of Proponents and Protestants raise issues regarding the Commission's jurisdiction and the merits of the Agreement which will be addressed in this proceeding. Those issues are:

(1) Whether the parties to the Agreement are, or under the agreement will be, conducting activities as "common carrier[s] by water in interstate commerce" or "other persons subject to this Act" within the meaning of section 1 of the Shipping Act, 1916;

(2) Whether the Agreement is necessary to secure important public benefits, met a serious transportation need, and serve a valid regulatory purpose; and

(3) Whether the Agreement encroaches on antitrust policies more than is necessary to achieve the Agreement's proposes; e.g., whether ratemaking authority is a necessary or appropriate means to curtail Proponents' own unlawful activities.

Now therefore it is ordered, that pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation is instituted to determine whether Agreement No. 003–010965 should be approved, disapproved or modified;

It is further ordered, that a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61.[3]

It is further ordered, that Puerto Rico Maritime Shipping Authority, Trailer Marine Transport Corporation, and Sea-Land Service, Inc., are designated Proponents in this proceeding;

It is further ordered, that Marine Transportation Services Sea Barge Group, Inc., Gulf Puerto Rican Transport, Inc. and Puerto Rico Manufacturers Association are designated Protestants in this proceeding;

It is further ordered, that the Bureau of Hearing Counsel is designated a party to this proceeding;

It is further ordered, that notice of this Order be published in the **Federal Register**, and a copy be served on parties of record;

It is further ordered, that other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, that all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is further ordered, that all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573, in accordance with Rule 118 of the Commission's Rules of Practice and Procedure, 46 CFR 502.118, and shall be served on parties of record;

It is further ordered, that pursuant to the terms of Rule 61 of the Commission's Rules of Practice and Procedure, the initial decision of the Administrative Law Judge shall be issued by October 28, 1987 and the final decision of the Commission shall be issued by March 1, 1988.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86–24737 Filed 10–31–86; 8:45 am]

BILLING CODE 6730–01–M

[2] On October 8, 1986, the Commission issued a Notice of Proposed Rulemaking in Docket No. 86–26. That rulemaking proposes to revoke the Commission's self-policing requirements for agreements under the Shipping Act, 1916.

[3] It is left to the sound discretion of the Administrative Law Judge to determine whether the jurisdictional and substantive issues should be served for purposes of trial or decision.

Agreement(s) Filed

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.: 224–004161–001.

Title: San Francisco Terminal Agreement.

Parties:

San Francisco Port Commission (Port)
Marine Terminals Corporation (MTC)

Synopsis: The proposed amendment would establish procedures which would permit MTC to provide terminal and stevedoring services, on a case-by-case basis, at Port marine terminal facilities which are not otherwise assigned to management contractors, steamship lines or other cargo interests.

Agreement No.: 202–010982–002.

Title: Bahamas Shipowners Association.

Parties:

Tropical Shipping and Construction Co., Ltd.

Universal Alco Ltd.
Pioneer Shipping Line

Synopsis: The proposed amendment would delete the parties' authorities to agree upon the level of compensation paid to ocean freight forwarders under the agreement.

Agreement No.: 224–011021.
Title: Palm Beach Terminal Agreement.
Parties:

Port of Palm Beach District (Port)
Seaboard Marine, Ltd. (Seaboard)

Synopsis: The proposed agreement would permit Seaboard to lease 14,466 square feet of warehouse space and 240 square feet of office space from the Port until January 31, 1987 with an option for an extension of one year.

Dated: October 29, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86–24778 Filed 10–31–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

The Mitsubishi Trust and Banking Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 17, 1986.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Mitsubishi Trust and Banking Corporation*, Tokyo, Japan; to engage *de novo* through its subsidiary MTBC Finance, Inc., New York, New York, in making, acquiring, or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or for the account of others, such as would be made by a consumer finance and credit card company pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in the United States and Canada.

Board of Governors of the Federal Reserve System, October 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–24742 Filed 10–31–86; 8:45 am]

BILLING CODE 6210–01–M

Orange County Banking Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 20, 1986.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Orange County Banking Corporation*, Ocoee, Florida; to acquire Retirement Accounts, Inc., Winter Park, Florida, and thereby engage in custodial trust functions pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–24743 Filed 10–31–86; 8:45 am]

BILLING CODE 6210–01–M

SouthTrust Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on

an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 20, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *SouthTrust Corporation,* Birmingham, Alabama; to acquire 100 percent of the voting shares of SBT Bancshares, Inc., Arab, Alabama, and thereby indirectly acquire Security Bank and Trust Company, Arab, Alabama.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Hopedale Investment Company,* Quincy, Illinois; to become a bank holding company by acquiring 84 percent of the voting shares of Community Bank of Hopedale, Hopedale, Illinois. Comments on this application must be received by November 17, 1986.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Stigler Bancorporation, Inc.,* Stigler, Oklahoma; to become a bank holding company by acquiring 93 percent of the voting shares of First Oklahoma National Corporation, Stigler, Oklahoma, and thereby indirectly acquire The First National Bank, Stigler, Oklahoma. Comments on this application must be received by November 21, 1986.

Board of Governors of the Federal Reserve System, October 28, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-24744 Filed 10-31-86; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Performance Review Board; Membership

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Gregory Knott, Deputy Director of Personnel, General Services Administration, 18th and F Streets, NW., Washington, DC 20405 (202) 566-0398.

SUPPLEMENTARY INFORMATION: Section 4313(c) (1) thorugh (5) of Title 5, U.S.C. requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The boards shall review the performance rating of each senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Paul T. Weiss, Associate Administrator for Administration.
2. A. C. Arterbery, Associate Administrator for Operations.
3. Frank J. Carr, Commissioner, Information Resources Management Service.
4. Donald C. J. Gray, Commissioner, Federal Supply Service.
5. Earl E. Jones, Commissioner, Federal Property Resources Service.
6. William F. Sullivan, Commissioner, Public Building Service.
7. Patricia A. Szervo, Associate Administrator for Acquisition Policy.

Dated: October 27, 1986.

Gregory L. Knott,

Deputy Director of Personnel.

[FR Doc. 86-24755 Filed 10-31-86; 8:45 am]

BILLING CODE 6820-BR-M

Region IX, San Francisco, CA. Public Buildings Service; Intent To Prepare an Environmental Impact Statement for a Proposed Federal Building, Oakland, CA

Pursuant to Council on Environmental Quality Regulations, notice is hereby given that GSA is preparing an Environmental Impact Statement (EIS) for a new Federal Building proposed for Oakland, California. The site for the new Federal Building will be 144,000 square feet of land, consisting of two city blocks bounded by Clay, Jefferson, Twelfth and Fourteenth Streets. The proposed Federal Building will contain one million gross square feet of space, including 700,000 square feet of office space for agency assignments and up to 32,500 square feet for outlease to commercial activities.

Public scoping meetings will be held at Laney College, Room B262, 900 Fallon Street, Oakland, California, at 1:30 p.m. and 7:30 p.m. on Wednesday, November 12, 1986.

Written comments or information that should be considered during the assessment of environmental and socioeconomic impacts for the EIS should be directed to Miss Mary E. Brant, Director, Planning Staff—9PL, Public Buildings Service, General Services Administration, 525 Market Street, San Francisco, California 94105. For additional information, please call Mr. Peter Sneed of the Planning Staff, telephone (415) 974-7625 (FTS 454-7625).

Dated: October 22, 1986.

Edwin W. Thomas,

Regional Administrator.

[FR Doc. 85-24748 Filed 10-31-85; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures, Aid to Families With Dependent Children, Medicaid, and Aid to Needy Aged, Blind, or Disabled Persons

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: The Federal Percentages and Federal Medical Assistance Percentages for Fiscal Year 1987 have been recalculated pursuant to Pub. L. 99-272. These percentages will be effective from October 1, 1986 through September 30, 1987. The data will supercede those published in the **Federal Register** on November 29, 1984 at 49 FR 46957. This notice announces the recalculated "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare and medical expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Title XIX of the Social Security Act (the Act) exists in each jurisdiction, title IV-A in all jurisdictions except American Samoa and the Northern Mariana Islands, Titles I, X, and XIV operate only in Guam and the Virgin Islands, while title XVI (AABD) operates only in Puerto Rico. The percentages in this notice apply to State expenditures for assistance payments and medical services (except family planning which is subject to a higher matching rate). The statute provides separately for Federal matching of administrative costs

Section 1101(a)(8) of the act, as revised by section 9528 of Pub. L. 99-272,

requires the Secretary of Health and Human Services to publish these percentages each year. The Secretary is to figure the percentages, by formulas set forth in sections 1101(a)(8) and 1905(b) of the Act, from the Department of Commerce's statistics of average income per person in each State and in the Nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act. The statute specifies the percentage to be applied to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

The "Federal percentages" are for Aid to Families with Dependent Children (AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for these other programs using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

DATES: The percentages listed will be effective for each of the 4 quarter-year periods in the period beginning October 1, 1986 and ending September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Emmett Dye, Office of Family Assistance, Family Support Administraiton, Room B320, Transpoint Building, 2100 2nd Street SW., Washington, DC 20201, Telephone (202) 245-2040.

(Catalog of Federal Domestic Assistance Program Nos. 13.808—Assistance Payments—Maintenance Assistance (State Aid); 13.714—Medical Assistance Program)

Dated: September 19, 1986.

Otis R. Bowen, M.D.,

Secretary of Health and Human Services.

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES, EFFECTIVE OCT. 1, 1986-SEPT. 30, 1987 (FISCAL YEAR 1987)

State	Federal percentages	Federal medical assistance percentages
Alabama	65.00	72.41
Alaska	50.00	50.00
American Samoa	50.00	50.00
Arizona	57.92	62.13
Arkansas	65.00	74.02
California	50.00	50.00
Colorado	50.00	50.00
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	50.60	55.54
Georgia	60.60	64.54
Guam	50.00	[1] 50.00
Hawaii	50.00	51.29
Idaho	65.00	71.08
Illinois	50.00	50.00
Indiana	58.80	62.92
Iowa	55.99	60.39
Kansas	50.00	51.39
Kentucky	65.00	70.75
Louisiana	61.96	65.77
Maine	64.52	68.07
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	52.09	56.88
Minnesota	50.00	52.98
Mississippi	65.00	78.50
Missouri	55.39	59.85
Montana	63.82	67.44
Nebraska	53.40	58.06
Nevada	50.00	50.00
New Hampshire	50.00	53.28
New Jersey	50.00	50.00
New Mexico	65.00	69.68
New York	50.00	50.00
North Carolina	64.89	68.40
North Dakota	51.57	56.41
Northern Mariana Islands	50.00	[1] 50.00
Ohio	53.63	58.27
Oklahoma	55.40	59.86
Oregon	58.30	62.47
Pennsylvania	52.53	57.28
Puerto Rico	50.00	[1] 50.00
Rhode Island	50.42	55.38
South Carolina	65.00	72.23
South Dakota	63.83	67.45
Tennessee	65.00	70.26
Texas	50.18	55.16
Utah	65.00	73.21
Vermont	63.75	67.37
Virgin Islands	50.00	[1] 50.00
Virginia	50.00	51.86
Washington	50.00	52.52
West Virginia	65.00	72.59
Wisconsin	52.87	57.58
Wyoming	50.00	54.20

[1] For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and XVI and Part A of title IV will be 75 per centum.

[FR Doc. 86-24810 Filed 10-31-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 85N-0474]

Federation of American Societies for Experimental Biology's Scientific Steering Group; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming open meeting of the Federation of American Societies for Experimental Biology's (FASEB) Scientific Steering Group on the Use of Scientific Expertise in Food and Cosmetic Safety Analyses (Scientific Steering Group). The Scientific Steering Group will hold an open meeting to receive comments on Task Orders initiated since June 1, 1984, under a contract that FDA has with FASEB concerning the use of outside scientific expertise in food and cosmetic safety analyses. Following the open meeting, the Scientific Steering Group will meet in closed executive session to continue preparation of its final report.

DATE: The open meeting will be held on Friday, November 14, 1986, at 9 a.m. The executive session will be held immediately following the conclusion of the open meeting.

Requests to make oral presentations at the open meeting must be submitted in writing and be received by November 10, 1986. Written comments, data, and information must also be received by November 10, 1986.

ADDRESSES: The open meeting and executive session will be held at the Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814. Requests to make oral presentations and written comments, data, and information should be submitted as follows: Two copies to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and two copies to K.D. Fisher (address below).

FOR FURTHER INFORMATION CONTACT: Kenneth D. Fisher, Director, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301-530-7030.

SUPPLEMENTARY INFORMATION: FDA has a contract with FASEB concerning the use of outside scientific expertise in food and cosmetic safety analyses. The objectives of this contract are (1) to provide expert, objective counsel to FDA on general and specific issues of scientific fact and (2) to explore various review mechanisms with respect to their effectiveness and efficiency. FASEB established the Scientific Steering Group to serve FASEB in conjunction with this contract.

Since June 1, 1984, FDA has given FASEB a series of Task Orders under this contract to study various issues. See, e.g., 50 FR 46832 (November 13, 1985); 50 FR 51453 (December 17, 1985); 51 FR 2577 (January 17, 1986); and 51 FR 8030 (March 7, 1986). Copies of the Task Order reports completed under terms of this contract are on display at the Dockets Management Branch and the Life Sciences Research Office (addresses above). A list of the Task

Order Reports may be obtained by writing to the contact person (address above).

The Scientific Steering Group is now engaged in preparing its final scientific report to FASEB evaluating the effectiveness and the efficiency of the various review mechanisms employed under the contract. This report will help FASEB respond to Task Order No. 1. Accordingly, this notice invites public comment on the mechanisms used to review the work conducted under this contract on each of the several Task Orders. Specifically, the Scientific Steering Group invites both written and oral comments on the several external scientific review mechanisms utilized for completing the Task Orders with respect to their effectiveness and efficiency, taking into account such factors as:

1. The format of the questions reviewed;
2. Sources of information;
3. Time frames for response;
4. The ability to obtain appropriate experts in various operating formats;
5. The costs associated with various operating formats;
6. FDA's responsiveness to the information needs and other needs of the contractor; and,
7. The contractor's responsiveness to agency requests, particularly with respect to the agency's mission as defined in statutes and regulations.

In accordance with 21 CFR 14.15(b)(1), notice is given that the Scientific Steering Group will hold an open meeting on November 14, 1986, and will meet in executive session following the open meeting. At the meeting an opportunity will be provided for the public to present written and oral views, information, and data on the effectiveness and efficiency of the review mechanisms used by FASEB in the conduct of work under the contract.

Dated: October 28, 1986.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-24738 Filed 10-31-86; 8:45 am]

BILLING CODE 4160-01-M

Public Health Services

National Toxicology Program, Availability of Technical Report on Toxicology and Carcinogenesis Studies of Benzyl Acetate

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of benzyl acetate, a water-white liquid with pear-like odor, which is a natural constituent of several essential oils and flower absolutes from jasmine, hyacinth, gardenia, tuberose, ylang-ylang, cananga and neroli. Commercial benzyl acetate is used primarily as a component of perfumes for soaps and as a flavoring ingredient.

Toxicology and carcinogenesis studies were conducted by administering benzyl acetate in corn oil by gavage to groups of 50 male and 50 female F344/N rats at doses of 0, 250, or 500 mg/kg body weight and to groups of 50 male and 50 female B6C3F$_1$ mice at doses of 0, 500 or 1,000 mg/kg body weight five days per week for 103 weeks.

Under the conditions of these gavage studies, benzyl acetate increased the incidence of acinar-cell adenomas of the exocrine pancreas in male F344/N rats; the gavage vehicle may have been a contributing factor. There was no evidence of carcinogenicity[1] for female F344/N rats. For male and female B6C3F$_1$ mice there are some evidence of carcinogenicity in that benzyl acetate caused increased incidences of hepatocellular adenomas and squamous cell neoplasms of the forestomach.

Copies of *Toxicology and Carcinogenesis Studies of Benzyl Acetate in F344/N Rats and B6C3F$_1$ Mice (Gavage Studies)* (TR 250) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS: 629-3991.

Dated: October 28, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86-24802 Filed 10-31-86; 8:45 am]

BILLING CODE 4140-01-M

National Toxicology Program, Availability of Technical Report on Toxicology and Carcinogenesis Studies of Dimethylvinyl Chloride

The HHS' National Toxicology Program today announces the availability of the Technical Report describing the toxicology and carcinogenesis studies of dimethylvinyl chloride, a clear colorless liquid which is a byproduct in the production of 3-chloro-2-methylpropene by the chlorination of isobutene. It is not known to be produced intentionally in the United States for other than laboratory purposes.

Toxicology and carcinogenesis studies of dimethylvinyl chloride were conducted by administering this chemical in corn oil by gavage to groups of 50 male and 50 female F344/N rats and B6C3F$_1$ mice at doses of 0, 100, or 200 mg/kg body weight 5 days per week for 102 or 103 weeks.

Under the conditions of these two year gavage studies, there was clear evidence of carcinogenicity [1] of dimethylvinyl chloride for both sexes of F344/N rats and B6C3F$_1$ mice. This was based on increased incidences of neoplasms of the nasal cavity, oral cavity, esophagus, and forestomach of male and female F344/N rats. B6C3F$_1$ mice showed increased incidences of squamous cell neoplasms of the forestomach in males and females and squamous cell carcinomas of the preputial gland in males.

Copies of *Toxicology and Carcinogenesis Studies of Dimethylvinyl Chloride (1-Chloro-2-Methylpropene) in F344/N Rats and B6C3F$_1$* Mice (Gavage Studies) (TR 316) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3991. FTS: 629-39911.

Dated: October 27, 1986.

David P. Rall, M.D., Ph.D.,

Director.

[FR Doc. 86-24803 Filed 10-31-86; 8:45 am]

BILLING CODE 4140-01-M

Health Resources and Services Administration; Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending December 31, 1986 and Rate of Insurance Premium"

Section 727 of the Public Health Service Act (42 U.S.C. 294) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools.

A. Section 60.13(a)(4) of the program's implementing regulations (42 CFR Part 60, previously 45 CFR Part 126) provides

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

[1] The NTP uses five categories of evidence of carcinogenicity to summarize the strength of the evidence observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

that the Secretary will announce the interest rate in effect on a quarter basis.

The Secretary announces that for the period ending December 31, 1986, three interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 9¼ percent. Using the regulatory formula (45 CFR 126.13(a)(2) and (3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (5.65 percent), and rounding the result (9.15 percent) upward to the nearest ⅛ percent (9¼ percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. Because the average rate of the 4 quarters ending December 31, 1986 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 11 percent for the quarter ending March 31, 1986; 10⅝ percent for the quarter ending June 30, 1986; and 9⅞ percent for the quarter ending September 30, 1986.

2. For variable rate loans executed during the period of January 27, 1981 through October 21, 1985, the interest rate is 9¼ percent. Using the regulatory formula (42 CFR 60.13 (a)(3)) in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (5.65 percent); adding 3.50 percent (9.15 percent); and rounding that figure to the next higher one-eighth of 1 percent (9¼ percent).

3. For fixed rate loans executed during the period of October 1, 1986 through December 31, 1986, and for variable rate loans executed on or after October 22, 1985, the interest rate is 8¾ percent. The Health Professions Training Assistance Act of 1985 (Pub. L. 99–129), enacted October 22, 1985, amended the formula for calculating the interest rate by changing 3.5 percent to 3 percent. Using the regulatory formula (42 CFR 60.13(a)(2) and (3)) and substituting the new statutory change of 3 percent, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (5.65 percent); adding 3.0 percent (8.65 percent) and rounding that figure to the next higher one-eighth of 1 percent (8¾ percent).

B. Public Law 99–129 also contained modifications to the insurance premium calculation, effective 9 months after enactment of the statute (July 22., 1986). Prior to that date, in accordance with § 60.14(b) of the regulations, the insurance premium was 2 percent per year of the loan principal for loans executed through the HEAL program. Effective July 22, 1986 in accordance with section 732 of the Act, as amended, the insurance premium is 8 percent of the principal of each HEAL loan. A notice announcing this, change was published in the **Federal Register** on June 18, 1986 (51 FR 22136).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: October 29, 1986.

David N. Sundwall,

Administrator

[FR Doc. 86–24782 Filed 10–31–85; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise a notice describing a system of records pertaining to employee payroll, attendance, retirement, and leave information. Except as noted below, all changes being published are editorial in nature, and reflect minor administrative and technical revisions which have occurred since the publication of the material in the **Federal Register** on October 1, 1984 (49 FR 38712). The revised notice, published in its entirety below, is titled: "Payroll, Attendance, Retirement, and Leave Records—Interior, Office of the Secretary-85".

The notice is being revised to reflect the consolidation of payroll administration in the Department. Pursuant to the provisions of Secretary's Order No. 3111 dated December 20, 1985, the administration of Departmental payroll operations was consolidated into the Bureau of Reclamation. The portions of the system of records notice published below describing the system location and manager have been appropriately revised. Also, the existing routine disclosure statement for litigation purposes is revised to incorporate the clarification on such disclosures prescribed by the Office of Management and Budget (OMB) in its supplementary guidelines dated May 24, 1985, for implementing the Privacy Act. In addition, a new compatible routine use is added to provide for the disclosure of information on employee Thrift Savings Fund contributions to the Federal Retirement Thrift Investment Board established by Pub. L. 99–335.

5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment. Therefore, written comments on these proposed changes can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), Room 7357, Main Interior Building, U.S. Department of the Interior, Washington, D.C. 20240. Comments received on or before December 3, 1986, will be considered. The notice shall be effective as proposed without further notice at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: October 23, 1986.

Oscar W. Mueller, Jr.,

Director, Office of Information Resources Management.

INTERIOR/OS–85

SYSTEM NAME:

Payroll, Attendance, Retirement, and Leave Records—Interior, Office of the Secretary-85

SYSTEM LOCATION:

(1) Bureau of Reclamation, Managment Operations Center, Division of Payroll Operations, 7333 West Jefferson Ave., Academy Place 1, Denver, CO 80235.

(2) Bureau of Reclamation, Management Operations Center, Division of Payroll Operations, 1925 Isaac Newton Square, Reston, Virginia 22090 (effective on or about 11–1–86).

(3) All Departmental offices and locations which prepare and provide input documents and information for data processing and administrative actions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Department of the Interior, and employees of Independent Agencies, Councils, and Commissions who are provided payroll administrative support by the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee identification, pay rate and grade, retirement, and location data; length of service; pay, leave, time and attendance, allowances, and cost distribution records; deductions for Medicare or FICA, savings bonds, FEGLI, union dues, taxes, allotments, quarters, charities; health benefits, Thrift Savings Fund contributions, awards, shift schedules, pay differentials, IRS tax lien data; and related payroll and personnel data. Also included is information on debts owed to the government as a result of overpayment, refunds owed, or a debt referred for collection on a transferred employee. The payroll, attendance, retirement, and leave records described in this notice form a part of the information contained in the Department's integrated payroll and personnel (PAY/PERS) automated information system. Personnel records contained in the PAY/PERS system are covered under the governmentwide system of records notice published by the Office of Personnel Management (OPM/GOVT–1).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5101, et seq., 31 U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for fiscal operations for payroll, attendance, leave, insurance, tax, retirement and cost accounting programs; and to prepare related reports to other Federal agencies including the Treasury Department and the Office of Personnel Management. Disclosures outside the Department of the Interior may be made: (1) To the Department of the Treasury for preparation of payroll checks and other checks to Federal, State, and local government agencies, non-governmental organizations, and individuals; (2) to the Internal Revenue Service and to State, local, tribal and territorial governments for tax purposes; (3) to the Office of Personnel Management in connection with programs administered by that office; (4) to another Federal agency to which an employee has transferred; (5) to the U.S. Department of Justice or in a proceeding before a court or adjudicative body when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with the purpose for which the records were compiled; (6) to disclose pertinent information to an appropriate Federal, State, local, or foreign agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (7) to a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual; (8) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (9) to Federal, State or local agencies where necessary to enable the Department of the Interior to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit; (10) to appropriate Federal and State agencies to provide required reports including data on unemployment insurance; (11) to the Social Security administration to report FICA deductions; (12) to labor unions to report union dues deductions; (13) to insurance carriers to report withholdings for health insurance; (14) to charitable institutions to report contributions; (15) to a Federal agency for the purpose of collecting a debt owed the Federal government through administrative or salary offset; (16) to other Federal agencies conducting computer matching programs to help eliminate fraud and abuse and to detect unauthorized overpayments made to individuals; (17) to provide addresses obtained from the Internal Revenue Service to debt collection agencies for purposes of locating a debtor to collect or compromise a Federal claim against the debtor; (18) with respect to Bureau of Indian Affairs employee records, to a Federal, State, local agency, or Indian tribal group or any establishment or individual that assumes jurisdiciton, either by contract or legal transfer, of any program under the control of the Bureau of Indian Affairs; (19) with respect to Bureau of Reclamation employee records, to non-Federal auditors under contract with the Department of the Interior or Energy or water user and other organizations with which the Bureau of Reclamation has written agreements permitting access to financial records to perform financial audits; (20) to the Federal Retirement Thrift Investment Board with respect to Thrift Savings Fund contributions.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual, microfilm, microfiche, and printout form in the Payroll Office. Currently applicable records are stored on magnetic media at the computer processing center; historic records are stored on magnetic media at the computer center. Original input documents are kept in standard office filing equipment.

RETRIEVABILITY:

Indexed by name, social security number, and organizational code.

SAFEGUARDS:

Maintained with safeguards meeting the requirments of 43 CFR 2.51.

RETENTION AND DISPOSAL:

The records contained in this system of records have varying retention periods as described in General Records Schedule 2 issued by the Archivist of the United States, and are disposed of in accordance with the National Archives and Records Administration Regulations, 36 CFR 1228.74.

SYSTEM MANAGER(S) AND ADDRESS:

The following system manager is responsible for the payroll records contained in the integrated Payroll/Personnel (PAY/PERS) system which are pertinent to all Department of the Interior bureaus and offices. Personnel records contained in the PAY/PERS system fall under the jurisdiction of the Office of Personnel Management as prescribed in 5 CFR Part 293 and 5 CFR Part 297.

(1) Chief, Client Support Branch, Bureau of Reclamation, Management Operations Center, Division of Payroll Operations, 7333 W. Jefferson Ave., Academy Place 1, Denver, CO 80235

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the individual seeks information concerning his/her records is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing, signed by the requester, and meet the content requirement of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and meet the content requirements of 43 CFR 2.71.

RECORDS SOURCE CATEGORIES:

Individuals on whom the records are maintained, supervisors, timekeepers, official personnel records, previous employers, and the Internal Revenue Service.

[FR Doc. 86-24768 Field 10-31-86; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[WY-030-86-4410-08]

Rawlins District, WY; Availablility of Proposed Lander Resource Management Plan and Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of proposed lander RMP and final EIS.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared an environmental impact statement (EIS) and a proposed resource management plan (RMP) for public lands in the Lander Resource Area. The EIS describes and analyzes four alternatives, including the preferred alternative (i.e., the proposed plan), for managing 2.5 million surface acres and 2.7 million acres of Federal mineral estate over the next 15 to 20 years.

The final EIS is printed in its entirety in this final document. The BLM considered all of the comments received by letter and at the public hearing. Based upon an analysis of all the public comments and a thorough review of the draft EIS, released in November 1985, BLM has chosen to adopt a slight modification of the preferred alternative as the proposed plan for the area. Aside from minor additions and corrections, the modification primarily deals with providing more protection to critical wildlife habitat values and additional designations of areas of critical environmental concern (ACEC). A partial wilderness recommendation for the Sweetwater Canyon wilderness study area (WSA) is not included in the proposed plan. The wilderness study area is being considered further, along with the wilderness specific comments received on the draft RMP/EIS. After a review of the comments, a final wilderness EIS will be prepared along with the wilderness study report. These documents will include the BLM's tentative wilderness recommendation to the Director of the BLM and the Secretary of the Interior.

DATE: Any protests on the proposed RMP will have to be received by the Director no later than December 3, 1986.

ADDRESS: Copies of the proposed RMP and final EIS are available upon request from the Lander Resource Area Office, Bureau of Land Management, P.O. Box 589, Lander, Wyoming 82520, telephone (307) 332-7822.

FOR FURTHER INFORMATION CONTACT: Jack Kelly, Area Manager, Lander Resource Area Office, Bureau of Land Management, P.O. Box 589, Lander, Wyoming 82520, telephone (307) 332-7822.

SUPPLEMENTARY INFORMATION: Protests to the proposed plan shall be filed with the Director. Any person who participated in the planning process and has an interest which is or may be adversely affected by the resource management plan may protest. The procedures for filing a protest are listed in the proposed plan and in 43 CFR 1610.5-2.

Hillary A. Oden,

State Director.

[FR Doc. 86-24523 Filed 10-31-86; 8:45 am]

BILLING CODE 4310-22-M

[U-57904]

Utah; Proposed Withdrawal and Opportunity for Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation proposes to withdraw 493.23 acres of public land for the Flaming Gorge Dam and Reservoir, near Vernal, Utah. This notice closes the land for up to 2 years from surface entry and mining. The land will remain open to mineral leasing.

DATE: Comments and requests for a public meeting should be received by January 26, 1987.

ADDRESS: Comments and meeting requests should be sent to: Utah State Director, Bureau of Land Management, 324 South State, Suite 301, Salt Lake City, Utah 84111-2303.

FOR FURTHER INFORMATION CONTACT: Nancy Bloyer, BLM, Utah State Office, 801-524-4036.

On August 7, 1986, a petition was approved allowing the Bureau of Reclamation to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general public land laws, including the mining laws, subject to valid existing rights:

Salt Lake Meridian, Utah

T. 2 N., R. 20 E.,
Sec. 11, lots 1, 2, 3, 4, 5;
Sec. 12, lot 1, NW¼SW¼, SE¼SW¼;
Sec. 13, lots 1, 2, 3, W½NE¼;
Sec. 24, lot 1.

The area described contains 493.24 acres in Daggett County.

The purpose of the proposed withdrawal is protection of the Flaming Gorge Dam and Reservoir.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Utah State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request of the Utah State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. No temporary uses will be permitted during the segregative period.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Bureau of Reclamation.

Dated: October 28, 1986.

Orval L. Hadley,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 86-24753 Filed 10-31-86; 8:45 am]

BILLING CODE 4310-DQ-M

Alaska; Patenting of Mining Claims on Public Lands

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice; Locations for the filing of applications for mineral patent under the Minimg Law of 1872.

SUMMARY: Notice is hereby given that the BLM Anchorage District Office will no longer accept applications for patent of minimg claims.

All future applications will continue to be received at the BLM Alaska State Office (Anchorage Federal Building), 701 C Street, Anchorage, Alaska 99513, and the BLM Fairbanks Support Center, 1541 Gaffney Road, Fairbanks, Alaska 99703.

All case files concerning applications for mineral survey and patents will be located at the BLM Alaska State Office.

This action is in accordance with BLM Alaska's reorganization.

EFFECTIVE DATE: November 17, 1986.

FOR FURTHER INFORMATION CONTACT: Kay Kletka, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, (907) 271-3791.

James C. Johnson,

Acting District Manager.

[FR Doc. 86-24813 Filed 10-31-86; 8:45 am]

BILLING CODE 4310-JA-M

Minerals Management Service

Outer Continental Shelf Advisory Board; Alaska Regional Technical Working Group; Meeting

AGENCY: Minerals Management Service, Alaska OCS Region, Interior.

ACTION: Outer Continental Shelf Advisory Board, Alaska Regional Technical Working Group Committee; notice for meeting.

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

The Alaska Regional Technical Working Group (RTWG) committee of the Outer Continental Shelf (OCS) Advisory Board is scheduled to meet from 8:30 a.m. to 12:00 p.m., December 4, 1986, at the Civic Center in Valdez, Alaska. The Alaska RTWG is one of six such committees of the OCS Advisory Board that provides advice to the Director, Minerals Management Service, on technical matters of regional concern regarding OCS prelease and postlease sale activities.

Topics which may be addressed at the meeting are:

(a) Canmar's Single Steel Drilling Caisson used by Tenneco Oil Company in the Beaufort Sea.

(b) Amoco's ice island in the Beaufort Sea.

(c) Oil/Whalers Cooperative Programs.

(d) Surface transportation networks of Alaska's North Slope.

The Alaska RTWG meeting will be open to the public. Public seating may be limited. Interested persons may make oral or written presentations to the committee. A request to make a presentation should be made no later than November 20, 1986, to Alan D. Powers, Regional Director, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska 99508-4302, (907) 261-4010. A request to make an oral statement should be accompanied by a written summary of the oral statement. Written statements should be submitted by November 20, 1986.

Minutes of the meeting will be available 70 days after the meeting for public inspection and copying at the Minerals Management Service, Alaska OCS Region, 949 East 36th Avenue, Anchorage, Alaska 99508-4302, and at the Office of Offshore Information Services, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, DC 20240.

Dated: October 28, 1986.

Robert J. Brock,

Acting Regional Director, Alaska OCS Region.

[FR Doc. 86-24754 Filed 10-31-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30862]

Itawamba County Development Council; Acquisition and Operation; Exemption and Mississippian Railway Coop., Inc.; Lease and Operation

The Mississippian Railway Cooperative, Inc. (MRC), has filed a supplemental notice of exemption to lease and operate a 25-mile rail line between Amory (milepost 0.0) and Fulton, MS (milepost 25.0). A notice of exemption was published in this proceeding at 51 FR 26768, July 25, 1986, governing the acquisition and operation of this line by Itawamba County Development Council (ICDC). MRC will operate the line under lease from ICDC. Any comments must be filed with the Commission and served on: Mr. Roy C. Harris, Secretary/Treasurer, Mississippian Railway Cooperative, Inc., P.O. Box 849, Fulton, MS 38843.

The supplemental notice is filed under 49 CFR 1150.31. If the supplemental notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Dated: October 24, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-24777 Filed 10-31-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30851 (Sub-1)]

Spokane International Railroad Co.; Construction and Operation Exemption; Sandpoint, ID

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10901, the construction and operation of two connecting tracks totaling 3,630 feet at Sandpoint, ID, by Spokane International Railroad Company.

DATES: The decision is effective on November 13, 1986. Petitions to reopen must be filed by November 24, 1986.

ADDRESSES: Send pleadings referring to Finance Docket No. 30851 (Sub-No. 1) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Railroad's representative: Joseph D. Anthofer, Spokane International Railroad Company, 1416 Dodge Street, Omaha, NE 68179

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: October 27, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

Secretary.

[FR Doc. 86-24775 Filed 10-31-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30929]

Tioga Central Railroad Co.; Operation in Tioga County, NY; Modified Rail Certificate

On October 10, 1986, a notice was filed by the Tioga Central Railroad Company for a modified certificate of public convenience and necessity under 49 CFR 1150.23. As of that date, this carrier is authorized to provide service over portions of the (i) Auburn Branch of the former Lehigh Valley Railroad Company, USRA Line Number 1015, running from milepost 288.0 to milepost 289.6 in the Town and Village of Owego, Country of Tioga, NY, and the (ii) Freeville Secondary Track, USRA Line Number 1003, running from milepost 289.6 in the Village of Owego to milepost 315.6 in the Town of Hartford, Cortland Country, NY.

The line is owned by the State of New York.

This notice shall be served upon the Association of American Railroads (Car Service Division) as agent of all railroads subscribing to the car-service and car-hire agreement, and upon the American Short Line Railroad Association.

Dated: October 27, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-24776 Filed 10-31-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

October 21, 1986.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. Entries are grouped into submission categories. Each entry contains the following information: (1) The name and telehpone number of the Agency Clearance Officer (from whom a copy of the form/supporting documents is available); (2) the office of the agency issuing the form; (3) the title of the form; (4) the agency form number, if applicable; (5) how often the form must be filled out; (6) who will be required or asked to report; and estimate of the number of responses; (7) an estimate of the total number of respondents; (8) an estimate of the total number of hours needed to fill out the form; (9) an indication of whether Section 3504(h) of Pub. L. 96-511 applies; and, (10) the name and the telephone number of the person or office responsible for the OMB review. Copies of the proposed form(s) and the supporting documentation may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions regarding the item(s) contained in this list should be directed to the reviewer listed at the end of entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer: Larry E. Miesse, 202/633-4312.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) REGISTRATION STATEMENT OF INDIVIDUALS (Foreign Agents)
(4) OBD-63 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 100 respondents
(8) 150 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) REGISTRATION STATEMENT OF INDIVIDUALS (Foreign Agents)
(4) OBD-63 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 100 respondents
(8) 150 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) EXHIBIT A TO REGISTRATION STATEMENT (Foreign Agents)
(4) OBD-67 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 75 respondents
(8) 38 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) EXHIBIT B TO REGISTRATION STATEMENT (Foreign Agents)
(4) OBD-65 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 75 respondents
(8) 25 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) SUPPLEMENTAL REGISTRATION STATEMENT OF INDIVIDUALS (Foreign Agents)
(4) OBD-64 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 2,400 respondents
(8) 3,300 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395-4814

(1) Larry E. Miesse, 202/633-4312
(2) Criminal Division, Department of Justice
(3) SHORT FORM REGISTRATION STATEMENT OF INDIVIDUALS
(4) OBD-66 (CRM)
(5) On occasion

(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 350 respondents
(8) 150 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Criminal Division, Department of Justice
(3) AMENDMENT TO REGISTRATION OF SUPPLEMENTAL REGISTRATION STATEMENT (Foreign Agents)
(4) OBD–68 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form contains registration statement and information used for registering foreign agents under 22 U.S.C. 611, et seq.
(7) 200 respondents
(8) 300 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Criminal Division, Department of Justice
(3) DISSEMINATION REPORT (TRANSMITTAL OF POLITICAL PROPAGANDA)
(4) OBD–69 (CRM)
(5) On occasion
(6) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Form is used by registrant to record dissemination of political propaganda with 48 hours of initial dissemination under 22 U.S.C. 611, et seq.
(7) 3,600 respondents
(8) 1,800 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) APPLICATION TO FILE DECLARATION OF INTENTION
(4) N–300
(5) On occasion
(6) Individuals or households. Form used to determine if applicant is eligible for issuance of declaration.
(7) 4,000 respondents
(8) 2,000 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) AFFIDAVIT OF SUPPORT
(4) I–134
(5) On occasion
(6) Individuals or households. Information used to determine that applicant for benefits will not become a public charge if admitted into the United States.
(7) 44,000 respondents
(8) 14,608 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) APPLICATION OF WAIVER OF GROUNDS
(4) I–601
(5) On occasion
(6) Individuals or households. Form used to determine if applicant is eligible for waiver of excludability.
(7) 3,000 respondents
(8) 1,500 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814

(1) Larry E. Miesse, 202/633–4312
(2) Immigration and Naturalization Service, Department of Justice
(3) WAIVER OF RIGHTS, PRIVILEGES, EXEMPTIONS AND IMMUNITIES
(4) I–508
(5) On occasion
(6) Individuals or households. Information used to determine eligibility of alien applicant to retain status.
(8) 150 burden hours
(9) Not applicable under 3504(h)
(10) Robert Veeder—395–4814.

Larry E. Miesse,

Agency Clearance Officer, Department of Justice.

[FR Doc. 86–24798 Filed 10–31–86; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act; Methodology for Setting Performance Standards in Migrant and Seasonal Farmworker (MSFW) Programs for Program Year 1987

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; proposed method for setting MSFW performance standards; request for comments.

SUMMARY: The Department of Labor is requesting comments on a proposed method for setting performance standards for Migrant and Seasonal Farmworker grantees for Program Year 1987 (July 1, 1987–June 30, 1988).

DATE: Comments must be submitted on or before November 17, 1986.

ADDRESS: Comments should be addressed to the Assistant Secretary of Labor for Employment and Training, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Clayton Johnson, Room N5637.

FOR FURTHER INFORMATION CONTACT: Clayton Johnson, Telephone (202) 535–0685.

SUPPLEMENTARY INFORMATION: Job Training Partnership Act (JTPA) section 402 establishes programs to meet the training and employment needs to migrant and seasonal farmworkers and their dependents. These programs and services are provided through grants made to public agencies and nonprofit organizations as determined by the Secretary of Labor (Secretary) to possess a demonstrated capability to effectively administer these activities within the given states. JTPA section 402 (c)(4) states, "Recipients of funds under this section shall establish performance goals, which shall, to the extent required by the Secretary, comply with performance standards established by the Secretary pursuant to section 106."

Performance standards for JTPA Migrant and Seasonal Farmworker (MSFW) programs were introduced on a trial basis in the last year of the Comprehensive Employment and Training Act (CETA) (Fiscal Year (FY) 83 (October 1, 1982–September 30, 1983)). Performance standards have continued to be used in MSFW programs during the following periods:

Transition Year (TY) 84—October 1, 1983–June 30, 1984
Program Year (PY) 84—July 1, 1984–June 30, 1985
Program Year (PY) 85—July 1, 1985–June 30, 1986
Program Year (PY) 86—July 1, 1986–June 30, 1987.

It should be noted, however, that Federal regulations for JTPA section 402 programs state that "no grantee shall be penalized for not meeting performance standards for program years 1984–86" (20 CFR 633.321 (c)). Therefore, PY 1987 (July 1, 1987–June 30, 1988) will be the first program period during which performance standards results will be used in assessing MSFW grantees for redesignation purposes in PY 1989. Performance standards are one of fourteen (14) responsibility tests that MSFW grantees must meet in being considered for final selection (20 CFR 633.204). By focusing on participant outcomes of the MSFW program,

performance standards complement the other criteria relating to various compliance aspects.

Two performance measures are used for MSFW programs:

- Entered employment rate.
- Cost per entered employment.

In calculating these standards, participants in the "Services Only" programs and youths who obtain an employability enhancement outcome ard excluded and the costs of "Services Only" programs and administrative costs are subtracted from the cost measure.

The entered employment rate (EER) standard reflects the employment orientation of all JTPA programs. A cost per entered employment (CEE) standard holds grantees accountable for using their training funds in a cost effective manner.

Proposed Revisions and the Reasons for Them

Through PY 85, standards were adjusted based on the average performance in eight clusters of grantees, defined by whether more than 50% of the terminees were migrants and four categories of program size (based on allocation levels). Further adjustments were made to the entered employment rate for differences in the unemployment rate by using the adjustments from the JTPA Title II–A model. Adjustments for the unemployment rate were similarly made to the cost per entered employment standard and additional adjustments were also made for the proportion of indirect placements and the local consumer price index.

The use of the clusters to adjust standards created problems because the procedures were fairly ad hoc and thus lacked both statistical and face validity. For example, whether it is appropriate to use Title II–A unemployment rate adjustments for MSFW programs has not been verified. Further, the division of grantees into distinct groups meant that grantees serving 49% migrants were given substantially different standards than those serving 51%. Because of the problems with the clustering approach, an interim procedure was adopted for PY 1986 by which performance standards were set at 100% of each grantee's actual performance in PY 1984 with a 15% end of year variance allowed for both measures.

The rational for performance standards is to motivate grantees to run well-managed, efficient progams. Setting standards based on how well the grantee actually performed in the previous year assumed that service levels and local economic conditions do not change from year-to-year, and that only management quality is reflected in these year-to-year changes in performance. Moreover, it holds grantees harmless for perpetuating poorly managed programs for one year to the next. For a given set of client characteristics and labor market conditions, a grantee who ran a well managed program and, thus, did better in the past year would be given a higher standard than a grantee who runs a poorly-managed program and thus performed poorly last year. Because performance standards are intended to encourage efficient management, standards should distinguish beween well-managed and poorly-managed programs rather than holding the grantees harmless for management quality.

Participant characteristics and local economic conditions may change from year to year so that, for instance, a grantee is faced with meeting the same standard with a more difficult to serve clientele or a more difficult economy. The current approach assumes that each and every grantee can do as well as it did last year and does not account for whatever random or chance events that may also influence how well a grantee performs. For example, a new firm may open in the area, creating a short-term need for new workers that wanes in the following year; participants in one year may, by chance, be easier placed in job openings than the typical participants; additional funding for related programs may be available in one year, but not the next. Consequently, some MSFW grantees found that they could not expect to meet their issued PY 86 standards because of such random events and had to negotiate with DOL for revised standards.

To mitigate problems associated with the negotiation process, the Department of Labor is proposing the use of an adjustment model in setting PY 87 standards. Using historical (TY 84 and PY 84) data, the model identifies a set of factors that strongly influence the performance outcome. It then provides weights to convert differences among grantees on these factors into appropriate adjustments in expected performance levels. The adjustments raise or lower the expected performance level from average performance of all grantees. The adjustment model has the following advantages over the current standard-setting approach:

- The model represents the average influence of factors across all grantees; well managed programs are expected to do better than the model indicates and poorly-managed programs are expected to do worse. Thus, grantees will not be held harmless for poorly-managed programs.
- It allows adjustments to be applied consistently and equitably to all grantees.
- It qualifies the size of adjustments so that, for example, one knows not only that serving primarily a farming community is a justifiable reason for lowering performance standards but also that the standards should be lowered by a specific amount for each percentage point change in farming residents.
- It allows one to add up the adjustments for several factors to determine the net adjustments that should be made to the standards.

Selection of Modeling Factors

The models are designed to adjust expected performance levels for selected participant characteristics and local economic conditions (called "local factors") that are not in the grantees' control and are known to have strong relationships to program outcomes.

Numerous factors reported on the Farmworker Program Annual Status Report (FASR) were examined for inclusion in the model. Statewide economic conditions were constructed from Census and Bureau of Labor Statistics data. The following criteria was used when selecting the factors to be included in each model:

- Management practices were excluded because they are regarded as within the control of program managers, not beyond their control.
- There must be some variation on the factor, that is, in service levels or local economic conditions, among grantees.
- The relationship between the factor and the performance measure made intuitive sense.
- The factor was strongly related to the performance outcomes.
- Measures of the factor were objective and easily quantifiable.
- For statewide economic conditions, published data were available nationwide.

The following 15 factors are included in the PY 87 MSFW models:

Local factors (percent)	Model—	
	EER	CEE
Migrants	x	x
Females		x
Aged 14 to 21	x	x
Elementary School Dropouts	x	x
Blacks	x	x
Hispanic	x	x
Indian or Native American		x
Asian or Pacific Islander	x	x
Limited English Language proficiency.	x	x
Welfare recipient	x	x

Local factors (percent)	Model—	
	EER	CEE
Unemployed	x	x
Average Weeks Participated		x
Unemployment rate in State		x
Population living on farms	x	x
Median Family Income (000)		x

Models are derived from the past average performance of grantees (*e.g.*, TY 84 and PY 84 experience was used in estimating the PY 87 models). Such an approach is quite appropriate because the relationships between grantee performance and local factors remain fairly stable over time. The model weights represent the size and direction of each local factor's effect on the performance outcome when the other factors in the model are also taken into account. The following relationships between local factors and performance measures are identified in the PY 87 models:

- Migrants have somewhat higher entered-employment rates than seasonal farmworkers, presumably because the labor markets for seasonal farmworkers are more depressed immediately after they leave the program in the off-season; however, the cost per entered employment is somewhat higher for serving migrants, perhaps because they require more extensive training to find work in other industries.
- Youths under 21 have significantly lower entered employment rates than do older terminees; serving more youths is associated with lower costs, however, perhaps because these individuals are served more often in public schools or because funds from additional programs are available to supplement JTPA funds.
- Similarly, dropouts with less than 8 grades of education have lower entered employment rates than do individuals with more education, but the cost per entered employment is less for serving such individuals.
- Blacks, Hispanics and Asians have lower entered employment rates than do whites, and serving these groups is associated with higher costs per entered employment.
- Individuals with limited English-language proficiency have lower entered employment rates and are associated with higher costs per entered employment.
- Welfare recipients have lower entered employment rates and are associated with higher costs per entered employment.
- Individuals who were unemployed prior to entry have higher entered employment rates and are associated with somewhat lower costs per entered employment.
- Grantees in states with a greater proportion of the population living on farms have somewhat lower entered employment rate and higher costs per entered employment.

The following variables were added to the cost per entered employment model because they had strong or intuitively reasonable relationships only to that outcome:

- Grantees serving more females had somewhat higher cost per entered employment.
- Grantees serving more Indian and Native Americans had somewhat higher cost per entered employment.
- Grantees in states with higher unemployment rates had higher costs per entered employment.
- Grantees in states with higher median family incomes, and presumably higher living costs, had higher costs per entered employment.
- Grantees where the successful participants, on average, have longer training times have higher cost per entered employment.

Some factors are excluded from the models, for example, program mix was excluded to hold grantees accountable for the program-activity mix they provide. Providing the appropriate mix of program activities to meet the changing needs of the clients is an important management responsibility.

Other factors are excluded from the models because grantees serve very similar (and usually very small) proportions of individuals with those characteristics. Participant characteristics excluded because of little variation are: Single head of household and handicapped.

Some factors were included in a model for one of the outcomes but excluded from the other because their adjustments in the latter did not make sense from a programmatic perspective. Thus, females were excluded from the entered employment rate because including them would have generated higher expected performance.

Several variables measuring local economic conditions were examined but were excluded from the recommended models because they did not have significant relationships with the performance measures. These variables include population density, average annual earnings in the State, the unemployment rate in the local area, percent employed in manufacturing, percent of land in farms and percent of farm revenues from crops. The lack of a strong relationship between many economic conditions and program performance is probably due to the use of statewide data.

The recommended performance goals are calculated as differences from the national average performance. The national average performance represents the outcome of serving participants with average characteristics in local areas with average conditions. Thus, a grantee's performance adjustments will depend on how different its service levels and economic conditions are from the national averages of these local factors. The national average levels, excluding services only, of the factors used in the models to calculate the PY 87 performance goals are:

% Migrants	21.1
% Females	32.7
% Aged 14 to 21	31.6
% Elementary School Dropouts	23.7
% Black	19.4
% Hispanic	44.5
% Indian or Native American	3.2
% Asian or Pacific Islander	4.4
% Limited English Proficiency	17.7
% Welfare recipients	11.7
Average Weeks Participated	17.1
Unemployment rate in State	7.1
% of population living on Farms	45.7
Median Family Income (000)	19.5

These national averages of services levels are *not* meant to indicate that grantees should strive to serve those proportions of participants. These average service levels are used only to determine whether a grantee is serving more hard-to-serve participants than average and thus should receive lower than average performance goals, or whether the grantee is serving fewer hard-to-serve participants than average and thus should receive somewhat higher than average performance goals.

Because the use of an adjustment model may yield substantially different standards for some grantees than they received from previous standards-setting approaches, the Department of Labor will include past performance in the setting of standards for the first year of model use in PY 87. Under this weighted average approach, grantees' expected performance derived from the model and past performance would be weighted and combined to yield a new expected performance level that is a compromise between the two. A weight for past performance was statistically derived to best predict performance. Weights for past performance are 47% for the EER standard and 45% for the CEE standard.

The adjustment model will provide:

- *A recommended performance goal for each outcome measure.* This recommended goal will fall at an average performance level given the participant characteristics and local

economic conditions of that grantee. As an average performance level, fifty per cent of grantees facing these same conditions can be expected to perform below this recommended goal.

• *A standard set below the recommended goal to reflect a minimally acceptable level of performance.* The standard identifies the performance a grantee must achieve to meet the responsibility test at 20 CFR 633.204(a)(5). Consistent with grantees' rate of failure to meet standards in the past, the performance standard will be set so that, unless grantees improve their performance relative to the conditions they face, 15% will perform below the standard.

No end of year variance will be allowed below this minimally acceptable standard, as was applied in the past. Thus, grantees should aim their planned performance at or above the recommended goal level calculated by the model. By planning and maintaining performance at the recommended goal level during the year, grantees can accommodate possible changes in actual service levels and local economic conditions during the year that may cause an overlooked increase in the grantee's minimum standard when it is recalculated at year end.

• *A level of exemplary performance* designated at such a level above which only 15% of grantees would be expected to perform above, unless they improve their performance relative to the conditions they face.

Minimally acceptable performance standards and exemplary levels of performance are uniquely established for each grantee taking into account the number of their terminees. Minimally acceptable standards will be set further below the recommended goal for smaller grantees than for larger grantees. Exemplary levels of performance will be set closer to the recommended goal for larger grantees than for smaller grantees.

The proposed standard setting system does *not* provide a fixed set of numbers—average expected, minimally acceptable, and exemplary performance—at the beginning of the year to be targeted by grantees throughout the year. Rather, it provides a model that may generate varying goals and standards depending upon each grantee's participant characteristics and local economic conditions. Service levels and local conditions will change during the year and grantees should monitor revised estimates of their performance goals and standards so that they will not be caught short when standards are recalculated on actual service levels shown in the Annual Status Reports at the end of the year.

The National Office will provide each grantee with initial performance levels—recommended goal, minimally acceptable performance standard, and exemplary performance—calculated using actual service levels reported on the PY 85 Annual Status Reports. These calculations will be included as part of the Annual Plan instructions for PY 87 issued in early calendar year 1987. Grantee performance will be judged, however, not by the initial calculations used for their planned service levels, but by model results using actual service levels reported at the end of the program year. At year end, grantees will submit their Annual Status Reports showing actual service levels and obtain their final performance levels once the National Office recalculates the model results.

A Farmworker Bulletin is being transmitted to all current JTPA Section 402 grantees containing sample worksheets that illustrate how the model adjustments are computed for their PY 84 local factors and how the grantee's past performance would be credited as part of the calculation process. Based on these, their performance standards and recommended performance goals will be estimated. The Employment and Training Administration National Office will perform worksheet computations for all grantees; however, individual grantees may wish to familiarize themselves with the worksheets for each measure. They can, of course, update the worksheets with more current service levels (PY 85 or PY 86 planning data) than the National Office can provide at this time in order to obtain a better estimate of the PY 87 standards.

Signed at Washington, DC, this 28th day of October 1986.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 86-24736 Filed 10-31-86; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International Programs; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for International Programs.

DATES: November 17, 1986, 9:00 a.m. to 5:30 p.m. November 18, 1986, 9:00 a.m. to 12:30 p.m.

PLACE: American Association for the Advancement of Science; 1333 H St. NW., Washington, DC; 10th floor Board Room

TYPE OF MEETING: Open.

CONTACT PERSON: Mr. Richard J. Green, Acting Director, Division of International Programs, National Science Foundation, Wasington, DC 20550 Telephone (202) 357-9552

SUMMARY OF MINUTES: May be obtained from Contact Person.

PURPOSE OF MEETING: To provide advice, recommendations, and oversight related to support for international cooperation in science and engineering.

AGENDA: Opening remarks; review of activities during the past year both by the Committee and the National Science Foundation with focus on the August 1986 topical report, *Science, Technology, and Foreign Relations: The National Science Foundation's Role;* and the September 1986 *Report of the External Peer Review Group.* The Committee plans to meet with NSF management, other government agency officials and Congressional representatives.

M. Rebecca Winkler,

Committee Management Officer.

October 28, 1986.

[FR Doc. 86-24751 Filed 10-31-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-335]

Florida Power & Light Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from the requirements of Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," 10 CFR Part 50, to Florida Power and Light Company (the licensee), for the St. Lucie Plant, Unit No. 1, located in St. Lucie County, Florida.

Environmental Assessment

Identification of Proposed Action: The exemptions are related to Sections III.G and III.J of Appendix R to 10 CFR Part 50. Section III.G requires fire protection features to protect structures, systems, and components important to safe shutdown. This protection can be obtained by separation, utilizing fire barriers, installation of fire suppression systems, and enclosure of cable and equipment. Section III.J requires emergency lighting with at least an 8-hour battery power supply for all plant areas needed for operation of safe

shutdown equipment and in access and egress routes associated with this equipment. The requested exemptions related to specific instances where plant design features are not in accordance with the above fire protection requirements.

These exemptions were requested by the licensee in applications for exemptions, pursuant to 10 CFR Part 50, § 50.12 dated December 14, 1983, November 28 and December 31, 1984, and February 21, 1985.

The Need for the Proposed Action: The proposed exemptions are needed because the features described in the licensee's request regarding the existing fire protection at their plant for these items are the most practical method for meeting the intent of Appendix R and literal compliance would not significantly enhance the fire protection capability.

Environmental Impacts of the Proposed Action: The proposed exemptions will provide a degree of fire protection that is equivalent to that required by Appendix R for other areas of the plant such that there is no increase in the risk of fires at this facility. Consequently, the probability of fires has not been increased and the post-fire radiological releases will not be greater than previously determined nor do the proposed exemptions otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemptions.

With regard to potential non-radiological impacts, the proposed exemptions involve features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no signficiant non-radiological environmental impacts associated with the proposed exemptions.

Alternative Use of Resources: This action involves no use of resources not previously considered in the Final Environmental Statement (construction permit and operating license) for the St. Lucie Plant Unit No. 1.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of human environment.

The Commission has determined not to prepare an environmental impact statement for the proposed exemptions.

For further details with respect to this action, see the applications for the exemptions dated December 14, 1983, November 28 and December 31, 1984, and February 21, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland this 27th day of October 1986.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, PWR Project Directorate #8, Division of PWR Licensing-B.

[FR Doc. 86-24807 Filed 10-31-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

Mississippi Power and Light Co., Middle South Energy, Inc., South Mississippi Electric Power Association; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-29 issued to Mississippi Power and Light Company (MP&L), Middle South Energy, Inc. (MSE) (now renamed System Energy Resources, Inc., SERI), and South Mississippi Electric Power Association (SMEPA) for operation of the Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi.

The proposed amendment would change the Grand Gulf Nuclear Station, Unit 1 (GGNS) facility operating license and pages 6-3 and 6-9 of the facility Technical Specifications (TS's) to reflect the transfer of authority to control and operate the GGNS from MP&L to SERI in accordance with the licensee's application for amendment dated September 2, 1986 and as amended on October 4, 13 and 24, 1986.

In addition to the submittal of an application for amendment of the license pursuant to 10 CFR 50.90, the licensees have also submitted, pursuant to 10 CFR 50.80, an application for transfer of control of the licensed activities to System Energy Resources, Inc. The NRC staff's review of the application will address those issues necessary for both the issuance of the license amendment pursuant to 10 CFR 50.90 and for approval of transfer of control of licensed activities pursuant to 10 CFR 50.80.

Ownership of the GGNS remains unchanged, being 90 percent owned by MSE/SERI and 10 percent owned by SMEPA. SMEPA's role in this transfer is completely unchanged. The entire Nuclear Production Department, now a part of MP&L, will transfer, with no significant changes, to SERI. All of the costs, capacity and energy associated with SERI's 90 percent share of GGNS Unit 1 remain allocated to the Middle South Utilities system operating companies, Arkansas Power & Light Company, MP&L, Louisiana Power and Light Company and New Orleans Public Service, Inc.

The licensees propose that the application be considered in two parts. The first part will deal with a technical amendment which reflects transfer of control and operational responsibilities from MP&L to SERI. The second part will deal with consideration of the antitrust conditions presently embodied in the license. Accordingly, the Commission proposes to proceed with issuance of an amendment to the facility operating license which transfers control and operational responsibilities to SERI and also continues to hold MP&L and SERI to the terms of the existing antitrust conditions pending completion of review of the antitrust considerations of this amendment request.

The licensees have addressed in their application and the NRC review will include consideration of the following technical issues: Financial resources, technical qualifications of the proposed SERI staff, continuation of assured sources of offsite power in compliance with GDC-17, continuation of an adequate level of emergency preparedness and planning, and continuation of authority to control activities within the site exclusion area in compliance with 10 CFR Part 100.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a

significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

With regard to (1) above the administrative changes to the facility operating license and the TS's to transfer control and operational responsibilities from MP&L to SERI does not increase the probability or consequences of an accident previously evaluated.

The changes to the license and to the TS's are limited to changing the designation of the licensee responsible for control and operations from MP&L to SERI and to changing the title of the President and Chief Operating Officer to President and Chief Executive Officer. There are no changes in the design of the plant and there is no impact on the safety analyses of Chapter 15 of the Final Safety Analysis Report.

There are no significant changes in the technical qualifications of the site and corporate staffs to be provided for the operation of the GGNS since virtually the entire onsite plant operating staff and virtually the entire corporate technical and managerial staffs of MP&L previously associated with the GGNS will transfer to SERI.

As a result of the proposed change SERI would be both the owner of 90 percent of the plant and the operator of the plant. MP&L would own the 500KV and 115KV switchyards, which are located on the plant site, and the associated transmission lines. Therefore, the proposed change was evaluated with respect to the control that the plant operating staff would have over the offsite power supplies to ensure provision of two independent sources of offsite power in compliance with the requirements of GDC–17, "Electric Power System." The licensee has provided information showing that the provision of offsite power to the Grand Gulf Nuclear Station, pursuant to a previously established contract between MSE/SERI as part owner of the plant and MP&L as owner of the transmission facilities and portions of the switchyard, remains unchanged and that the present compliance with GDC–17 is not changed. The licensee has also stated that a contractual agreement will be developed to define the interface between MP&L and SERI with respect to operation, maintenance, outages and future design changes. These agreements will constitute commitments by SERI which will also be incorporated into the FSAR. These agreements and commitments will ensure that the design and operation of the offsite power supplies, will continue to meet the requirements of GDC 17, and that any future changes will be reviewed by SERI consistent with the requirements of the Commission's regulations.

As a result of the proposed change SERI would have the responsibility for operation of the plant including control of activities within the exclusion zone including interfacing MP&L activities associated with the transmission lines and the two switchyards owned by MP&L which are within the exclusion zone. The licensees state that a contractual agreement will be established between MP&L and SERI which will recognize this interface and will specify that SERI has authority to exercise control over activities on any MP&L property within the exclusion area.

The proposed change will require a transferral of responsibility for emergency planning and preparedness from MP&L to SERI. This will be performed for SERI largely by the present Nuclear Production Department staff of MP&L which will transfer to SERI. However certain physical and personnel resources, limited to support in administrative areas but not inclusive of decision making authority, will continue to be provided by MP&L in support of these activities. The licensee states that decisional responsibilities related to accident recognition and classification, mitigative and corrective actions, radiological assessment and protective action recommendations and coordination with state and local authorities will rest with SERI personnel. The licensee has provided a description of an Emergency Preparedness Transition Plan specifying how the transition will be accomplished. Those resources required by SERI from MP&L for the uninterrupted continuation of emergency planning and preparedness activities will be specified in a contractual agreement between SERI and MP&L.

Thus, there are insignificant changes to the design of the plant, the safety analyses, the personnel to operate the plant and provisions will be made to ensure the continued adequacy of areas affected by the proposed change including offsite power supplies, control of access to the exclusion area and offsite emergency planning and preparedness. Therefore, the proposed change would not involve a significant increase in the probability or consequences of an accident previously evaluated.

With regard to (2) above the licensee states that the change from having MP&L operate the plant as an agent for MSE/SERI to having SERI operate the plant as its own agent using virtually the entire staff from MP&L previously involved in the operation of the GGNS will not create the possibility of a new or different kind of accident. The plant design, the licensing basis as specified in the FSAR as amended, the conditions for operation as set forth in the license and the TS's, the operating and emergency procedures are all unchanged. The design of the offsite power supply system, including the switchyards and transmission yards owned by MP&L is unchanged and provisions have been made whereby future changes which may be contemplated will be reviewed by SERI consistent with the requirements of the Commission's regulations.

The Nuclear Production Department, now in MP&L will continue, as the SERI staff, to control access to the exclusion area including those parts of the exclusion area which will continue to be owned by MP&L. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

With regard to (3) above the changes to the license and to the TS do not reduce the margin of safety. The purpose of the change is to effect the transfer of authority to control and operate the plant from MP&L, as MSE/SERI's agent, to SERI. The licensee's application does not involve any changes to the operating criteria as specified in the TS's nor does it involve any changes in the plant's design. The plant site and corporate staff in MP&L's Nuclear Production Department will be transferred virtually intact to SERI, thus there will be no significant reduction of the base of experience of those operating the plant. The significant financial aspects of supporting the operation of the plant appear to be unchanged and the economic regulatory authority over the plant's operation are unchanged in this regard. The offsite power supply system is unchanged and provisions will be made whereby future changes will be reviewd by SERI consistent with the requirments of the Commission's regulations. Control of access to the exclusion area will continue to be performed by the staff presently responsible for operation of the plant. Emergency planning and preparedness responsibilities will continue to be met by the staff currently responsible for these activities with some limited administrative support resources to be provided, under contractual agreement, by MP&L. Therefore no margin of safety is significantly reduced by this action.

On these bases, the Commission proposes to determine that the proposed amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Copies of comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

By December 3, 1986, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceedings, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, BWR Project Directorate No. 4, Division of BWR Licensing: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell, and Reynolds, 1200 17th Street NW., Washington, DC 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 2, 1986, as amended and supplemented on October 4, 13 and 24, 1986, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Bethesda, Maryland, this 29th day of October 1986.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, BWR Project Directorate No. 4, Division of BWR Licensing.

[FR Doc. 86-24806 Filed 10-31-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-7444]

Issuer Delisting; Application To Withdraw From Listing and Registration; Oakwood Homes Corp.

October 28, 1986.

Oakwood Homes Corporation ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the Common Stock, Par Value $.50, from listing and registration on the American Stock Exchange, Inc. ("Amex"). The Company's stock was recently listed and registered on the New York Stock Exchange Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of such securities on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its securities.

Any interested person may, on or before November 19, 1986, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-24816 Filed 10-31-86; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

October 28, 1986.

The above named national securities exchange has filed application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

Burroughs Corporation
Series A Cumulative Convertible Preferred Stock, $1.00 Par Value (File No. 7-9313)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 19, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-24815 Filed 10-31-86; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[CM-8/1018]

Shipping Coordinating Committee; Meeting

The Shipping Coordinating Committee will conduct an open meeting on 12 November 1986 at 0930 in Room 3310 of U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The purpose of the meeting is to consider the U.S. position for the First Session of IMO/UNCTAD Joint Intergovernmental Group of Experts on Maritime Liens and Mortgages and Related Subjects.

At its 56th Session, the IMO Legal Committee considered an UNCTAD proposal to form a joint IMO/UNCTAD intergovernmental group of experts to consider the subject of maritime liens and mortgages and related subjects. This proposal was endorsed by the Legal Committee and approved by IMO Council. The group will meet alternatively in Geneva and London utilizing the scheduled meeting time of the UNCTAD International Shipping Legislation Working Group and a portion of the scheduled meeting time of the IMO Legal Committee. The first meeting is scheduled for 1-12 December 1986 in Geneva.

The Joint Intergovernmental Group of Experts will conduct a broad examination of the subject of maritime liens and mortgages and related subjects, including the possible consideration of:

1. The review of the maritime liens and mortgages Conventions and related enforcement procedures, such as arrest;

2. The preparation of model laws or guidelines on maritime liens, mortgages and related enforcement procedures, such as arrest; and

3. The feasibility of an international registry of maritime liens and mortgages.

IMO and UNCTAD have identified the following major objectives as deserving of priority consideration in any investigations regarding possible international action on maritime liens and mortgages:

1. To encourage ship financing by affording appropriate protection to persons providing finance;

2. To afford protection in respect of settled claims;

3. To encourage the provision of services to ships;

4. To protect the ship against multiple actions; and

5. To minimize the potential encumbrances to ship operation.

Members of the public are invited to attend the meeting, up to the seating capacity of the room.

For further information pertaining to the issues to be discussed at the Shipping Coordinating Committee meeting, contact Captain Frederick F. Burgess, Jr., U.S. Guard (G-LMI), Washington, DC, 20593, telephone (202) 267-1527.

Dated: October 16, 1986.

Richard C. Scissors,

Chairman, Shipping Coordinating Committee.

[FR Doc. 86-24749 Filed 10-31-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements submitted to OMB on October 28, 1986

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements imposed upon the public which were transmitted by the Department of Transportation on October 28, 1986, to the Office of Management and Budget (OMB) for its approval in accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

FOR FURTHER INFORMATION CONTACT: John Chandler, Annette Wilson, or Cordelia Shepherd, Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366–4735, or Gary Waxman or Sam Fairchild, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, DC 20503, (202) 395–7340.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of Management and Budget (OMB) for initial, approval, or for renewal under that act. OMB reviews and approves agency submittals in accordance with criteria set forth in that act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements. OMB approval of an informationa collection requirement must be renewed at least once every three years.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the "For Further Information Contact" paragraph set forth above. Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the "For Further Information Contact" paragraph set forth above. If you anticipate submitting substantive comments, but find that more than 10 days from the date of publication are needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB on October 28, 1986.

DOT No. 2801
OMB No. 2127–0512
By: National Highway Traffic Safety Administration
Title: Consolidated Labeling Requirements for Motor Vehicles (Except the VIN Numbers) 49 CFR 571.105, 571.205, 571.209, and Part 567
Form(s): None
Frequency: On occasion
Respondents: Manufacturers of motor vehicles, glazing, seat belt assemblies and hydraulic brakes
Need/Use: Motor vehicles and motor vehicle equipment must be properly labeled to provide for safe operation by users and to ensure prompt identification of such equipment in the event of safety related defects.

DOT No. 2803
OMB No. 2106–0009
By: Office of the Secretary of Transportation—Aviation
Title: Part 221—Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers
Form(s): None
Frequency: As needed
Respondents: U.S. air carriers and foreign air carriers
Need/Use: Section 403 of the Federal Aviation Act of 1958, as amended, requires that every U.S. and foreign air carrier file, publish and make available to the public, tariffs for points served.

DOT No. 2805
OMB No. 2120–0005
By: Federal Aviation Administration
Title: General Operating and Flight Rules
Form(s): FAA Form 91
Frequency: On occasion
Respondents: Individuals, State and local Government and businesses
Need/Use: FAA Act of 1958, section 307 (49 U.S.C. 1348), authorizes issuance of regulations governing the use of navigable airspace. 14 CFR Part 91 prescribes regulations governing the general operation and flight of aircraft. Information is collected to determine compliance. Respondents are individual airmen, state and local government and businesses.

DOT No. 2806
OMB No. 2120–0034
By: Federal Aviation Administration
Title: Medical Standards and Certification—FAR 67
Form(s): FAA Forms 8500–7, 8, 14, 20
Frequency: On occasion
Respondents: Individuals
Need/Use: FAA Act of 1958, section 602, requires airmen to be physically able to perform the duties of the certificate sought. 14 CFR Part 67, prescribes minimum airman medical standards. Information collected shows applicant eligibility.

DOT No. 2807
OMB No. 2127–0006
By: National Highway Traffic Safety Administration
Title: Fatal Accident Reporting System (FARS)
Form(s): HS–214, 214A and 214B
Frequency: On occasion
Respondents: States
Need/Use: The (FARS) is a census of all fatal motor vehicle accidents in the U.S. Data is extracted from existing state records and automated for the agency's use in highway and motor vehicle safety problems, identification, travel analyses and program evaluation.

DOT No. 2808
OMB No. New
By: Federal Aviation Administration
Title: Impact of Interim Voice Response System (IRVS) on FSS Briefings
Form(s): None
Frequency: One-time survey
Respondents: Pilots
Need/Use: The information will be used to determine the impact of the Interim Voice Response System (IRVS) on specialist workload at the Philadelphia FSS. This survey represents an initial step in the process of drawing reliable inferences about the relationship between IRVS use and specialist workload on a national scale. Registered pilots in the metro Philadelphia area will be contacted.

DOT No. 2809
OMB No. 2115–0543
By: United States Coast Guard
Title: Regulations. Certificates of Adequacy for Chemical Reception Facilities
Form(s): CG–5401A and 5401B
Frequency: On occasion
Respondents: Ports and terminals used by oceangoing ships which handles MARPOL regulated chemicals
Need/Use: This information collection requirement is needed and used to: (1) Determine whether proposed reception facilities are adequate to receive wastes which ships cannot discharge at sea (2) grant waivers in particular circumstances: (3) provide

Coast Guard with necessary changes for publication in the **Federal Register**; and (4) evaluate an appeal of Coast Guard's action.

DOT No. 2810
OMB No. 2127–0510
By: National Highway Traffic Safety Administration
Title: Consolidated Vehicle Identification Number Requirements and Vehicle Theft Prevention Standards. (49 CFR Parts 541, 565 and 567).
Form(s): None
Frequency: On occasion
Respondents: Business/small business
Need/Use: These standards specify physical requirements for the Vehicle Identification Number, its installation, format, and content to simplify information retrieval, and increase the efficiency of defect recall campaigns. Manufacturers must label major component parts of designated high-theft car limits with the VIN and mark certain replacement parts with the letter "R".

DOT No. 2811
OMB No. 2115–0539
By: United States Coast Guard
Title: Special Requirements for Cargo Lightering Operations
Form(s): N/A
Frequency: On occasion.
Respondents: Owners, agents and master of tank vessels
Need/Use: This information collection requires the advance notice of lightering operations. The Coast Guard uses the information to monitor lightering activities, conduct inspections and to enforce regulations. It is also used for responding to emergencies and to minimize the environmental damage of oil or hazardous materials spill.

DOT No. 2812
OMB No. 2115–0083
By: United States Coast Guard
Title: Operations Manual/Amendment to Operations Manual
Form(s): None
Frequency: On occasion.
Respondents: Businesses—Bulk Oil Facilities
Need/Use: This information collection is needed to establish and amend procedures for transferring oil to reduce the number of oil spills caused by defective procedures and human error. The information is used to prevent oil spills and control and decrease the effects of spills that occur.

DOT No. 2813
OMB No. 2115–0069
By: United States Coast Guard
Title: Continuous Discharge Book
Form(s): 719A
Frequency: On occasion.
Respondents: Merchant Seamen
Need/Use: This information collection requirement is needed to ensure compliance with Federal marine safety laws. It is used by shipping companies to establish the qualifications of personnel employed aboard merchant vessels. It is further used by foreign governments to establish bona fides of personnel entering their ports.

DOT No. 2814
OMB No. 2115–0053
By: United States Coast Guard
Title: Request for Designation and Exemption of Oceanographic Vessels
Form(s): N/A
Frequency: On occasion.
Respondents: Oceanographic vessel operators
Need/Use: This information collection requirement is needed and used by the Coast Guard to designate certain oceanographic research vessels as exempt. This relieves those vessels from specific regulatory requirements, thereby promoting oceanographic research.

DOT No. 2815
OMB No. 2137–0039
By: Research and Special Programs Administration
Title: Hazardous Materials Incident Report
Form(s): DOT F–5800.1
Frequency: On occasion.
Respondents: Carriers of hazardous materials
Need/Use: MTB uses this information to evaluate the adequacy of existing regulation and to determine when Federal action is needed for clean-up or emergency response.

DOT No. 2816
OMB No. 2115–0130
By: United States Coast Guard
Title: Plan Approval and Records for Cargo and Miscellaneous Vessels.
Form(s): N/A
Frequency: On occasion.
Respondents: Shipbuilders, owners, designers and operators
Need/Use: This information collection is necessary to allow the Coast Guard to determine compliance with applicable regulations. This information is used by the Coast Guard to determine if the vessel's construction, arrangement and equipment meet the applicable marine safety regulations. Review of the plans prior to construction assures the vessel owner or builder that the vessel will meet the regulatory standards, if built according to the plans. This requirement also provides sufficient information to vessel operating personnel for the safe and proper operation of the vessel.

Issued in Washington, DC on October 28, 1986.

John E. Turner,

Director of Information Resource Management.

[FR Doc. 86–24822 Filed 10–31–86; 8:45 am]

BILLING CODE 4910–62–M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ending October 24, 1986

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 44429

Date Filed: October 20, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 3, 1986

Description: Conforming Application of Eastern Air Lines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity so as to authorize service between the coterminal points New York and Miami and the terminal point Caracas, Venezuela.

Docket No. 44430

Date Filed: October 20, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 17, 1986

Description: Application of Aerial Transit Company pursuant to section 401 of the Act and Subpart Q of the Regulations requests an amendment of its foreign air transport certificate authorizing it to perform scheduled all-cargo air transportation between points in the one hand, and Honduras and El Salvador on the other.

Docket No. 44435

Date Filed: October 21, 1986

Due Date for Answers, Conforming Application, or Motions to Modify Scope: November 18, 1986

Description: Application of Carga Aero Transportada, S.R.L., pursuant to section 402 of the Act and Subpart Q of the Regulations applies for a foreign air carrier permit to engage in charter foreign air transportation of property and mail between a point or points in the Republic of Bolivia and a point or points in the United States, with blind sector traffic rights, as specified.

Docket No. 44439

Date Filed: October 23, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 20, 1986

Description: Application of Tower Air, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations applies for a certificate of public convenience and necessity (or amendment of its current certificate) authorizing it to engage in scheduled foreign air transportation of persons, property and mail, or a permissive basis, between New York, N.Y., on the one hand, and Copenhagen, Denmark, on the other hand.

Docket No. 43284

Date Filed: October 23, 1986

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: November 20, 1986

Description: Application of P.T. Garuda Indonesia pursuant to section 402 of the Act and Subpart Q of the Act, requests permission to amend its existing permit to add Manado, Indonesia as an additional point on the Denpasar—Guam route.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-24795 Filed 10-31-86; 8:45 am]

BILING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ending October 24, 1986

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44446

Parties: The Civil Aviation Administration of China; The Flying Tiger Line Inc.

Date Filed: October 23, 1986.

Subject: Joint Application of The Civil Aviation Administration of China and The Flying Tiger Line Inc. pursuant to sections 412 and 414 of the Act, requests approval of an agreement and grant of antitrust immunity to develop wide-body cargo charter services to and from the People's Republic of China.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 86-24799 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

[Docket No. IP86-10; Notice 1]

General Motors Corp.; Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corporation, of Warren, Michigan, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S5.3.2 of Federal Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems*, gives the activation requirements for brake systems indicator lamps. "All indicator lamps shall be activated as a check of lamp function, either when the ignition (start) switch is turned to the "on" (run) position when the engine is not running, or when the ignition (start) switch is in a position between "on" (run) and "start" that is designated by the manufacturer as a check position."

General Motors Corporation produced 11,316 Rivieras prior to mid-May 1986, that do not comply with paragraph S5.3.2 of Federal Motor Vehicle Safety Standard No. 105. The noncompliance was attributed to an oversight during development of Body Control Module software and has been corrected. On these vehicles, a lamp check function is provided with the application of the parking brake. In addition, a check of lamp function will activate (a) automatically upon entering the vehicle after pressing the outside door handle button, and (b) manually when a TEST button on the instrument panel cluster is pressed. General Motors believes that these provisions enable the operator to verify that the brake system indicator lamp is working properly and, therefore, the noncompliance is inconsequential.

Interested persons are invited to submit written data, views and agruments on the petition of General Motors, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filled and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: December 3, 1986.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: October 29, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-24820 Filed 10-31-86; 8:45 am]

BILLING CODE 4910-59-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B, notice is hereby given of the exemptions granted in August 1986. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3142-X	DOT-E 3142	U.S. Department of Energy, Washington, DC.	49 CFR 173.24(a)(1)	To authorize shipment of nonflammable compressed gases in DOT Specification 3A1800 or 3A2000 cylinders, from which a controlled flow of gas is released to a leak calibration apparatus (Modes 1, 2).
3330-X	DOT-E 3330	General Electric Co., Schenectady, NY.	49 CFR 173.214(b), 173.214(d).	To authorize use of non-DOT specification insulated containers overpacked in DOT Specification 17C, 17H, or 37A metal drums, for transportation of certain flammable solid materials. (Modes 1, 2).
3941-X	DOT-E 3941	Aerojet Strategic Propulsion Co., Sacramento, CA.	49 CFR 173.239a(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminium portable tanks. (Modes 1, 2).
3941-X	DOT-E 3941	Aerojet Tactical Systems Co., Sacramento, CA.	49 CFR 173.239a(a)(2)	To authorize transport of ammonium perchlorate in non-DOT specification aluminim portable tanks. (Modes 1, 2).
4734-X	DOT-E 3734	General Electric Co., Waterford, NY.	49 CFR 173.119(m), 173.135(a)(9), 173.136(a)(8), and 173.260(a)(8).	To authorize use of modified DOT Specification MC-331 cargo tanks, for transportation of certain flammable liquids and corrosive materials. (Mode 1).
5704-X	DOT-E 5704	Aerojet General Corp., Sacramento, CA.	49 CFR 173.62, 173.93(e)	To authorize transport of certain Class A and B explosives in prescribed non-DOT specification steel drums. (Modes 1, 2, 3).
6118-X	DOT-E 6418	Western Farm Service, Inc., Walnut Creek, CA.	49 CFR 173.357(b)	To authorize use of DOT Specification MC-303, MC-304, MC-306, MC-307, MC-310 or MC-312 steel cargo tanks for transportation of Class B poisonous liquids. (Mode 1)
6418-X	DOT-E 6418	Great Lakes Chemical Corp., West Lafayette, IN.	49 CFR 173.357(b)	To authorize a liquid mixture containing 67.7 percent chloroicrin, Class B poison, as an additional commodity for shipment in certain DOT Specification cargo tanks, (Mode 1)
6442-X	DOT-E 6442	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.53(k), 173.87	To authorize transport of a 155mm high explosive projectile containing either a corrosive or flammable liquid in metal cannister with an inner polyethylene container. (Modes 1, 2)
6518-P	DOT-E 6518	Texas Alkyls, Inc., Westport, CT.	49 CFR 172.101, 172.302, 173.119, 173.134, and 173.154.	To become a party to Exemption 6518. (Modes 1, 3)
6530-X	DOT-E 6530	The Great Plains Welding Supply Co., Cheyenne, WY.	49 CFR 173.302(c)	To authorize shipment of hydrogen and mixtures of hydrogen with helium, argon or nitrogen in DOT Specification 3A, 3AA, 3AX or 3AAX steel cylinders. (Modes 1, 2)
6538-X	DOT-E 6538	Hanco International, Inc., Miami, FL.	49 CFR 173.304(d)(3)(ii), 178.33.	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3)
6538-X	DOT-E 6538	Optimus, Inc., Bridgeport, CT.	49 CFR 173.304(d)(3)(ii), 178.33.	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3)
6538-X	DOT-E 6538	Pan Products Inc., Macedonia, OH.	49 CFR 173.304(d)(3)(ii), 178.33.	To authorize use of a non-DOT specification inside nonrefillable metal container, for transportation of a certain flammable gas. (Modes 1, 3)
6543-X	DOT-E 6543	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, and 175.3.	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, 4)
6543-X	DOT-E 6543	Texas Instruments, Inc., Dallas, TX.	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, and 175.3.	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, 4)
6543-X	DOT-E 6543	Corning Glass Works, Corning, NY.	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, and 175.3.	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, 4)
6610-X	DOT-E 6610	ARCO Chemical Co., Pasadena, TX.	49 CFR 173.221	To authorize shipment of an organic peroxide in DOT Specification 111A100W6 tank cars and MC-307 cargo tanks. (Modes 1, 2)
6610-X	DOT-E 6610	Catalyst Resources, Inc., Elyria, OH.	49 CFR 173.221	To authorize shipment of an organic peroxide in DOT Specification 111A100W6 tank cars and MC-307 cargo tanks. (Modes 1, 2)
6651-X	DOT-E 6651	Enthone, Inc., West Haven, CT.	49 CFR 173.28(h), 173.28(m)	To authorize one-time reuse of involved single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1)
6651-X	DOT-E 6651	Heatbath Corp. Chicago, IL	49 CFR 173.28(h), 173.28(m)	To authorize one-time reuse of involved single-trip containers, for transportation of certain Class B poisonous solids. (Mode 1)
6694-X	DOT-E 6694	Eurotainer, S.A., Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, 3)
6694-X	DOT-E 6694	Arbel-Fauvet-Girel, Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, 3)
6695-X	DOT-E 6695	Arbel-Fauvet-Girel, Paris, France.	49 CFR 173.315	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of nonflammable gases. (Modes 1, 2, 3)
6724-X	DOT-E 6724	U.S. Department of Defense, Falls Church, VA.	49 CFR 172.101, 173.89, and 175.3.	To authorize transport of caseless ammunition in an inside fiberboard box with egg crate separations and overpacked in a non-DOT specification strong wooden box. (Modes 1, 4)
6762-X	DOT-E 6762	Taylor Chemicals, Inc., Sparks, MD.	49 CFR 173.286(b)(2), 175.3	To authorize transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4)
6762-X	DOT-E 6762	DuBois Chemical Co., Cincinnati, OH.	49 CFR 173.286(b)(2), 175.3	To authorize transport of chemical kits in plastic inside bottles, packed in plastic boxes overpacked in fiberboard boxes. (Modes 1, 2, 3, 4)
6932-X	DOT-E 6932	Eurotainer, S.A., Paris, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1, 3)
6932-X	DOT-E 6932	Arbel-Fauvet-Girel, Paris, France.	49 CFR 173.264(b)(4)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of anhydrous hydrofluoric acid. (Modes 1, 3)
6944-X	DOT-E 6944	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.62(a), 177.834(L)(1).	To authorize transport of a liquid high explosive in a specially designed stainless steel desiccator. (Mode 1)
6971-X	DOT-E 6971	Chem Service, Inc., West Chester, PA.	49 CFR Parts 100 through 199.	To authorize transport of small quantities of reagent chemicals in inside glass bottles packed in metal boxes, overpacked in a strong wooden or fiberboard box. (Modes 1, 2, 3, 4, 5)
7052-X	DOT-E 7052	Smith Drilling Systems, Houston, TX.	49 CFR 173.101, 172.420, and 175.3.	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7097-X	DOT-E 7097	Fuller System, Inc., Woburn, MA.	49 CFR 173.377(f)	To authorize shipment of dry mixtures of parathion and tetraethyl dithio pyrophosphate from specification packaging requirements. (Mode 1)
7259-X	DOT-E 7259	Monsanto Chemical Co., St. Louis, MO.	49 CFR 176.76(g)(5)	To authorize use of DOT Specification 56 aluminum portable tanks, for shipment of phosphorous pentasulfide by water. (Mode 3)
7285-X	DOT-E 7285	Arbel-Fauvet-Girel, Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, 3)
7607-P	DOT-E 7607	Union Pacific Railroad Co., Omaha, NE.	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5)
7607-P	DOT-E 7607	Baker/TSA, Inc., Beaver, PA	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7909-X	DOT-E 7909	EMCO, Inc., Little Rock, AR	49 CFR 172.203, 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.30, and 175.32.	To authorize manufacture, marking and sale of non-DOT specification plastic, metal or plastic-coated glass containers, for transport of limited quantities of poisonous liquid and solids. (Modes 1, 2, 4)
8037-X	DOT-E 8037	Mauser Packaging, Ltd., New York, NY.	49 CFR 173.127, 173.184, and 178.224.	To authorize manufacture, marking and sale of non-DOT specification fiberboard drums, for shipment of wet nitrocellulose. (Modes 1, 2, 3)
8051-X	DOT-E 8051	Mauser Packaging, Ltd., New York, NY.	49 CFR 173.262, 173.266	To authorize manufacture, marking and sale of DOT Specification 34 reusable, blowmolded, polyethylene container, for transportation of corrosive liquids and oxidizer. (Modes 1, 2, 3)
8060-X	DOT-E 8060	SLEMI, Paris, France	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, 3)
8060-X	DOT-E 8060	Arbel-Fauvet-Girel, Paris, France.	49 CFR 173.315(a)	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of certain nonflammable, liquefied gases. (Modes 1, 2, 3)
8091-X	DOT-E 8091	Restor Communications, Inc., Florence, KY.	49 CFR Part 100-177	To authorize transport of certain mercury relays exempted from 49 CFR 100-177, in heat sealed glass vials. (Modes 4, 5)
8127-P	DOT-E 8127	Wolff Walsrode AG, Walsrode, West Germany.	49 CFR 171.12(d), 173.127, 173.184, and 178.224.	To become a party to Exemption 8127. (Modes 1, 2, 3)
8141-X	DOT-E 8141	GTE Products Corp., Waltham, MA.	49 CFR 172.101, 173.206, and 173.247.	To authorize transport of individual cells and modules consisting of three cells containing lithium metal and thionly chloride in non-DOT specification wooden boxes. (Modes 1, 3)
8236-X	DOT-E 8236	Talley Defense Systems, formerly Talley Industries, Mesa, AZ.	49 CFR 173.153, 173.154, and 175.3.	To renew; and revise criteria for the passive restraint assembly and to authorize a DOT Specification 12B65 fiberboard box as additional packaging. (Modes 1, 2, 3, 4)
8337-X	DOT-E 8337	Industrial and Municipal Engineering, Inc., Calva, IL.	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, and 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks with DOT Specification MC-307/312 except for bottom outlet valve variation, for shipment of liquid and semi-solid waste material. (Mode 1)
8436-X	DOT-E 8436	Pennwalt Corp., Buffalo, NY	49 CFR 173.119(m), 173.21	To authorize transport of a flammable liquid which is also an organic peroxide, in a DOT Specification MC-331 cargo tank. (Mode 1)
8445-P	DOT-E 8445	Eveready Battery Co., Inc., Rocky River, OH.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to Exemption 8445. (Mode 1)
8445-X	DOT-E 8445	Aqua-Tech, Inc., Port Washington, WI.	49 CFR Part 173, Subparts D, E, F, H.	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1)
8445-P	DOT-E 8445	University of Maryland, Baltimore, MD.	49 CFR Part 173, Subparts D, E, F, H.	To become a party to Exemption 8445. (Mode 1)
8450-X	DOT-E 8450	Atlantic Research Corp., Camden, AR.	49 CFR 173.92	To authorize transport of rocket motors without igniters, in non-DOT Specification polyethylene containers. (Mode 1)
8458-X	DOT-E 8458	E.I. du Pont de Nemours and Co., Inc., Wilmington, DE.	49 CFR 173.31(c) Table 1	To authorize conversion of DOT Specification 105A500W or 122A400W tank cars to a DOT Specification 111A100W2 tank car, for transportation of certain corrosive materials and oxidizers. (Mode 2)
8489-X	DOT-E 8489	FMC Corp., Philadelphia, PA	49 CFR 173.154, 173.182, 173.217, and 173.245b.	To authorize shipment of certain oxidizers, a poison B, waste arsenical mixture, and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity not exceeding 2200 pounds each. (Modes 1, 2, 3)
8489-X	DOT-E 8489	Degussa Corp., Teterboro, NJ.	49 CFR 173.154, 173.182, 173.217, and 173.245b.	To authorize shipment of certain oxidizers, a poison B, waste arsenical mixture, and a corrosive material in collapsible polyethylene-lined, woven polypropylene bags having a capacity not exceeding 2200 pounds each. (Modes 1, 2, 3)
8538-X	DOT-E 8538	Hercules, Inc., Wilmington, DE.	49 CFR 173.62, 178.177	To authorize transport of liquid high explosives in DOT Specification 15M containers in which the inner copper containers and the rubber boots hae been replaced with polyethylene containers. (Mode 1)
8545-X	DOT-E 8545	Hercules, Inc., Wilmington, DE.	49 CFR 173.62	To authorize transport of limited quantities of liquid high explosives in polyethylene bottles packed in a DOT Specification 37A drum, overpacked in a DOT Specification 15A wooden box. (Mode 1)
8556-X	DOT-E 8556	L'Air Liquide Corp., Paris, France.	49 CFR 173.318(a), 176.76(h)(4).	To authorize use of non-DOT specification containerized portable tanks insulated with vacuum plus liquid nitrogen shield, for transportation of a flammable and nonflammable gas. (Modes 1, 3)
8570-X	DOT-E 8570	Snyder Industries, Inc., Lincoln, NE.	49 CFR 173.119, 173.266, Part 173, Subpart F.	To authorize manufacture, marking and sale of non-DOT rotationally molded, cross-linked polyethylene portable tank, for shipment of corrosive liquids or an oxidizer. (Modes 1, 2, 3)
8582-P	DOT-E 8582	Consolidated Rail Corp., Philadelphia, PA.	49 CFR Parts 100 through 177.	To become a party to Exemption 8582. (Mode 1)
8644-X	DOT-E 8644	Richmond Lox Equipment Co., Livermore, CA.	49 CFR 172.101, 173.315	To authorize shipment of liquid nitrogen or oxygen, in vacuum insulated non-DOT specification cargo tanks. (Mode 3)
8760-X	DOT-E 8760	Barton Solvents, Inc., Des Moines, IA.	49 CFR 172.328, 172.334(b)	To authorize display of FLAMMABLE placards, showing identification (1993), on Barton Solvents, Inc. cargo tanks specified for the materials and having six or more compartments when transporting one or more hazardous materials. (Mode 1)
8792-X	DOT-E 8792	Digital Equipment Corp., Northborough, MA.	49 CFR Parts 100 through 199.	To authorize small quantities of isopropyl alcohol in a saturated pad, sealed in a plastic coated foil pack, overpacked not to exceed 250 packs per strong outside box, as essentially non-regulated. (Modes 1, 2, 3)
8809-X	DOT-E 8809	Continental Group, Inc., Lombard, IL.	49 CFR 178.225, Part 173	To authorize manufacture, marking and sale non-DOT specification fibre drum overpacks for 15-gal capacity inner polyethylene container, similar to DOT-21P/2U except top head is molded polyolefin polymer secured to drum by wire stitches for shipment of commodities authorized in DOT-21P/2U composite. (Modes 1, 2, 3)
8826-X	DOT-E 8826	Phoenix Air, Marietta, GA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), and 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives that are not permitted for air shipment or are in quantities greater than those prescribed for shipment by air. (Mode 4)
8839-X	DOT-E 8839	Poly Processing Co., Inc., Monroe, LA.	49 CFR 173.226, 178.19, Part 173, Subparts D, F.	To authorize manufacture, marking and sale of non-DOT specification rationally molded, cross-linked polyethylene portable tanks, for shipment of flammable liquids, corrosive liquids and an oxidizer. (Modes 1, 2, 3)
8839-X	DOT-E 8839	Poly Cal Plastics, Inc., Monroe, LA.	49 CFR 173.226, 178.19, Part 173, Subparts D, F.	To authorize manufacture, marking and sale of non-DOT specification rationally molded, cross-linked polyethylene portable tanks, for shipment of flammable liquids, corrosive liquids and an oxidizer. (Modes 1, 2, 3)
8878-X	DOT-E 8878	Amalgamet Canada—Division of Premetalco Inc., Toronto, Ontario, Canada.	49 CFR 173.245	To authorize shipment of germanium tetrachloride, corrosive liquid, n.o.s., in glass containers of less than 3 gallon capacity, surrounded by vermiculite placed in a cylindrical steel overpack, packed six to a compartmented wooden box. (Mode 1)
8903-X	DOT-E 8902	Teledyne McCormick Selph, Hollister, CA.	49 CFR 173.101	To authorize transport of an initiating explosive, in plastic bottles, overpacked in DOT Specification 5, 5B, or 17H steel drums. (Mode 1)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8911-X	DOT-E 8911	Olin Corp., East Alton, IL	49 CFR 173.101	To authorize shipment of scrap, guillotined small arms ammunition loosely packed in non-DOT specification, nonreusable, closed-top wooden crates or fiberboard boxes, in truck load lots to an incinerator for disposal. (Mode 1)
8915-X	DOT-E 8915	Airco, The BOC Group, Inc., Murray Hill, NJ.	49 CFR 173.301(d), 173.302(a)(3).	To authorize shipment of certain flammable and nonflammable compressed gases in DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders. (Modes 1, 3)
8915-X	DOT-E 8915	Union Carbide Corp., Danbury, CT.	49 CFR 173.301(d), 173.302(a)(3).	To authorize shipment of certain flammable and nonflammable compressed gases in DOT Specification 3A, 3AA, 3AX, 3AAX and 3T cylinders. (Modes 1, 3)
8919-X	DOT-E 8919	The Upjohn Co., Kalamazoo, MI.	49 CFR Parts 100 through 199.	To authorize transport of small quantities of medical products containing ethyl alcohol in heat sealed glass ampules, packed in a corrugated outside fiberboard box. (Modes 1, 4, 5)
8920-X	DOT-E 8920	Applied Environments Corp., San Fernando, CA.	49 CFR 173.302(a)(4), 175.3	To authorize manufacture, marking and sale of non-DOT specification welded high pressure nonrefillable cylinders, for transportation of nonflammable, liquefied gases. (Modes 1, 2, 4)
8921-X	DOT-E 8921	Hoover Group, Inc., Beatrice, NE.	49 CFR 173.119, 173.125, and 173.266, Part 173, Subpart F.	To authorize manufacture, marking and sale of nonreusable non-DOT Specification steel jacketed polyethylene portable tanks, for shipment of corrosive liquids, flammable liquids or an oxidizer. (Modes 1, 2, 3)
8932-X	DOT-E 8932	Catalyst Resources, Inc., Elyria, OH.	49 CFR 173.119(m), 173.221	To authorize shipment of organic peroxide, in tank motor vehicles complying with DOT Specifications MC-307 and MC-312 cargo tanks. (Mode 1)
8943-X	DOT-E 8943	BASF Wyandotte Corp., Parsippany, NJ.	49 CFR 173.154	To authorize shipment of a polyol filter cake classed as a flammable solid, in a non-DOT specification open top, metal cargo carrying box. (Mode 1)
8963-X	DOT-E 8963	Atlantic Research Corp., Gainesville, VA.	49 CFR 173.88(e)(2)(ii)	To authorize transport of a rocket motor in a propulsive state, in a DOT Specification 15A wooden box. (Mode 1)
9126-X	DOT-E 9126	Allied Drum Service, Inc., Louisville, KY.	49 CFR 173.102-4, Part 107, Appendix B.	To authorize manufacture, marking and sale of DOT Specification 6D drum to be marked by embossing on the top permanent head instead of the bottom permanent head and that the drum need not be marked with the exemption number. (Modes 1, 2, 3, 4, 5)
9130-X	DOT-E 9130	Bio-Lab, Inc., Conyers, GA	49 CFR 173.154	To authorize twelve bottles containing two pounds or less 1-Bromo-3-chloro-5, 5-dimethylhydrantoin in a DOT Specification 12B box not to exceed 24 pounds and to authorize vessel as a mode of transportation. (Modes 1, 2).
9182-X	DOT-E 9182	Stoneco, Inc., Dacono, CO	49 CFR 172.101, 173.53(g), and 175.30.	To authorize transport of explosive pest repellant devices, in plastic boxes packed in DOT Specification 12B fiberboard boxes. (Modes 1, 2, 4).
9193-X	DOT-E 9193	Schlumberger Well Services, Houston, TX.	49 CFR Parts 100 through 199.	To authorize shipment of a downhole logging tool (snode) that contains an accelerator housing, one section of which is charged with sulfur hexafluroide to a pressure of 80 psig. (Modes 1, 2, 3, 4, 5).
9193-X	DOT-E 9193	Schlumberger Offshore Services, Houston, TX.	49 CFR Parts 100 through 199.	To authorize shipment of a downhole logging tool (snode) that contains an accelerator housing, one section of which is charged with sulfur hexafluoride to a pressure of 80 psig. (Modes 1, 2, 3, 4, 5).
9221-X	DOT-E 9221	Applied Companies, San Francisco, CA.	49 CFR 173.302(a)(4), 175.3, and 178.44.	To authorize manufacture, marking and sale of non-DOT specification girth welded stainless steel cylinders, for shipment of nonflammable gases. (Modes 1, 2, 4).
9233-X	DOT-E 9233	Diamond Shamrock Chemicals Co., Irving, TX.	49 CFR 173.164	To authorize shipment of dry chromic acid, in a non-DOT specification 900-cubic-foot, two-compartment, sift-proof covered hopper type tank motor vehicle. (Mode 1).
9263-X	DOT-E 9263	Liquid Air Corp., Walnut Creek, CA.	49 CFR 172.101, 173.316	To authorize transport of a flammable cryogenic liquid, in DOT Specification 4L 200 cylinders. (Mode 1).
9266-X	DOT-E 9266	Euortainer, S.A., Paris, France.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for shipment of liquefied compressed gases. (Modes 1, 2, 3).
9270-X	DOT-E 9270	E.I. du Pont de Nemours and Co., Inc., Wilmington, DE.	49 CFR 173.264(b)(2), 179.101-1(a).	To authorize shipment of hydrogen fluoride, in DOT Specification 112A400W tank cars stenciled DOT Specification 112A200W. (Modes 2).
9275-P	DOT-E 9275	American Critical Care, McGaw Park, IL.	49 CFR Parts 100 through 199.	To become a party to Exemption 9275. (Modes 1, 2, 3, 4, 5).
9279-X	DOT-E 9279	Keystone Steel and Wire Co., Peoria, IL.	49 CFR 173.154	To authorize transport of a flammable solid which is water reactive in open-top freight containers and open top trailers covered with tarpaulins. (Mode 1).
9296-X	DOT-E 9296	Honeywell, Inc., Minneapolis, MN.	49 CFR 172.500, 173.202	To authorize transport of limited quantities of liquid sodium potassium alloy packaging bearing the DANGEROUS WHEN WET label in motor vehicles and rail cars which are not placarded FLAMMABLE SOLID W. (Modes 1, 2).
9316-X	DOT-E 9316	Fluoroware, Inc., Chaska, MN	49 CFR 173.268, 173.299, 178.35, and 178.35a, Part 173, Subpart F.	To authorize additional size containers of 15 and 30 gallon capacity and to include additional corrosive materials and other hazard classes such as oxidizers and flammable liquids. (Modes 1, 2).
9430-X	DOT-E 9430	Bondico, Inc., Jacksonville, FL.	49 CFR 173.3(c)	To authorize an optional 12 inch lid configuration on the polyethylene/fiberglass 90 gallon capacity salvage drum. (Modes 1, 2).
9467-P	DOT-E 9467	Eastman Kodak Co., Rochester, NY.	49 CFR 177.834(k)	To become a party to Exemption 9467. (Mode 1).
9571-P	DOT-E 9571	Environmental Health Research and Testing, Inc., Lexington, KY.	49 CFR Parts 100 through 177.	To become a party to Exemption 9571. (Modes 1, 2, 3, 4, 5).

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9491-N	DOT-E 9491	E.I. du Pont de Nemours and Co., Inc., Wilmington, DE.	49 CFR 173.302, 173.304	To authorize transport of hexaflouroethane and triflouromethane in DOT Specification 3AL cylinders. (Modes 1, 2, 3, 4, 5)
9502-N	DOT-E 9502	Callery Chemical Co., Evans City, PA.	49 CFR 173.302(g)	To authorize use of DOT Specification 3A and 3E cylinders for transportation of diborane and diborane mixtures. (Modes 1, 2, 3)
9517-N	DOT-E 9517	Conroe Aviation Service, Inc., Conroe, TX.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), and 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives that are not permitted for air shipment or in quantities greater than those prescribed for air shipment (Mode 4)
9551-N	DOT-E 9551	Connie Kalitta Services, Inc., Ypsilanti, MI.	49 CFR 172.101 172.204(c)(3), 173.27, 175.30(a)(1), and 175.320(b), Part 107, Appendix B.	To authorize carriage of Class A, B and C explosives that are not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4)
9582-N	DOT-E 9582	Amoco Oil Co., Chicago, IL	49 CFR 179.200-17, Part 107, Appendix B.	To authorize use of DOT Specification 111A100W3 tank cars fitted with solid bottom outlet caps in place of the threaded bottom outlet caps. (Mode 2)
9609-N	DOT-E 9609	Applied Companies, San Fernando, CA.	49 CFR 173.302(a), 175.3, 178.65.	To authorize manufacture, mark and sell of welded non-DOT specification non-reusable, non-refillable steel toroidal pressure vessel for a military system. (Modes 1, 2, 4)
9614-N	DOT-E 9614	Snelson's Welding Service, Norman, OK.	49 CFR 173.119, 173.245, and 178.253.	To authorize manufacture, marking and sale of non-DOT Specification portable tanks manifolded together within a frame and securely mounted on a truck chassis, for transportation of flammable liquids and corrosive liquids. (Mode 1)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9638-N	DOT-E 9638	The Garrett Corp., Tempe, AZ.	49 CFR 173.304(a)(1), 175.3, and 178.44.	To authorize manufacture, marking and sale of non-DOT specification welded pressure vessel comparable to a DOT Specification 3HT cylinder with certain exceptions, for transportation of compressed gasses. (Modes 1, 4, 5)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 9650-N	DOT-E 9650	Dynamit Nobel of America, Inc., Rockleigh, NJ.	49 CFR 171.12, 172.101, 172.102, and 176.11(a).	To authorize transport of tetrazole-l-acetic acid in fiber drums conforming with UN Specification 1G1 or 1G2 (comparable to DOT Specification 21C fiber drum). (Modes 1, 2, 3)
EE 9651-N	DOT-E 9651	Irecco Inc., Salt Lake City, UT.	49 CFR 173.70(b), 176.11(a)	Too authorize transport of diazod initrophenol in non-DOT specification metal drums not to exceed 10 gallon capacity. (Modes 1, 3)
EE 9656-N	DOT-E 9656	The Bureau of Explosive, AAR, Edison, NJ.	49 CFR 173.86	To authorize one-time transport for disposal purposes of explosives with a tentative Class A or Class B hazard class. (Mode 1)

WITHDRAWALS

Application No.	Applicant	Regulation(s) Affected	Nature of exemption thereof
7909-P	Standard Oil Engineered Materials Co., Niagara Falls, NY.	49 CFR 172.203, 172.400, 172.402 (a)(2), 172.402(a)(3), 172.504(a), 173.345(a), 173.359(c), 173.364(a), 173.370(b), 173.370(d), 173.377(f), 175.3, 175.30, and 175.33.	To become a party to Exemption 7909. (Modes 1, 2, 4)

Denials

9526-N Request by Exxon Chemicals Americas, Baton Rouge, LA to authorize the intermittent unloading of bromine from tank cars with connections attached after unloading and tank cars temporarily unattended denied August 21, 1986.

9622-N Request by Monsanto Company, St. Louis, MO to allow unloading of anhydrous hydrogen chloride without an attendant within the required 25 feet of vehicle but instead allow unloading in a special area monoitored by TV under specially controlled conditions denied August 12, 1986.

Issued in Washington, DC, on October 27, 1986.

J. Suzanne Hedgepeth,

Chief, Exemption, Branch, Office of Hazardous Materials Transportation.

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BILLING CODE 4910-60-M

Grants and Denials of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in September 1986. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
868-X	DOT-E 868	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.3(a), 173.7(a), 174.10, 174.104(f), 174.8, 177.801, 177.806(a).	To authorize exceptions to requirements for carrier inspection of manufacturer, vehicle, loading, etc. for transportation of Class A and B explosives loaded by Department of Defense shippers in DOT Specification containers. (Modes 1, 2)
2582-P	DOT-E 2582	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 175.3, Part 173, Subparts D, E, F, G	To become a party to Exemption 2582. (Modes 1, 2, 3, 4)
4588-X	DOT-E 4588	U.S. Department of Energy, Washington, DC.	49 CFR 173.65(a)	To authorize use of packaging not presently prescribed for certain high explosives. (Mode 1)
4850-X	DOT-E 4850	Owen Oil Tools, Inc., Fort Worth, TX	49 CFR 173.100(cc), 175.3	To authorize shipment of flexible linear shaped charges, metal clad, in 100' lengths containing not more than 50 grains per lineal foot of high explosive, as a Class C explosive. (Modes 1, 2, 4)
4884-P	DOT-E 4884	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.302(a)(1), 175.3, 178.61	To become a party to Exemption 4884. (Modes 1, 2, 3, 4, 5)
5038-P	DOT-E 5038	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.630, 173.119, 173.135(a)(6), 173.136(a)(5), 173.247(a)(1), 173.346, 173.620, 175.3.	To become a party to Exemption 5038. (Modes 1, 2, 3, 4)
5403-X	DOT-E 5403	Halliburton Services, Duncan, OK	49 CFR 173.245(a)(31), 173.248(a)(6), 173.249(a)(6), 173.263(a)(10), 173.264(a)(14), 173.268(b)(3), 173.272(i)(21), 173.289(a)(4), 178.343-2(b), 178.343-5(b)(1)(i), 178.343-5(b)(2)(i).	To authorize use of a non-DOT specification cargo tank meeting the requirements of DOT Specification MC-312 with certain exceptions in support of oil well acidizing and industrial cleaning operations. (Modes 1, 3)
5600-P	DOT-E 5600	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 175.3, Part 173, Subparts D, Subparts F, G.	To become a party to Exemption 5600. (Modes 1, 2, 4)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5649-X	DOT-E 5649	Great Lakes Chemical Corp., Adrian, MI	49 CFR 173.154(a)	To authorize shipment of an oxidizer, in non-DOT specification polypropylene or polyethylene bags. (Modes 1, 2)
5820-X	DOT-E 5820	ICI Americas, Inc., Wilmington, DE	49 CFR 173.315(a)	To authorize shipment of nonflammable gases in non-DOT specification IMCO Type 5 portable tanks. (Modes 1, 2, 3)
6117-X	DOT-E 6117	Montana Sulphur and Chemical Co., Billings MT.	49 CFR 172.504, 173.314(c)	To authorize transport of hydrogen sulfide in DOT Specification 105A600W tank car tanks or proposed DOT Specification 120A600W tank car tanks. (Mode 2)
6296-X	DOT-E 6296	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2)
6296-X	DOT-E 6296	Rhone-Poulenc Inc., Monmouth, NJ	49 CFR 173.377(g)	To authorize additional bag packagings, for transportation of certain Class B poisons in DOT Specification 44D multi-wall paper bags. (Modes 1, 2)
6325-P	DOT-E 6325	J.H. Van Amburgh Explosives, Inc., Dallas, TX.	49 CFR 173.154(a)	To become a party to Exemption 6325. (Mode 1)
6369-X	DOT-E 6369	E. I. du Pont de Nemours and Co., Inc., Wilmington, DE.	49 CFR 173.346(a)(10), 173.347(a)(2), 173.353(a)(4), 173.374(a).	To authorize use of AAR proposed DOT Specification 120A300W and 120A400W tank car tanks, for transportation of certain Class B poisonous liquids. (Mode 2)
6418-P	DOT-E 6418	Trical, Inc., Hollister, CA	49 CFR 173.357(b)	To become a party to Exemption 6418. (Mode 1)
6543-X	DOT-E 6543	Union Carbide Corp., Danbury, CT	49 CFR 173.119, 173.135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3.	To authorize shipment of certain corrosive and flammable liquids in non-DOT specification 16 gauge, Type 304 stainless steel cylinders and/or 14 gauge Type 316 stainless steel cylinders. (Modes 1, 2, 3, 4)
6543-P	DOT-E 6543	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.119, 173,135(a)(6), 173.136(a)(5), 173.245, 173.247, 173.271, 175.3.	To become a party to Exemption 6543. (Modes 1, 2, 3, 4)
6611-X	DOT-E 6611	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.318(a)	To authorize use of a non-DOT specification vacuum insulated portable tank, for transportation of a nonflammable gas. (Modes 1, 3)
6762-P	DOT-E 6762	Polymetrics, Inc., Jenkintown, PA	49 CFR 173.286(b)(2), 175.3	To become a party to Exemption 6762. (Modes 1, 2, 3, 4)
6765-P	DOT-E 6765	Messer Griesheim Industries, Inc., Valley Forge, PA.	49 CFR 173.318(a), 176.76(h)(4)	To become a party to Exemption 6765. (Modes 1, 3)
6874-X	DOT-E 6874	ICI Americas, Inc., Wilmington, DE	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3)
6874-X	DOT-E 6874	Degussa Corp., Teterboro, NJ	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3)
6874-X	DOT-E 6874	E. I. du Pont de Nemours and Company, Wilmington, DE.	49 CFR 172.101, 173.370(a)(13)	To authorize transport of sodium and potassium cyanides in non-DOT specification wooden boxes. (Modes 1, 2, 3)
6902-P	DOT-E 6902	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.314(c), 179.300-15	To become a party to Exemption 6902. (Modes 1, 2)
6971-P	DOT-E 6971	Accu-Standard, New Haven, CT	49 CFR Parts 100 through 199	To become a party to Exemption 6971. (Modes 1, 2, 3, 4, 5)
7024-P	DOT-E 7024	Greenwood Motor Lines, Inc., Greenwood, SC.	49 CFR 173.249(a)(7)	To become a party to Exemption 7024. (Mode 1)
7041-X	DOT-E 7041	Ethyl Corp., Baton Rouge, LA	49 CFR 173.134(a)(6)	To authorize shipment of pyrophoric waste materials in non-DOT specification cargo tank of the MC-331 type. (Mode 1)
7052-P	DOT-E 7052	Eveready Battery Co., Inc., Rocky River, OH.	49 CFR 172.101,172.420,175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7052-X	DOT-E 7052	Matsushita Battery Industrial Co., Osaka, Japan.	49 CFR 172.101, 172.420, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as flammable solids. (Modes 1, 2, 3, 4)
7052-P	DOT-E 7052	Telonics, Inc., Mesa, AZ	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7052-P	DOT-E 7052	Schlumberger Well Services, Rosharon, TX.	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7052-P	DOT-E 7052	Toshiba Battery Co., Ltd., Tokyo, Japan	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7052-P	DOT-E 7052	ITT Barton Instruments Co., City of Industry, CA.	49 CFR 172.101, 172.420, 175.3	To become a party to Exemption 7052. (Modes 1, 2, 3, 4)
7052-X	DOT-E 7052	EIC Laboratories, Inc., Norwood, MA	49 CFR 172.101, 172.420, 175.3	To authorize shipment of batteries containing lithium and other materials, classed as a flammable solids. (Modes 1, 2, 3, 4)
7227-X	DOT-E 7227	Richmond Lox Equipment Co., Livermore, CA.	49 CFR 172.203, 173.318,173.32, 173.320, 175.3, 176.30, 176.76, 178.338.	To authorize manufacture, marking and sale of vacuum insulated non-DOT specification portable tanks, for transportation of liquid nitrogen. (Modes 3, 4)
7247-X	DOT-E 7247	U.S. Department of Defense, Falls Church, VA.	49 CFR 146.29-11(c)(1), 146.29-75(b)(2)	To authorize a bulkhead in the lower hold of a vessel separating military explosives from general cargo to be secured on 4 inch by 6 inch uprights, in lieu of the required 6 by 6 inch uprights. (Mode 3)
7607-P	DOT-E 7607	HDR Infrastructure, Inc., Omaha, NE	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5)
7650-X	DOT-E 7650	ICI Americas, Inc., Wilmington, DE	49 CFR 173.315	To authorize use of non-DOT specification vacuum insulated steel portable tanks, for shipment of certain nonflammable compressed gases. (Modes 1, 3)
7694-P	DOT-E 7694	Quantic Industries, Inc., San Carlos, CA	49 CFR 173.302(a)(4), 175.3	To become a party to Exemption 7694. (Modes 1, 2, 4)
7716-P	DOT-E 7716	Atlas Powder Co., Dallas, TX	49 CFR 173.153(b)(1)	To become a party to Exemption 7716. (Modes 1, 2, 3)
7719-X	DOT-E 7719	Turner, Sycamore, IL	49 CFR 173.304, 175.3, 178.65	To authorize use of brazed DOT Specification 39 cylinders, for transportation of methylacetylene propadiene, stabilized. (Modes 1, 2, 4)
7741-X	DOT-E 7741	Bell Aerospace Textron, Buffalo, NY	49 CFR 173.276(a), 173.302(a), 173.34(d), 175.3, 175.30.	To authorize shipment of anhydrous hydrazine and helium in non-refillable non-DOT specification cylinders. (Modes 1, 3, 4)
7823-X	DOT-E 7823	Allied Corp., Morristown, NJ	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, 3)
7823-X	DOT-E 7823	Allied Corp., Morristown, NJ	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, 3)
7823-X	DOT-E 7823	Air Products and Chemicals, Inc., Allentown, PA.	49 CFR 173.246	To authorize transport of iodine pentafluoride in non-DOT specification welded stainless steel cylinders complying with DOT Specification 4BW with certain exceptions. (Modes 1, 2, 3)
7835-P	DOT-E 7835	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 177.848, Part 107 Appen. B(1)	To become a party to Exemption 7835. (Mode 1)
7840-X	DOT-E 7840	General Dynamic Corp., Fort Worth, TX	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, 5)
7840-X	DOT-E 7840	Douglas Aircraft Co., Long Beach, CA	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, 5)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7840-X	DOT-E 7840	Weber Aircraft, Burbank, CA	49 CFR 173.87, 175.3, 176.83	To authorize transport of a Class C explosive and a nonflammable compressed gas, in the same non-DOT specification fiberboard shipping container. (Modes 1, 2, 3, 4, 5)
7991-P	DOT-E 7991	Burlington Northern Railroad Co., Ft. Worth, TX	49 CFR Parts 100-177	To become a party to Exemption 7991. (Mode 1)
8035-X	DOT-E 8035	NL McCullough/NL Industries, Inc., Houston, TX	49 CFR 173.100(v), 173.112, 175.3	To authorize transport of limited quantities of certain propellant explosives in a plastic tube packed in a DOT Specification 12B fiberboard box. (Modes 1, 2, 3, 4)
8059-X	DOT-E 8059	EFI Corp., d/b/a EFIC, San Jose, CA	49 CFR 173.302(a)(1), 173.304(a), 173.304(d), 175.3.	To authorize manufacture, marking and sale of non-DOT specification fiber reinforced plastic full composite cylinders, for transportation of certain flammable and nonflammable compressed gases. (Modes 1, 2, 3, 4, 5)
8111-X	DOT-E 8111	U.S. Department of Energy, Washington, DC.	49 CFR 173.304(a), 175.3	To authorize use of non-DOT specification welded, stainless steel cylinders, for transportation of a nonflammable gas mixture. (Modes 1, 2, 3, 4, 5)
8156-P	DOT-E 8156	Solkatronic Chemicals, Inc., Fairfield, NJ.	49 CFR 173.121, 173.302(a)(4), 173.302(f), 173.304(a)(1).	To become a party to Exemption 8156. (Modes 1, 2)
8230-P	DOT-E 8230	J.T. Baker Chemical Co., Phillipsburg, NJ.	49 CFR 173.268(b)(6), 173.269(a)(4)	To become a party to Exemption 8230. (Modes 1, 2, 3, 4)
8378-X	DOT-E 8378	Sigma Chemical Co., St. Louis, MO	49 CFR 173.268, 173.5	To authorize use of DOT Specification 12B fiberboard boxes with inside DOT Specification 2E polyethylene bottles, for transportation of a dilute solution of nitric acid. (Modes 1, 2, 4)
8378-P	DOT-E 8378	Aldrich Chemical Co., Inc., Milwaukee, WI.	49 CFR 173.268, 175.3	To become a party to Exemption 8378. (Modes 1, 2, 4)
8431-X	DOT-E 8431	American Hoechst Corp., Somerville, NJ	49 CFR 173.294(a)(2), 179.202-16	To authorize shipment of monochloroacetic acid solution in DOT Specification 111A100W6 insulated tank cars. (Mode 2)
8431-X	DOT-E 8431	Dow Chemical Co., Midland, MI	49 CFR 173.294(a)(2), 179.202-16	To authorize shipment of monochloroacetic acid solution in DOT Specification 111A100W6 insulated tank cars. (Mode 2)
8445-X	DOT-E 8445	Waste Conversion, Inc., Colmar, PA	49 CFR Part 173, Subpart D, E, F, H	To authorize shipment of various hazardous substances and wastes packed in inside plastic, glass, earthenware or metal containers, overpacked in a DOT Specification removable head steel, fiber or polyethylene drum, only for the purposes of disposal, repackaging or reprocessing. (Mode 1)
8445-P	DOT-E 8445	HazMat Environmental Group, Inc., Buffalo, NY.	49 CFR Part 173, Subpart D, E, F, H	To become a party to Exemption 8445. (Mode 1)
8451-X	DOT-E 8451	U.S. Department of Defense, Falls Church, VA.	49 CFR 173.65, 173.86(e), 175.3	To authorize shipment of not more than 25 grams of high explosives and pyrotechnics in 4 or 6 inch diameter piper overpacked in cushioned DOT Specification 12H box, strong wooden box, or metal drum. (Modes 1, 2, 4)
8453-P	DOT-E 8453	Pacific Powder Co., Tenino, WA	49 CFR 173.114a	To become a party to Exemption 8453. (Mode 1)
8453-P	DOT-E 8453	Pacific Motor Transport, Tenino, WA	49 CFR 173.114a	To become a party to Exemption 8453. (Mode 1)
8464-X	DOT-E 8464	Garrett Pneumatic Systems Division, Tempe, AZ.	49 CFR 173.302(a)	To authorize manufacture, marking and sale of non-DOT specification nonreusable, nonrefillable toroidal pressure vessels, for transportation of nonflammable, nonliquefied gases. (Modes 1, 4, 5)
8473-X	DOT-E 8473	Degussa AG, Frankfurt, West Germany	49 CFR 173.122	To authorize use of non-DOT specification IMCO Type 5 portable tanks for shipment of a flammable liquid. (Modes 1, 2, 3)
8489-P	DOT-E 8489	Chase Bag Co., Oak Brook, IL	49 CFR 173.154, 173.182, 173.217, 173.245b	To become a party to Exemption 8489. (Modes 1, 2, 3)
8526-X	DOT-E 8526	Phelco Inc. Trucking, Hazelwood, MO	49 CFR 177.834(L)(2)(i)	To authorize shipment of flammable liquids and/or flammable gases, in temperature controlled equipment. (Mode 1)
8627-P	DOT-E 8627	Ancor Services, Inc., Kilgore, TX	49 CFR 173.119, 173.245, 178.253	To become a party to Exemption 8627. (Mode 1)
8723-X	DOT-E 8723	Atlas Powder Co., Dallas, TX	49 CFR 172.101, 173.114a(H)(3), 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3)
8723-X	DOT-E 8723	IRECO Inc., Salt Lake City, UT	49 CFR 172.101, 173.114a(h)(3), 176.415, 176.83.	To authorize use of non-DOT specification motor vehicles and portable tanks, for bulk shipment of certain blasting agents. (Modes 1, 3)
8741-X	DOT-E 8741	Alpha Aviation, Inc., Dallas, TX	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107, Appendix B.	To authorize carriage of certain Class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4)
8867-X	DOT-E 8867	3M Transportation, St. Paul, MN	49 CFR 173.119(k), 175.3	To authorize shipment of a certain viscous flammable liquid, n.o.s. in a polyvinyl chloride bottle, overpacked six to a DOT Specification 12B fiberboard box. (Modes 1, 2, 4)
8891-X	DOT-E 8891	BIC Corp., Milford, CT	49 CFR 173.21, 173.308	To authorize not more than two cigarette lighters containing flammable gas to be packed in the same inner container, overpacked in corrugated fiberboard boxes. (Modes 1, 2)
9168-X	DOT-E 9168	All-Pak, Inc., Pittsburgh, PA	49 CFR 172.400, 172.504, 173.118, 173.244, 173.345, 173.346, 173.359, 173.370, 173.377, 175.3, 175.33.	To authorize manufacture, marking and sale of specially designed composite type packaging, for shipment of small quantities of various flammable, corrosive, and poison B liquids and solids shipped without Poison, Corrosive, or Flammable labels. (Modes 1, 2, 4)
9253-X	DOT-E 9253	Wiva Verpakkingen B.V., Oosterhout, Netherlands.	49 CFR 173.119, 173.125, 173.256, 173.266(b), Part 173, Subpart F.	To manufacture, mark and sell non-DOT specification reusable polyethylene drums of 55-gallon capacity for shipment of certain flammable or corrosive liquids and hydrogen peroxide of 52% or less. (Modes 1, 2, 3)
9262-X	DOT-E 9262	Owen Oil Tools Inc., Fort Worth, TX	49 CFR 173.100(v), 175.30	To authorize transport of oil well cartridges containing not more than 500 grains of high explosive as Class C explosive, in a DOT Specification 12B fiberboard box. (Modes 1, 3, 4)
9277-X	DOT-E 9277	American Cyanamid Co., Wayne, NJ	49 CFR 173.377(j)	To authorize shipment of organic phosphate compound mixture, dry, Class B poison, in non-DOT specification five-ply kraft multiwall bags of 50 pounds capacity having a minimum total basis weight of 250 pounds. (Modes 1, 2)
9282-X	DOT-E 9282	Halocarbon Products Corp., Hackensack, NJ.	49 CFR 173.314(c)	To authorize use of DOT Specification 110A800W multi-unit tank car tanks except for safety relief devices, for shipment of trifluoroethylene. (Mode 1)
9283-X	DOT-E 9283	Varian Associates, Palo Alto, CA	49 CFR 173.306(f)(3), 175.3	To authorize use of a refrigeration system and components that consists of accumulators exempt from the retest requirements prescribed in 49 CFR 173.306(f)(2). (Modes 1, 2, 4, 5)
9307-X	DOT-E 9307	Better Methods, Inc., Paterson, NH	49 CFR 173.119(b)(4)	To authorize shipment of methyl alcohol in inside metal containers of two-gallon capacity, overpacked three to a DOT Specification 12B fiberboard box. (Mode 1)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9338-P	DOT-E 9338	Anaquest, Cleveland, OH	49 CFR 179.302(a)	To become a party to Exemption 9338. (Modes 1, 2)
9401-X	DOT-E 9401	Arbel-Fauvet-Rail, Paris, France	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, 3)
9402-X	DOT-E 9402	Arbel-Fauvet-Girel, St. Laurent-Balngy, France.	49 CFR 173.315, 178.245	To authorize an additional 20 IMO Type 5 portable tank identical to those authorized except they will be ASME U stamped and incorporate a modified safety relief device. (Modes 1, 2, 3)
9487-P	DOT-E 9487	Chem-Tech, Ltd., Des Moines, IA	49 CFR 173.304	To become a party to Exemption 9487. (Mode 1)
9571-P	DOT-E 9571	National Institutes of Health, Bethesda, MD.	49 CFR Parts 100-177	To become a party to Exemption 9571. (Modes 1, 2, 3, 4, 5)
9597-X	DOT-E 7638	Minnesota Valley Engineering, Inc., New Prague, MN.	49 CFR 173.316(a), 175.3	To authorize manufacture, mark and sell of DOT Specification 4L cylinders for shipment of carbon dioxide, refrigerated liquid, classed as a nonflammable gas. (Modes 1, 2, 3, 4)
9607-X	DOT-E 9607	Darworth Co., Avon, CT	49 CFR Parts 100-199	To authorize shipment of self pressurized containers in strong outside fiberboard box with inside container which consist of a Polyethylene Terephthalate container enclosed in a neoprene rubber sleeve and overpacked in a vented metal can. (Modes 1, 4, 5)
9625-X	DOT-E 9541	Ashland Chemical Co., Dublin, OH	49 CFR 177.848, Part 107, Appendix B	To authorize transport of poisonous gases on a specially constructed vehicle with other hazardous materials. (Mode 1)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
9508-N	DOT-E 9508	Callery Chemical Co., Evans City, PA	49 CFR 173.202(a)(3), 173.34(e), 175.3	To authorize use of a DOT Specification 4BW240 cylinder that is retested decennially instead of quinquenially, for transportation of a flammable wolid, dangerous when wet. (Modes 1, 2, 3, 4)
9566-N	DOT-E 9566	United Technologies, San Jose, CA	49 CFR 173.88, 173.92, 177.834(L)(1)	To authorize transport in temperature controlled equipment, of a rocket motor in packaging authorized by DOD, and in a propulsive state. (Mode 1)
9572-N	DOT-E 9572	DuBois Chemicals, Division of Chemed Corp., Cincinnati, OH.	49 CFR 173.256, 173.277	To authorize shipment of liquid cleaning compound, not exceeding 14% hydrofluoric acid, and hypochlorite solution, not exceeding 16% available chlorine, in DOT Specification 6D/2U composite packaging of 55-gallon capacity. (Modes 1, 2)
9583-N	DOT-E 9583	Flopetrol Johnston, Houston, TX	49 CFR 173.119, 173.302, 173.304, 173.34(d), 175.3.	To authorize use of a non-DOT specification welded, high pressure cylinder for oil sampling purposes. (Modes 1, 2, 3, 4)
9584-N	DOT-E 9584	Flopetrol Johnston, Houston, TX	49 CFR 173.302, 173.304, 173.34(d), 175.3	To authorize use of a non-DOT specification seamless cylinder designed and constructed in accordance with DOT Specification 3A. (Modes 1, 2, 3, 4)
9594-N	DOT-E 9594	Monsanto Co., St. Louis, MO	49 CFR 173.190	To authorize use of a non-DOT specification portable tank for a one-time shipment of a flammable solid. (Mode 2)
9608-N	DOT-E 9608	Suburban Propane Gas Corp., Morristown, NJ.	49 CFR 178.337-11(c)(6), Part 107, Appendix B.	To authorize temporary use of 425 DOT Specification MC-331 cargo tanks having the required remote control station in the vicinity of the discharge connection area, for transportation of a flammable gas. (Mode 1)
9610-N	DOT-E 9610	Hercules Inc., Wilmington, DE	49 CFR 172.203 (a), (e), 172.204, 173.29 (a), (d), Part 107, Appendix B, Parts 171-189.	To authorize transport of DOT Specification 21C fiber drums which contain not more than 5 grams of smokeless powder essentially without regulation. (Modes 1, 2)
9626-N	DOT-E 9626	Miller Electric Manufacturing Co., Appleton, WI.	49 CFR 177.834(k)	To authorize transport of welding machines containing batteries in non-accessible places on a motor vehicle. (Mode 1)
9632-N	DOT-E 9632	Arbel-Fauvet-Girel, St. Laurent-Blangy France.	49 CFR 173.315, 178.245	To authorize use of non-DOT specification IMO Type 5 portable tanks, for transportation of flammable and nonflammable liquefied compressed gases. (Modes 1, 2, 3)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8006-P	DOT-E 8006	UMSI Inc., Plainfield, NJ	49 CFR 172.400(a), 172.504 Table 2	To become a party to Exemption 8006. (Mode 1)
EE 9661-N	DOT-E 9661	The First Earth Run & U.N. Children's Fund, New York, NY.	49 CFR 173.118, 173.21, 175.30, 175.85, Part 107, Appendix B, Part 172, Subpart C, Subpart D, E.	To authorize carriage onboard an aircraft of small quantities of a flammable liquid in safety lamps. (Mode 5)
EE 9665-N	DOT-E 9665	Aeron International Airlines, Inc., Hagerstown, MD.	49 CFR 172.101 column 6(b), 173.64, 175.30	To authorize transport of a propellant explosive aboard cargo aircraft only.
EE 9666-N	DOT-E 9666	Stauffer Chemical Co., Westport, CT	49 CFR Part 107, Appendix B	To authorize approximately 150 DOT Specifications 4BA240 and 4BW240 cylinders, for transportation of a flammable liquid. (Modes 1, 3)
EE 9667-N	DOT-E 9667	Trinity Industries, Inc., Dallas, TX	49 CFR 172.203(a), 173.34(e), Part 107, Appendix B.	To authorize transport for exportation purposes only of approximately 2,400 non-DOT specification portable tanks containing approximately 2.5 pints, of methyl alcohol, to be shipped as limited quantities under to the Hazardous Materials Regulations. (Modes 1, 3)

Denials

5322-X—Request by San Diego Gas & Electric Co., San Diego, CA to authorize use of a non-DOT specification expanded polystyrene or vacuum-perlite insulated cargo tank for transportation of certain flammable gases denied September 1, 1986.

9613-N—Request by Pressed Steel Tank Co., Inc. Milwaukee, WI to authorize use of a small welded cylinder with a service pressure of at least 1800 psig for transportation of carbon dioxide and other compressed gases denied September 22, 1986.

Issued in Washington, DC, on October 27, 1986.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 86-24740 Filed 10-31-86; 8:45 am]

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DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 27, 1986.

The Department of Treasury has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 95-511. Copies of these submissions may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7313, 1201 Constitution Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB No.: 1512-0353
Form No.: ATF REC 5170/2
Type of Review: Extension
Title: Wholesale Dealers Records of Receipt of Alcoholic Beverages, Disposition of Distilled Spirits, and Monthly Summary Report (Supplemental)
Clearance Officer: Robert G. Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7202, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Comptroller of the Currency

OMB No.: 1557-0081
Form No.: FFIEC 031, 032, 033, and 034
Type of Review: Extension
Title: Reports of Condition and Income (Interagency Call Report)
Clearance Officer: Eric Thompson, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219
OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB No.: 1545-0046
Form No.: IRS Form 982
Type of Review: Revision
Title: Reduction of Tax Attributes Due to Discharge of Indebtedness
Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Douglas J. Colley,

Departmental Reports Management Office.

[FR Doc. 86-24780 Filed 10-31-86; 8:45 am]

BILLING CODE 4810-25-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirements submitted for OMB review.

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 the agency has made such a submission. USIA is requesting approval for a three year extension of the approval for the use of our Form IAP-37, "Exchange Visitor Program Application."

DATE: Comments must be received by November 15, 1986.

Copies: Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from the USIA Clearance Officer. Comments on the item 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 4th Street SW, Washington, DC 20547, telephone (202) 485-7505. And OMB review: Bruce McConnell, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, telephone (202) 395-3785.

SUPPLEMENTARY INFORMATION: Exchange Visitor Program Application.

Abstract:

This information collection is intended to permit private businesses, government agencies and public and private educational institutions to apply for the authority to bring students, scholars, professors, trainees and international visitors to the United States as Exchange Visitors on the Exchange Visitor Visa J-1. Information is used to evaluate prospective Exchange Visitor sponsors.

Dated: October 24, 1986.

Charles N. Canestro,

Management Analyst, Federal Register Liaison.

[FR Doc. 86-24750 Filed 10-31-86; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Agency Form Letter Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form letter, (2) the title of the form letter, (3) the agency form letter number, if applicable, (4) how often the form letter 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 letter, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the form letter and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans' Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 233-2146. 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 on or before January 2, 1987.

Dated: October 29, 1986.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Extension

1. Department of Medicine and Surgery
2. Request to Firm for Estimate of Cost for Purchase or Repair of Prosthetic Applicances
3. VA Form Letter 10–90
4. On occasion
5. Businesses or other for-profit
6. 22,500 responses
7. 1,800 hours
8. Not applicable

Extension

1. Department of Veterans Benefits
2. Request to Employer for Employment Information in Connection with a Claim for Disability Benefits
3. VA Form Letter 29–459
4. On occasion
5. Individuals or households
6. 5,167 responses
7. 862 hours
8. Not applicable.

[FR Doc. 86–24804 Filed 10–31–86; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 212
Monday, November 3, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, November 6, 1986.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

FY '87 Operating Plan

The staff will brief the Commission on the 1987 Operating Plan.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

October 30, 1986.

[FR Doc. 86–24875 Filed 10–30–86; 12:12 pm]

BILLING CODE 6535–01–M

2

COUNCIL ON ENVIRONMENTAL QUALITY

October 29, 1986.

TIME AND DATE: 10:00 a.m., Wednesday, November 12, 1986.

PLACE: Conference Room First Floor, 722 Jackson Place, NW., Washington, DC.

MATTERS TO BE CONSIDERED:

1. The CEQ regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) provide that any interested party may file a request with the Council asking it to determine which federal agency shall be the lead agency for compliance with NEPA in regards to a particular proposal. 40 CFR 1501.5(e). The National Capital Planning Commission has filed such a request with CEQ in regards to the proposed PortAmerica project. The Council will discuss this request with representatives from involved federal agencies.
2. Other business.

CONTACT PERSON FOR MORE INFORMATION: Dinah Bear, General Counsel, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20006.

A Alan Hill,

Chairman.

[FR Doc. 86–24823 Filed 10–29–86; 4:27 am]

BILLING CODE 3125–01–M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Monday, November 10, 1986.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Notice of Proposed Rulemaking: Accrual of Pension Benefits Beyond Normal Retirement Age
4. Certification of Broward County Human Relations Division
5. Certification of Clearwater Community Relations Department
6. Certification of St. Petersburg Office of Human Relations

Closed

1. Proposed Contracts for Expert Services In Connection With Court Cases
2. Litigation Authorization: General Counsel Recommendations

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

This Notice Issued October 29, 1986.

Dated: October 29, 1986.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

[FR Doc. 86–24890 Filed 10–30–86; 1:56 pm]

BILLING CODE 6750–06–M

4

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 86–24626.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, November 6, 1986, 10:00 a.m.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA: Public hearing on Title 26 Proposed Rules.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 86–24859 Filed 10–30–86; 11:16 am]

BILLING CODE 6715–01–M

5

NEIGHBORHOOD REINVESTMENT CORPORATION

Personnel Committee Meeting

TIME AND DATE: 4:00 p.m., Tuesday, November 4, 1986.

PLACE: 1776 G Street, NW., 7th Floor Board Room, Washington, DC 20456.

STATUS: Closed.

CONTACT PERSON FOR MORE INFORMATION: Timothy McCarthy, Director of Communications, 376–2623.

AGENDA:

I. Setting of Officers' Salaries for FY 1987
II. Consideration of Executive Director's Recommendations on Officers' Performance Awards

Carol J. McCabe,

Secretary.

[FR Doc. 86–24874 Filed 10–30–86; 11:43 am]

BILLING CODE 7570–01–M

Federal Register

Monday
November 3, 1986

Part II

Committee for Purchase From the Blind and Other Severly Handicapped

Establishment of Procurement List 1987; Notice

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Establishment of Procurement List 1987

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48c) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Goverment to qualified workshops serving blind and other serverely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the **Federal Register** a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency

Which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of Title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1987 is established as set forth below. Procurement List 1987 supersedes Procurement List 1986, October 15, 1985 (50 FR 41809) and subsequent changes thereto through October 31, 1986.

Any proposed additions or deletions to Procurement List 1986 pending on this date shall be considered as pending and applicable to Procurement List 1987.

By the Committee.

C.W. Fletcher,

Executive Director.

ASSIGNMENT CODES

CENTRAL nonprofit agency	Code
National Industries for the Blind	IB
National Industries for the Severely Handicapped	SH

Commodities

CLASS 1005

Sling, Adjustable, Small Arms (IB)
1005–00–167–4336
Sling, Padded, Adustable (IB)
1005–03–312–7177
Swab, Small Arms Cleaning (IB)
1005–00–912–4248
1005–00–288–3565

CLASS 1015

Staff Section (SH)
1015–00–699–0633

CLASS 1025

Staff Section (SH)
1025–00–563–7232
1025–01–044–2587

CLASS 1095

Scabbard, Bayonet-Knife (IB)
1095–00–508–0339

CLASS 1220

Case, Carrying (IB)
1220–00–765–5870
1220–00–937–8286

CLASS 1330

Tape Stiffener Assembly (SH)
1330–01–051–1533
13 million each annually

CLASS 1660

Harness Assembly (SH)
1660–00–066–2078

CLASS 1670

Harness, Parachutist (SH)
1670–00–897–8629
Message Dropper (SH)
1670–00–797–4495

CLASS 1680

Belt, Aricraft Safety (SH)
1680–00–725–5927
Wire Bundle Assemblies (SH)
1680–00–881–4215
1680–00–884–0409
1680–00–894–3991
1680–01–125–9646
1680–00–919–3706
1680–00–883–4487
1680–00–222–3876
1680–00–826–7752
1680–00–974–5275
1680–00–974–5276
1680–00–998–8594

CLASS 1730

Chock Wheel, Codit Reflecting (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4x6x24")
1730–00–NIB–001A (2x4x8") STD
1730–00–NIB–001B (6x8x18") STD
1730–00–NIB–001C (6x8x76") STD
1730–00–NIB–001D (8x12") U-SHAPED
1730–00–NIB–001E (10x20") U-SHAPED
Chock Wheel, Painted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4x6x24")
1730–00–NIB–001A (2x4x8") STD
1730–00–NIB–001B (6x8x18") STD
1730–00–NIB–001C (6x8x76") STD
1730–00–NIB–001D (8x12") U-SHAPED
1730–00–NIB–001E (10x20") U-SHAPED
Chock Wheel, Reflective Tape (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4x6x24")
1730–00–NIB–001A (2x4x8") STD
1730–00–NIB–001B (6x8x18") STD
1730–00–NIB–001C (6x8x76") STD
1730–00–NIB–001D (8x12") U-SHAPED
1730–00–NIB–001E (10x20") U-SHAPED
Chock Wheel, Unpainted (IB)
1730–00–294–3694
1730–00–063–4095
1730–00–294–3696
1730–00–294–3695
1730–00–945–8450
1730–00–163–8317 (4x6x24")
1730–00–NIB–001A (2x4x8" std)
1730–00–NIB–001B (6x8x18" std)
1730–00–NIB–001C (6x8x76" STD)
1730–00–NIB–001D (8x12" U-SHAPED)
1730–00–NIB–001E (10x20") U-SHAPED

CLASS 2090

Weight, Canvas Bag (IB)
2090–00–845–9150

CLASS 2540

Belt, Automobile, Safety (IB)
2540–00–894–1273
2540–00–894–1275
2540–00–894–1274
2540–00–894–1276
Cushion Assembly, Back Rest (SH)
2540–00–737–3308
Cushion Assembly, Seat Back (SH)
2540–01–065–6288
Cushion Seat, Vehicular (SH)
2540–00–808–3811
2540–00–904–5680
2540–01–074–6363
Cushion, Seat Back, Vehicular (SH)
2540–00–880–3925
2540–01–065–6289
Kit, Deep Water Fording (SH)
2540–00–473–0111
2540–00–780–0844

2540-00-181-8109
Mirror and Bracket Assembly (SH)
2540-00-575-8392

CLASS 2920

Cable Assembly, Electrical (IB)
2920-01-027-0125 (50% of Gov't Rqmt)

CLASS 3510

Net, Laundry (IB)
3510-00-273-9738
3510-00-273-9739

CLASS 3920

Truck, Hand (IB)
3920-00-847-1305

CLASS 3990

Pallet, Corrugated Fiberboard, Material Handling (SH)
3990-00-L77-0044 Navy Ships Parts Control Center, Mechanicsburg, PA only
Pallet, Material Handling (SH)
3990-01-M00-0075 Pine Bluff Arsenal, AR only
3990-00-222-1051
3990-00-892-4394 Mechanicsburg, PA; Memphis, TN; Richmond, VA and Columbus, OH Depots only
Pallet, Wood (SH)
3990-00-X77-1721 New Cumberland Army Depot only
3990-00-NSH-0001 48X40X36" Social Security Administration, Baltimore, MD only
3990-00-NSH-0005 24X20" New Cumberland Army Depot only
3990-00-366-6806

CLASS 4130

Filter, Air Conditioning (IB)
4130-00-870-8796 Rgns 4, 5
4130-00-274-7800 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-541-3220 Rgns 4, 5
4130-00-756-1840 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-720-4143 Rgns 4, 5
4130-00-249-0966 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-203-3318 Rgns 4, 5
4130-00-203-3321 Rgns 2, 3, W, 4, 5, 6, 7, 8, 9, 10
4130-00-542-4482 Rgns 4, 5
4130-00-959-4734 Rgns 4, 5
4130-00-756-0978 Rgns 4, 5
4130-00-951-1208 Rgns 4, 5

CLASS 4240

Bag, Waterproofing (IB)
4240-00-377-9401
Harness, Head (SH)
4240-00-690-8765
4240-00-961-1064
Winterization Kit (SH)
4240-00-065-0319
(40% of Gov't Rqmt)

CLASS 4610

Bag, Drinking Water Storage (SH)
4610-00-268-9890

CLASS 4730

Fitting Kit (SH)
4730-00-470-6625

CLASS 4820

Valve, Ball (SH)
4820-00-052-4651
4820-00-052-4653

CLASS 4910

Creeper, Mechanic's (SH)
4910-00-251-6981
4910-00-106-7834
4910-00-NSH-0001

CLASS 5120

Screwdriver Set, Cross Tip (SH)
5120-00-357-7175
5120-00-580-0334
Screwdriver, Cross-Tip (SH)
5120-00-060-2004
5120-00-820-2995
5120-00-224-7370
5120-00-227-7293
5120-00-234-8913
5120-00-542-3438
5120-00-224-7375
5120-00-237-8174
5120-00-580-2361
Screwdriver, Flat-Tip (SH)
5120-00-289-9662
5120-00-287-2504
5120-00-287-2505
5120-00-278-1267
5120-00-288-7803
5120-00-236-2127
5120-00-278-1270
5120-00-227-7356
5120-00-260-4837
5120-00-227-7334
5120-00-293-0314
5120-00-222-8866
5120-00-596-8502
5120-00-278-1273
5120-00-062-0813
5120-00-293-3311
5120-00-222-8852
5120-00-596-9364
5120-00-293-0315
5120-00-227-7377
5120-00-180-3490
5120-00-236-2140
5120-00-062-8454
5120-00-720-4969
Vise, Multiposition (SH)
5120-00-991-1907

CLASS 5140

Bag, Tool (IB)
5140-00-772-4142
Bag, Tool (Satchel) (SH)
5140-00-473-6256
Belt, Tool, Repairman's (SH)
5140-00-529-2517
5140-00-529-1694
5140-00-529-2691
Tool Box, Portable (SH)
5140-00-289-8911
5140-00-289-8910

CLASS 5340

Strap (SH)
5340-00-235-4433
Strap, Webbing (SH)
5340-00-286-6895

CLASS 5350

Cloth, Abrasive (IB)
5350-00-187-6270
5350-00-187-6275
5350-00-187-6272
5350-00-187-6269
5350-00-187-6268
5350-00-187-6286
5350-00-187-6285
5350-00-187-6284
5350-00-187-6283
5350-00-187-6281
5350-00-187-6280
5350-00-187-6297
5350-00-187-6296
5350-00-229-3088
5350-00-229-3085
5350-00-187-6295
5350-00-187-6294
5350-00-187-6293
5350-00-187-6292
5350-00-187-6291
5350-00-274-6209
5350-00-187-6290
5350-00-187-6289
5350-00-187-7986
5350-00-229-3097
5350-00-229-3094
5350-00-229-3095
5350-00-229-3080
5350-00-229-3081
5350-00-229-3092
5350-00-192-9325
Mat, Abrasive (IB)
5350-00-967-5089
5350-00-967-5093
5350-00-967-5092

CLASS 5440

Ladder, Extension (Wood) (IB)
5440-00-223-6025
5440-00-242-1000
5440-00-223-6026
5440-00-242-0998
5440-00-223-6027
Ladder, Straight (Wood) IB)
5440-00-242-7151
5440-00-816-2585
5440-00-814-5084
5440-00-242-0995
5440-00-816-2575
5440-00-223-6029
5440-00-223-6030
Stepladder (IB)
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487
5440-00-171-9836
5440-00-227-1592
5440-00-227-1593
5440-00-227-1594
5440-00-227-1595
5440-00-227-1596
5440-00-531-2589

CLASS 5510

Lath, Wood (SH)
5510-00-NSH-0002 (⅜×1-½×36")
5510-00-NSH-0003 (⅜×1-½×48")
BLM and U.S. Forest Service in Washington and Oregon only
Stake, Wood (SH)

5510-00-NSH-0001 BLM at 5 Oregon locations only U.S. Forest Service in Washington and Oregon only
Stakes, Wood, Hub (SH)
5510-00-171-7733
5510-00-171-7732
Stakes, Wood, Location (SH)
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
Wedge, Wood (SH)
5510-00-640-9237

CLASS 5660

Fasteners, Fence Post (SH)
5660-00-148-7251

CLASS 5831

Amplifier Subassembly (SH)
5831-00-087-3408

CLASS 5940

Adapter, Battery Terminal (SH)
5940-00-549-6583
5940-00-549-6581

CLASS 6150

Cable Assembly, Power (SH)
6150-00-507-8852
6150-00-935-8799

CLASS 6230

Flashlight (SH)
6230-00-163-1856
Lantern, Electric, Head (SH)
6230-00-643-3562
Light, Desk (SH)
6230-00-299-7771
6230-00-682-3423

Light, Marker, Distress (SH)
6230-00-892-5192
Light-Marker, -Distress (without pouch) (SH)
6230-00-938-1778
Light-Marker, Distress (with pouch) (SH)
6230-00-067-5209

CLASS 6505

Ammonia Inhalant Solution, Aromatic (SH)
6505-00-106-0875
Iodine Ampoules, NF (SH)
6505-00-664-1408
Thimerosal Tincture, NF (SH)
6505-00-664-6911

CLASS 6510

Bandage, Muslin, Compressed Camouflaged (SH)
6510-00-201-1755

CLASS 6515

Bag, Tube Feeding (SH)
6515-00-481-2049

Case, Ear Plug (SH)
6515-00-299-8287 (80% of Gov't Rqmt)
Kit, Suture Removal (IB)
6515-00-690-6911
Tourniquet, Non-Pneumatic (IB)
6515-00-383-0565

CLASS 6530

Bag, Urine Collection (SH)
6530-00-057-0953
6530-00-761-0932
6530-00-761-0936
Cover, Litter (IB)
6530-00-784-1250
Drape, Surgical (IB)
6530-00-299-9608
6530-00-299-9607
6530-00-299-9605
6530-00-299-9604
Kit, Shaving Surgical Preparation (IB)
6530-00-676-7372
Litter, Folding (IB)
6530-00-783-7905
Pad, Cooling, Chemical (SH)
6530-00-133-4299
Pad, Litter (IB)
6530-00-137-3016
Pad, Pre-Operative Preparation (IB)
6530-00-457-8193
Paper Sheeting, Examination Table (IB)
6530-01-092-3914
6530-00-269-3598
6530-00-786-4790
Spineboard (SH)
6530-01-119-0011
6530-01-119-0012
Spreader Bar and Stirrups, Litter (IB)
6530-00-784-3450
Strap, Webbing Patient Securing (IB)
6530-00-784-4205
Strap, Webbing, Litter Securing (IB)
6530-00-784-4335
Surgical Dressing Set (IB)
6530-00-105-5826
Surgical Pack, Disposable (IB)
6530-00-103-6659
6530-01-174-8844
Towel Pack, Surgical (IB)
6530-00-110-1854
Urinal, Incontinent (IB)
6530-01-004-8969
6530-00-290-8292
6530-01-081-5303
6530-01-081-5304
Urinary Drainage Set (SH)
6530-01-056-3659
Wrapper, Sterilization (IB)
6530-00-299-9603
6530-00-197-9223
6530-00-197-9228
6530-00-197-9283
6530-00-926-4902
6530-00-926-4903
6530-00-926-4904
6530-00-926-4905

CLASS 6532

Cap—Operating, Surgical (SH)
6532-00-250-5042
6532-00-083-6545
6532-00-250-5041
6532-00-122-0468
Cap, Operating, Surgical (IB)
6532-00-299-9614
6532-00-299-9613
6532-00-299-9612
Clothing, Operating Room (SH)
6532-00-261-9005
6532-00-290-1887
6532-00-172-3509
6532-00-172-3507
6532-00-172-3506
6532-00-158-9890
6532-00-009-7174
Coat, Women's Pajama (SH)
6532-01-216-3199
6532-01-215-8093
Gown, Hospital (SH)
6532-00-104-9895
Gown, Hospital, Patient's Bedshirt (SH)
6532-01-005-8411
6532-01-005-8412
Gown, Hospital, Personnel (SH)
6532-01-045-5380
6532-01-045-5381
Gown, Operating, Surgical (SH)
6532-00-009-2034
6532-00-009-2035
Gown, Patient Examining (SH)
6532-00-421-7828
Gown, Operating, Surgical (IB)
6532-01-058-2519
6532-01-058-2520
6532-01-058-2523
6532-01-058-2522
6532-01-058-2524
6532-01-058-2521
6532-01-058-2525
Pillowcase—Disposable (IB)
6532-01-125-3269
Robe, Dressing, Men's (SH)
6532-01-215-7963
6532-01-215-7964
Robe, Dressing, Women's (SH)
6532-01-215-7966
Shirt, Operating, Surgical (IB)
6532-00-299-9627
6532-00-299-9634
6532-00-299-9633
6532-00-299-9632
Shirt, Operating, Surgical (SH)
6532-00-149-0322
6532-00-149-0323
6532-00-149-0324
6532-00-149-0325
Slippers, Convalescent Patient (SH)
6532-00-241-6393
6532-00-279-7794
6532-00-079-7889
6532-00-079-7899
6532-00-079-7902
6532-00-079-7904
6532-01-011-5055
6532-01-011-5056
6532-01-011-5057
Smock, Man's Dental Operating (SH)
6532-00-159-4881
6532-00-926-9964
6532-00-926-9975
6532-00-926-9976
Smock, Medical Assistant (SH)
6532-00-117-7487
6532-00-117-7542
6532-00-117-7543
6532-00-117-7546
Suit, Convalescent (SH)
6532-01-076-8684
6532-01-076-8683
6532-01-076-7369
6532-01-076-9769
Trousers, Women's Pajama (SH)
6532-00-149-0327
6532-00-149-0328
6532-00-149-0329
6532-00-149-0330
Trousers, Operating, Surgical (SH)
6532-01-216-2425
6532-01-216-2426

CLASS 6540

Case, Spectacles (IB)

6540-01-131-7919
6540-01-131-7918

CLASS 6625

Test Set, Lead (SH)
6625-00-553-1442
6625-00-395-9313

CLASS 6630

Micro Bleeder (IB)
6630-01-NIB-0002
Tube, Bleeding (IB)
6630-01-NIB-0001

CLASS 6645

Clock, Wall (IB)
6645-00-514-3523
6645-00-530-3342
6645-00-046-8848
6645-00-046-8849

CLASS 6695

Sampling Kit, Spectrometric Oil Analysis (IB)
6695-01-045-9820

CLASS 6840

Disinfectant, Detergent (IB)
6840-00-687-7904
6840-00-584-3129
6840-00-551-8346

CLASS 7105

Frame, Picture (SH)
7105-00-053-0170
7105-00-061-5834
7105-00-052-8697
7105-00-052-8695
7105-00-465-6199
7105-00-149-1277
7105-00-297-3398
7105-00-903-1842
7105-00-903-1843
7105-00-149-1282
7105-00-149-1281
7105-00-641-4385
7105-00-986-7356
7105-00-297-3397
7105-00-052-8696
7105-00-149-1276
7105-00-051-1212
7105-00-052-8686
7105-00-052-8698
Table, Coffee (SH)
7105-00-139-7573
7105-00-139-7601
Table, End (SH)
7105-00-139-7598
Table, Lamp (SH)
7105-00-139-7600

CLASS 7110

Blackboard (SH)
7110-00-132-6651
Bookcase, Steel, Contemporary (SH)
7110-00-601-9823
7110-00-149-1621
Bookcase, Wood, Executive (SH)
7110-00-973-5127
Credenza (SH)
7110-00-762-5513
Table, Office, Wood (SH)
7110-00-958-0780
7110-00-823-7675
7110-00-903-3061
7110-00-902-3052
Table, Steel (SH)
7110-00-113-0448
7110-00-113-0454
7110-00-149-2044
7110-00-149-2045
7110-00-149-2046

CLASS 7125

Cabinet, Storage (SH)
7125-00-449-6862

CLASS 7195

Bulletin Board (IB)
7195-00-989-2370
7195-00-844-9036
7195-00-989-2371
7195-00-844-9037
7195-00-989-2372
7195-00-844-9038
7195-00-990-0615
7195-00-843-7938
Costumer, Wood, Executive (SH)
7195-00-132-6642

CLASS 7210

Bedspread (IB)
7210-00-728-0186
7210-00-728-0187
7210-00-728-0188
7210-00-728-0189
7210-00-728-0190
7210-00-728-0191
7210-00-728-0173
7210-00-728-0175
7210-00-728-0176
7210-00-728-0177
7210-00-728-0178
7210-00-728-0179
7210-00-408-2800
7210-00-582-7540
7210-00-582-0984
7210-00-110-8104
7210-00-582-7541
7210-00-110-8105
Blanket, Bed/Bath (Flame Resistant) (IB)
7210-01-141-2458
Boxspring (IB)
7210-01-228-5735
7210-01-228-5736
7210-01-228-5737
7210-01-228-5738
Cover, Bed (IB)
7210-01-116-7860
7210-01-120-0679
7210-01-116-7858
7210-01-116-7859
7210-01-118-4085
7210-01-116-7855
7210-01-116-7856
7210-01-116-7857
7210-01-116-7854
7210-01-116-7853
7210-01-120-8015
7210-01-124-7626
7210-01-120-8013
7210-01-120-8014
7210-01-120-8011
7210-01-120-8010
7210-01-122-5015
7210-01-120-8012
7210-01-125-9250
7210-01-120-8009
7210-01-123-5148
7210-01-120-8017
7210-01-120-8021
7210-01-120-8022
7210-01-120-8018
7210-01-124-8303
7210-01-120-8019
7210-01-120-8020
7210-01-123-5149
7210-01-120-8016
Cover, Mattress (IB)
7210-00-291-8419
7210-00-205-3083
7210-00-205-3082
7210-00-067-7969
7210-00-998-7745
7210-00-883-8492
7210-00-140-4231
7210-00-140-4234
7210-00-543-6001
7210-00-171-1091
7210-00-935-6619
7210-00-230-1041
7210-00-241-9718
7210-00-543-6002
7210-00-140-4233
Insect Bar, Nylon (SH)
7210-00-266-9736
Mattress, Cotton-Felt (IB)
7210-00-139-6517
7210-00-139-6555
7210-00-139-6538
Mattress, Foam (IB)
7210-00-290-8300
7210-00-275-5873
7210-00-275-5874
7210-00-290-8298
7210-00-290-8297
7210-00-052-7327
7210-00-889-3733
7210-00-290-8299
7210-00-682-6503
7210-00-682-6504
Mattress, Innerspring (IB)
7210-00-205-3585
7210-00-139-6424
7210-00-716-0706
7210-00-139-6411
7210-00-205-3534
7210-00-139-6434
7210-00-139-6428
7210-00-110-8102
7210-00-110-8103
7210-01-177-3627
7210-01-177-3628
7210-01-177-1491
7210-01-177-1492
7210-01-177-1494
7210-01-177-1495
7210-01-177-1496
7210-01-177-1497
7210-01-177-1498
7210-01-177-1499
7210-01-177-1500
7210-01-177-1501
7210-01-177-1503
7210-01-177-1504
7210-01-177-1505
7210-01-177-1506
7210-01-177-1507
7210-01-177-1508
7210-01-177-1509
7210-01-177-1510
7210-01-177-1512
7210-01-177-1513

7210-01-177-1514
7210-01-177-1515
7210-01-076-9031
7210-01-076-1087
7210-01-078-2593
7210-01-076-1082
7210-01-076-1089
7210-01-076-9029
7210-01-076-1083
7210-01-076-1085
7210-01-076-8730
7210-01-076-1086
7210-01-077-9358
7210-01-075-8358
7210-01-076-1088
7210-01-076-8359
7210-01-076-1084
7210-01-076-9030
7210-01-228-5726
7210-01-228-5727
7210-01-228-5728
7210-01-228-5729

Mattress, Plastic Coated Innerspring (IB)
7210-00-995-1093
7210-00-682-7146
7210-00-529-3709
7210-01-138-8177

Pad, Mattress (IB)
7210-00-227-1526
7210-00-753-3042

Pillow, Bed (IB)
7210-01-035-3342
7210-00-753-6228
7210-00-894-1144
7210-01-015-5190
Except Richmond, VA depot
7210-00-119-5358

Pillow, Bed (Feather) (IB)
7210-00-205-3205

Pillow, Passenger, Headrest (IB)
7210-00-682-6601

Pillowcase (SH)
7210-00-119-7357
7210-01-030-5311

Pillowcase, Cotton/Cotton Polyester (IB)
7210-00-054-7910
7210-00-259-9005
7210-00-259-9006
7210-00-119-7356
7210-00-231-2373
7210-00-259-9004
7210-00-259-8897
7210-00-081-1380

Pillowcase, Disposable (IB)
7210-00-883-8494
7210-00-852-3417

Protector, Hospital Bed, Pillow (IB)
7210-00-958-9118

Protector, Mattress, Hospital Bed (IB)
7210-00-761-1471
7210-00-761-1470

Sheet, Bed (IB)
7210-00-299-9611

Sheet, Bed—Disposable (SH)
7210-00-144-6082

Sheet, Bed, Disposable (IB)
Memphis, TN and Tracy, CA Depots only
7210-00-498-0512
7210-00-139-6376

Tablecloth (SH)
7210-00-492-8381

Towel, Bath, Disposable(IB)
7210-01-029-0370

Washcloth (IB)
7210-01-013-2824

CLASS 7220

Mat, Floor (SH)
7220-00-205-3192
7220-00-205-3182
7220-00-457-6057
7220-00-457-6063
7220-00-151-6519
7220-00-151-6518
7220-00-151-6517
7220-00-477-3063
7220-00-194-1609
7220-00-457-6046
7220-00-477-1609
7220-00-457-6054

Mat, Floor (IB)
7220-00-205-3099
7220-00-224-6487
7220-00-238-8852
7220-00-224-6486
7220-00-238-8854
7220-00-165-7020
7220-01-023-9487
7220-01-023-9489
7220-01-024-5997
7220-01-023-9496
7220-01-023-9490
7220-01-023-9491
7220-01-023-9493
7220-01-023-9494
7220-01-023-9495

CLASS 7230

Curtain, Shower (IB)
7230-00-205-1762
7230-00-247-1280
7230-00-849-9838
7230-00-849-9839

CLASS 7290

Cover, Ironing Board (IB)
7290-00-130-3271

CLASS 7330

Pad, Bakery (IB)
7330-00-379-4439

Tongs, Food Serving (SH)
7330-00-616-0997
7330-00-616-0998
7330-00-616-1000

CLASS 7340

Flatware, Plastic, Heavy Duty (IB)
7340-00-022-1315
7340-00-022-1316
7340-00-022-1317
7340-00-401-8041

Flatware, Plastic, Picnic (IB)
7340-00-170-8374
7340-00-205-3187
7340-00-205-3342

Medium Weight Plastic Cutlery (IB)
7340-00-NIB-0005
7340-00-NIB-0006
7340-00-NIB-0007
7340-00-NIB-0008
Army and Air Force Exchange Service only

Spoon, Picnic, Plastic (IB)
7340-00-J19-1300

CLASS 7360

Dining Packet (IB)
7360-00-935-6407
7360-00-935-6408
7360-00-935-6409
7360-00-935-6410
7360-00-935-6411
7360-00-935-6412
7360-00-935-6413
7360-00-J19-2026

Dining Packet (Dietetic) (IB)
7360-00-177-4958
7360-00-177-4959
7360-00-177-4960
7360-00-177-4961
7360-00-177-4962
7360-00-177-4963
7360-00-935-6416
7360-00-935-6417
7360-00-935-6420
7360-00-935-6421

Dining Packet, Inflight (IB)
7360-00-660-0526
7360-01-167-2610

Flatware Set, Plastic (IB)
7360-00-634-4800

CLASS 7510

Binder, Awards Certificate (IB)
7510-00-115-3250
7510-00-482-2994
7510-00-755-7077
7510-01-056-1927

Binder, Looseleaf, (Pressboard) (IB)
7510-00-281-4309
7510-00-281-4314
7510-00-582-4201
7510-00-281-4310
7510-00-281-4311
7510-00-281-4313
7510-00-281-4315
7510-00-286-7792
7510-00-286-7794
7510-00-582-5488
7510-00-286-7791
7510-00-582-3807

Binder, Looseleaf, Presentation (IB)
7510-00-582-5398
7510-00-582-5399
7510-00-582-5400

Binder, Looseleaf, Three Ring (IB)
7510-00-782-2663
7510-00-409-8646
7510-00-409-8647
7510-00-984-5787

Binder, Looseleaf, Printout (IB)
7510-00-965-2443

Binder, Looseleaf, Three Ring (SH)
7510-00-889-3494

Binder, Note Pad (IB)
7510-00-286-6954
7510-00-145-0296
7510-00-728-8060
7510-00-053-5591

Board, Wall Calendar (IB)
7510-00-789-2455

Calendar Pad (SH)
7510-01-117-7713 (1987)
7510-01-225-9213 (1988)

Clip, Binder (SH)
7510-00-282-8201
7510-00-223-6807
7510-00-285-5995

Clip, Paper (SH)
7510-00-161-4292

Envelope, Crystal Clear Vinyl (IB)
7510-00-NIB-0003
7510-00-NIB-0004

7510-00-NIB-0005
7510-00-NIB-0006
Envelope, Transparent (IB)
7510-00-782-6274
7510-00-782-6275
7510-00-782-6276
Eraser, Blackboard (IB)
7510-00-244-9145
Eraser, Mechanical Pencil (IB)
7510-00-307-7885
File Back (IB)
7510-00-NIB-0002
File Backer, Paper (IB)
7510-00-285-2567
File Front (IB)
7510-00-NIB-0001
Pad, Typewriter (IB)
7510-00-257-2576
7510-00-530-6412
7510-00-849-1137
Paperweight, Shotfilled (IB)
7510-00-286-6985
Pencil (IB)
7510-00-286-5757
7510-00-281-5234
7510-00-281-5235
Pencil, Fine-Line Writing (IB)
7510-00-286-5755
7510-00-286-5750
7510-00-286-5751
Pocket Planning Set (SH)
7510-00-119-6371 (1987)
7510-00-226-2953 (1988)
Portfolio, Double Pocket (IB)
7510-00-584-2489
7510-00-584-2490
7510-00-584-2491
7510-00-584-2492
Portfolio, Plastic Envelope (IB)
7510-00-558-1572
7510-00-558-1573
7510-00-995-4856
7510-00-995-4852
Refill, Ballpoint Pen (IB)
7510-00-543-6792
7510-00-543-6793
7510-00-754-2687
7510-00-543-6795
7510-00-754-2688
7510-00-754-2689
7510-00-754-2690
7510-00-754-2691
Refill, List Finder, Automatic (SH)
7510-00-285-2800
Sheath, Pen and Pencil (IB)
7510-00-052-2664

CLASS 7520

Arch Board File (IB)
7520-00-240-5498
7520-00-191-1075
7520-00-255-7081
Ballpoint Pen (IB)
7520-00-935-7136
7520-00-935-7135
7520-00-543-7149
Ballpoint Pen, Stick-type (IB)
7520-01-058-9978
7520-01-058-9977
7520-01-058-9976
7520-01-059-4125
7520-01-060-5820
7520-01-058-9975
7520-01-060-8513
7520-01-060-5821
Ballpoint Pen, with Imprinting (IB)
7520-00-8LP-6520
Book Ends (IB)
7520-00-264-5479
7520-00-139-6158
Box, Filing (SH)
7520-00-285-3147
7520-00-285-3143
7520-00-285-3144
7520-00-285-3145
7520-00-285-3146
7520-00-285-3148
7520-00-139-3734
7520-00-240-4830
7520-00-240-4831
7520-00-139-3743
7520-00-240-4839
Case, Maintenance & Operational Manuals (IB)
7520-00-559-9618
Clipboard File (IB)
7520-00-281-5918
7520-00-254-4610
7520-00-240-5503
Easel, Display & Training (IB)
7520-00-579-7013
File, Horizontal Desk (SH)
7520-00-139-4869
7520-00-728-5761
Holder, Desk Memorandum (IB)
7520-00-139-3802
7520-00-290-6445
Marker, Tube Type, Broad Tip (IB)
7520-00-973-1059
7520-00-973-1060
7520-00-079-0285
7520-00-973-1061
7520-00-079-0286
7520-00-079-0287
7520-00-973-1062
7520-00-079-0288
7520-00-904-4476
7520-00-558-1501
Marker, Tube Type, Fine Tip (IB)
7520-00-904-1265
7520-00-904-1268
7520-00-935-0979
7520-00-904-1267
7520-00-935-0981
7520-00-935-0982
7520-00-904-1266
7520-00-935-0980
7520-00-051-5031
7520-00-051-5035
7520-00-116-2888
7520-00-051-5036
7520-00-116-2886
7520-00-116-2889
7520-00-051-5033
7520-00-116-2887
7520-00-138-7981
Pen Set, Desk (IB)
7520-00-106-9840
Pencil, Mechanical (IB)
7520-00-223-6672
7520-00-223-6673
7520-00-268-9913
7520-00-223-6675
7520-00-223-6676
7520-00-285-5826
7520-00-285-5822
7520-00-285-5823
7520-00-161-5664
7520-00-164-8950
7520-00-268-9915
7520-00-285-5818
7520-00-268-9916
7520-00-724-5606
7520-00-590-1878
7520-00-132-4996
Perforator, Paper, Desk (SH)
7520-00-139-4101
7520-00-263-3425
Stand, Calendar Pad (IB)
7520-00-162-6153
7520-00-162-6156
7520-00-139-4177
7520-00-139-4341
Tray, Desk (SH)
7520-00-232-6828
7520-00-286-5801
7520-00-285-5043
Trimmer, Paper (IB)
7520-00-224-7620 Rgns 1, 2, 3, W, 4, 5, 6, 7
7520-00-224-7621
7520-00-163-2568
7520-00-634-4675
7520-00-282-2137

CLASS 7530

Book, Memorandum (IB)
7530-00-286-6952
Card Set, Guide, File (IB)
7530-00-989-0698
7530-00-989-0697
7530-00-989-0683
7530-00-082-2635
7530-00-989-0684
7530-00-989-0686
7530-00-989-0692
7530-00-989-0694
7530-00-989-0693
7530-00-989-0695
Card, Guide, File (IB)
7530-00-988-0184
7530-00-989-2425
7530-00-988-6541
7530-00-988-6542
7530-00-988-6543
7530-00-988-6549
7530-00-988-6550
7530-00-988-6551
7530-00-988-6544
7530-00-988-6545
7530-00-988-6546
7530-00-988-6547
7530-00-988-6548
7530-00-988-6515
7530-00-988-6516
7530-00-988-6520
7530-00-988-6521
7530-00-988-6517
7530-00-988-6518
7530-00-988-6522
Card, Index (IB)
7530-00-238-4316
7530-00-244-7453
7530-00-244-7456
7530-00-244-7451
7530-00-244-7459
7530-00-238-4319
7530-00-949-2787
7530-00-238-4331
7530-00-243-9436
7530-00-247-0310
7530-00-281-1315
7530-00-247-0318
7530-00-264-3723
7530-00-247-0311
7530-00-244-7447
7530-00-247-0315
7530-00-243-9437
Envelope, Wallet (IB)

7530-00-281-5976
7530-00-281-4844
7530-00-281-4846
Folder, File, General-Purpose (IB)
7530-00-811-7169
Folder, File, Kraft (IB)
7530-00-889-3555
7530-00-559-4512
7530-00-281-5907
7530-00-281-5908
7530-00-926-8978
7530-00-926-8980
Folder, File Manila (IB)
7530-00-273-9845
Folder, File, Military Personnel Records Jacket (IB)
7530—DA Form 201
Folder, File, Pressboard (IB)
7530-00-926-8981
7530-00-286-6924
7530-00-926-8982
7530-00-926-8983
7530-00-926-8984
7530-00-043-1194
7530-00-739-7723
Folder-Set, File, Pressboard (IB)
7530-00-286-6923
7530-00-286-7080
7530-00-286-7244
7530-00-286-7253
7530-00-286-7286
7530-00-286-7287
7530-00-286-8570
7530-00-286-8571
7530-00-286-6925
7530-00-286-6926
Indes Sheet Set, Looseleaf Binder (IB)
7530-00-160-8474
7530-00-160-8475
7530-00-160-8476
7530-00-959-4441
Jacket, Filing, Wallet (IB)
7530-00-285-2913
7530-00-285-2914
7530-00-285-2915
Notebook, Stenographer's (IB)
7530-00-223-7939
Pad, Writing Paper (IB)
7530-00-285-3090 Rgns 1,5,6, only
7530-00-239-8479 All Regions
7530-01-131-1889 All Regions
7530-01-124-5660 Rgns W,1,3,4,5,6,7,8
7530-01-131-0091 Rgns W,1,3,4,5,6,7,8
7530-00-124-7632 Rgns W,1,2,3,5,7
Pad, Writing Paper (Easel) (IB)
7530-00-619-8880
Paper Set, Manifold and Carbon (IB)
7530-00-401-6910 Rgns W,4,6,7,9
7530-01-072-2536 Rgns W,4,6,7,9
7530-01-072-2537 Rgns W,4,6,7,9
7530-01-072-2538 Rgns W,4,6,7,9
7530-01-072-2539 Rgns W,4,6,7,9
Paper, Carbon, Typewriter (IB)
7530-00-244-4035 Rgns 1,2,3,6,7,8
Paper, Looseleaf, Blank (IB)
7530-00-286-5777
7530-00-286-5778
7530-00-286-5782
7530-00-286-5780
7530-00-286-5781
7530-00-286-5779
7530-00-286-6983
7530-00-286-6984
Paper, Looseleaf, Ruled (IB)
7530-00-286-6366
7530-00-286-4332
7530-00-286-4331
7530-00-286-4333
7530-00-286-4334
7530-00-286-4335
7530-00-198-6265
7530-00-286-4336
7530-00-286-4337
7530-00-286-4338
7530-00-286-4339
Paper, Teletypewriter, Roll (IB)
7530-00-019-6674
7530-00-019-6931
7530-00-019-7267
7530-00-019-7463
7530-00-223-7966
7530-00-056-2900
7530-00-721-6991
7530-00-223-7969
7530-00-262-9178
7530-00-142-9037
7530-00-943-7076
7530-00-272-9811
7530-00-285-3054
7530-00-285-5030
7530-00-286-7766
7530-00-019-7837
7530-00-019-7849
7530-00-019-7950
7530-00-019-8608
7530-00-019-8810
7530-00-142-9038
Paper, Writing (IB)
7530-00-285-5836
7530-01-047-3738
Refill, Appointment Book (SH)
7530-01-125-0987 (1987)
7530-00-228-9702 (1988)
Tape, Paper, Computing Machine (IB)
7530-00-286-9052
7530-00-222-3455
7530-00-286-9053
7530-00-286-9054
7530-00-238-8352
7530-00-222-3456
7530-00-286-9055
Tape, Postage Meter (IB)
7530-00-912-3924
7330-00-912-3925

CLASS 7670

Microfiche, Subject Headings and Name Authorities (SH)
7670-00-NSH-0001 Library of Congress only

CLASS 7699

Innerspring Mattress Rehabilitation (w/o handles) (IB)
Group I—Less than 36" wide
Group II—36" to 41" wide
Group III—Over 41" to 49" wide
Group IV—Over 49" wide
Innerspring Mattress Rehabilitation (w/ handles) (IB)
Group I—Less than 36" wide
Group II—36" to 41" wide
Group III—Over 41" to 49" wide
Group IV—Over 49" wide

CLASS 7910

Pad, Floor Polishing Machine (IB)
7910-00-685-6686
7910-00-685-6687
7910-00-685-3908
7910-00-685-6671
7910-00-685-3909
7910-00-685-6672
7910-00-685-3910
7910-00-685-6656
7910-00-685-6657
7910-00-685-3912
7910-00-685-6659
7910-00-685-3915
7910-00-685-6660
7910-00-685-3914
7910-00-685-4239
7910-00-685-4240
7910-00-685-4242
7910-00-685-4243
7910-00-685-4241
7910-00-685-4244
7910-00-685-4245
7910-00-820-7991
7910-00-820-7989
7910-00-820-7990
7910-00-820-9926
7910-00-820-9925
7910-00-820-9924
7910-00-820-9898
7910-00-820-7997
7910-00-820-7996
7910-00-820-9903
7910-00-820-9904
7910-00-820-9905
7910-00-820-9900
7910-00-820-9901
7910-00-820-9899
7910-00-820-9922
7910-00-820-9918
7910-00-820-9917
7910-00-820-9916
7910-00-820-9915
7910-00-820-9914
7910-00-820-9913
7910-00-820-9912
7910-00-820-9911
7910-00-820-9910

CLASS 7920

Broom, Push (IB)
7920-00-267-2967
Broom, Upright (IB)
7920-00-292-4371
7920-00-292-4375
7920-00-292-4372
7920-00-291-8305
Broom, Whisk (IB)
7920-00-240-6350
Brush, Chassis and Running Gear (IB)
7920-00-255-7536
Brush, Cleaning, Aircraft (IB)
7920-00-051-4384
Brush, Dusting (IB)
7920-00-178-8315
Brush, Floor Sweeping (IB)
7920-00-243-3407
7920-00-292-2363
7920-00-292-2367
7920-00-264-4638
7920-00-292-2362
7920-00-292-2365
Brush, Plater's, Hand (IB)
7920-00-267-1215
7920-00-267-1213
Brush, Sanitary (IB)
7920-00-772-5800
7920-00-234-9317
Brush, Scrub (IB)
7920-00-240-7174
7920-00-951-8795

7920-00-282-2470 Tampico Fibers
7920-00-282-2400 Styrene Fibers
7920-00-297-1511
7920-00-619-9162
7920-00-061-0038
Brush, Shoe and Stove (IB)
7920-00-852-8170
Brush, Wire, Scratch (IB)
7920-00-291-5815
7920-00-282-9246
7920-00-246-8501
7920-00-223-7849
7920-00-269-1259
7920-00-255-5135
7920-00-269-0933
Brush, Wire, Stainless Steel (IB)
7920-00-958-1157
Brush-Set, Shoe and Stove (IB)
7920-00-205-0200
Cloth, Polishing (IB)
7920-00-205-1656
Cloth, Wiping (SH)
7920-LL-L03-6103
7920-LL-L03-6134
Pearl Harbor Naval Shipyard, Pearl Harbor, HI only
Cloth, Wiping ("Jean Cotton") (SH)
7920-LL-L01-0013
7920-LL-L01-0014
Portsmouth Naval Shipyard, Portsmouth, NH only
Handle, Mop (IB)
7920-00-205-1168
7920-00-267-1218
7920-00-205-1167
7920-00-550-9902
7920-00-550-9911
7920-00-550-9912
7920-00-998-2485
7920-00-998-2486
7920-00-851-0140
7920-00-851-0142
7920-00-246-0930
7920-00-205-1170
Handle, Paint Roller (IB)
7920-00-682-6512
Handle, Wood (IB)
7920-00-177-5106
7920-00-141-5452
7920-00-263-0328
Kit, Aircraft Cleaning (IB)
7920-00-490-6046
Mop, Dusting, Cotton (IB)
7920-00-205-0481
7920-00-205-0483
7920-00-245-8289
7920-00-205-0484
Mop, Wet (IB)
7920-00-224-8726
Mop, Wet, Cellulose (Sponge Refill) (IB)
7920-00-471-2876
Mop, Wet, Cellulose Complete (IB)
7920-00-432-7117
Mophead, Dusting, Cotton (IB)
7920-00-634-0201
7920-00-267-4921
7920-00-998-2482
7920-00-998-2483
7920-00-998-2484
7920-00-851-0141
7920-00-205-0485
7920-00-205-0487
7920-00-205-0488
Mophead, Wet (IB)
7920-00-205-0425
7920-00-205 -0426
7920-00-141-5549
7920-00-171-1148
7920-00-141-5550
7920-00-141-5547
7920-00-141-5548
7920-00-141-5544
7920-00-926-5492
7920-00-926-5493
7920-00-926-5494
7920-00-926-5495
7920-00-926-5496
7920-00-926-5497
7920-00-926-5498
7920-00-926-5499
7920-00-926-5501
7920-00-926-5502
Pad, Scouring (IB)
7920-00-753-5242
7920-00-151-6120
Scraper and Squeegee (IB)
7920-00-045-2556
Sponge, Cellulose (IB)
7920-00-161-6219
7920-00-633-9928
7920-00-240-2559
7920-00-884-1116
7920-00-884-1115
7920-00-633-9905
7920-00-240-2555
7920-00-633-9906
Sponge, Plastic (IB)
7920-00-633-9908
7920-00-633-9911
7920-00-633-9915
7920-00-685-4152
Squeegee (SH)
7920-00-224-8339
Squeegee, Window-Cleaning (IB)
7920-00-577-4744
7920-00-577-4745
7920-00-577-4746
Towel, Machinery Wiping (IB)
7920-00-260-1279
Towel, Paper (IB)
7920-00-823-9772
7920-00-823-9773

CLASS 7930

Cloth, Wiping (SH)
7930-LL-COO-3782
7930-LL-COO-2768
Mare Island Naval Shipyard, CA only
Cloth, Filter (SH)
7930-00-NSH-0001
Naval Supply Center, WA only
Detergent, General Purpose (IB)
7930-00-926-5280
7930-00-357-7386
7930-00-068-1669
7930-00-055-6122
7930-00-177-5243
7930-00-985-6945
7930-00-985-6946
7930-00-530-8067
7930-00-527-1207
7930-00-527-1237
7930-00-055-6121
7930-00-282-9700
7930-00-282-9699
7930-00-985-6911
Dishwashing Compound, Hand (IB)
7930-00-880-4454
7930-00-055-6136
7930-00-899-9534
Glass Cleaner (IB)
7930-00-664-6910
Rinse Additive, Dishwashing (IB)
7930-00-619-9573
7930-00-619-9575

CLASS 8010

Aerosol Paint, Lacquer (IB)
8010-00-721-9742
8010-00-079-2754
8010-00-141-2952
8010-00-721-9743
8010-00-584-3148
8010-00-721-9479
8010-00-141-2950
8010-00-721-9744
8010-00-721-9745
8010-00-965-2389
8010-00-079-2756
8010-00-141-2951
8010-00-584-3149
8010-00-584-3154
8010-00-721-9483
8010-00-883-5329
8010-00-965-2390
8010-00-965-2392
8010-00-721-9746
8010-00-721-9747
8010-00-721-9748
8010-00-721-9753
8010-00-141-2958
8010-00-721-9749
8010-00-721-9750
8010-00-721-9754
8010-00-835-7215
8010-00-965-2391
8010-00-290-6983
8010-00-290-6984
8010-00-582-5382
8010-00-584-3150
8010-00-721-9487
8010-00-721-9751
8010-00-721-9752
8010-00-515-2487
Enamel (IB)
8010-00-067-5436
8010-00-067-5437
8010-00-079-2750
8010-00-079-2752
8010-00-203-7803
8010-00-203-7804
8010-00-079-3750
8010-00-079-3752
8010-00-079-3754
8010-00-079-3756
8010-00-079-3758
8010-00-079-3760
8010-00-079-3762
8010-00-079-3764

CLASS 8105

Bag, Assembly, Crew Relief (IB)
8105-00-922-9469
Bag, Cloth (IB)
8105-00-282-8183
Bag, Cotton (IB)
8105-00-183-6981
8105-00-281-3924
8105-00-183-6982
8105-00-179-0089
8105-00-271-1511
8105-00-183-6985
8105-00-174-0826
8105-00-183-6989
8105-00-290-3360

Bag, Currency (IB)
8105-00-NIB-0006
Bureau of Engraving and Printing, Washington, D.C. only
Bag, Evidence (IB)
8105-00-NIB-0001
8105-00-NIB-0002
8105-00-NIB-0003
8105-00-NIB-0004
8105-00-NIB-0005
Bag, Motion Sickness (IB)
8105-00-835-7212
Coin Bags, (SH)
8105-00-NSH-0005
8105-00-NSH-0006
8105-00-NSH-0008
8105-00-NSH-0009
8105-00-NSH-0010
8105-00-NSH-0011
8105-00-NSH-0012

CLASS 8110

Tube, Mailing and Filing (SH)
8110-00-412-4410

CLASS 8115

Box, Set-Up, Mailing Dental (IB)
8115-00-511-5750
Box, Shipping (IB)
8115-00-787-2142
8115-00-787-2147
8115-00-101-7647
8115-00-101-7638
8115-00-787-2146
8115-00-787-2148
8115-01-019-4085
8115-01-019-4084
8115-01-057-1244
8115-01-057-1243
8115-01-057-1245
8115-00-192-1603
8115-00-192-1604
8115-00-192-1605
8115-01-093-3730
Box, Wood (SH)
8115-00-935-5887
8115-00-935-6518
8115-00-935-6525
8115-00-935-6526
8115-00-935-6527
8115-00-935-6528
8115-00-935-6530
8115-00-935-6532
8115-00-935-6531
Box, Wood, Nailed (SH)
8115-01-M00-0081
Pine Bluff Arsenal, AR only
Wood Container (SH)
8115-L1-599-7220
8115-L1-599-7320
8115-L1-599-7820
8115-L1-599-8020
8115-L1-599-8120
8115-L1-599-7920
8115-L1-465-0920
8115-L1-465-1020
8115-L1-466-4120
Robins AFB, GA only

CLASS 8135

Block, Currency Packing (IB)
BEP Stock # L-1391
Chipboard (IB)
8135-00-290-0336
8135-00-782-3948
8135-00-782-3951
8135-00-579-8457

CLASS 8140

Pallet Assembly (SH)
8140-01-050-9789

CLASS 8315

Sewing Kit (SH)
8315-01-090-5823
8315-01-222-0680

CLASS 8340

Cover, Tent (SH)
8340-00-262-2397
Line, Tent (SH)
8340-00-263-0254
8340-00-263-0255
8340-00-252-2268
8340-00-252-2271
8340-00-252-2273
8340-00-252-2291
8340-00-556-9689
8340-00-252-2280
8340-00-252-2282
8340-00-252-2297
8340-00-252-2293
Pin, Tent, Aluminum (SH)
8340-00-261-9749
Pin, Tent, Wood (SH)
8340-00-261-9750
8340-00-261-9751
8340-00-261-9752
Pole Section, Tent (SH)
8340-00-223-7849
Shelter Half, Tent, Incomplete (SH)
8340-00-577-4168
Shelter Half, Tent, Complete (SH)
8345-01-026-6096

CLASS 8345

Case, Flag, Interment (IB)
8345-00-782-3010
Flag, Signal (IB)
8345-00-935-0588
8345-00-935-0589
8345-00-935-0590
8345-00-935-0591
8345-00-935-0592
8345-00-935-0594
8345-00-935-0595
8345-00-935-0597
8345-00-935-0598
8345-00-935-0599
8345-00-935-0602
8345-00-935-0604
8345-00-935-0607
8345-00-935-0608
8345-00-935-0633
8345-00-935-1840
8345-00-935-0634
8345-00-935-0638
8345-00-935-0639
8345-00-935-0640
8345-00-926-9977
8345-00-926-9216
8345-00-926-9978
8345-00-926-6804
8345-00-926-6806
8345-00-926-9979
8345-00-926-6807
8345-00-926-6809
8345-00-926-9980
8345-00-926-9219
8345-00-935-0582
8345-00-926-9984
8345-00-926-6003
8345-00-926-9985
8345-00-935-0619
8345-00-935-1839
8345-00-935-0620
8345-00-935-0623
8345-00-935-0409
8345-00-935-0624
8345-00-935-0445
8345-00-926-6803
8345-00-935-0446
8345-00-926-6805
8345-00-935-0447
8345-00-926-9987
8345-00-935-0448
8345-00-926-6810
8345-00-926-9988
8345-00-935-0450
8345-00-935-0451
8345-00-935-0453
8345-00-926-6002
8345-00-926-6814
8345-00-935-0436
8345-00-935-0437
8345-00-935-0438
8345-00-935-0408
8345-00-935-0441
8345-00-935-0442
8345-00-935-0464
8345-00-935-0465
8345-00-935-0466
8345-00-935-0467
8345-00-935-0468
8345-00-935-0470
8345-00-935-0471
8345-00-935-0473
8345-00-935-0474
8345-00-935-0475
8345-00-935-0478
8345-00-935-0480
8345-00-935-0483
8345-00-935-0484
8345-00-935-0626
8345-00-935-1838
8345-00-935-0627
8345-00-935-0407
8345-00-935-0630
8345-00-935-0631
Flag, Signal, Vehicle, Danger Red (IB)
8345-00-260-2724
Pennant, Signal, and Special Flags (IB)
8345-00-935-0420
8345-00-935-0517
8345-00-935-4755
8345-00-825-1847
8345-00-935-3201
8345-00-935-4756
8345-00-935-0522
8345-00-914-6086
8345-00-935-4753
8345-00-935-4754
8345-00-935-0404
8345-00-935-0514
8345-00-825-1868
8345-00-935-0406
8345-00-935-0509
8345-00-926-5988
8345-00-935-0512
8345-00-921-4497
8345-00-935-3199
8345-00-825-1839

8345-00-935-0528
8345-00-914-6076
8345-00-914-6080
8345-00-914-6083
8345-00-935-0524
8345-00-926-5987
8345-00-926-5989
8345-00-935-0539
8345-00-926-5991
8345-00-825-1840
8345-00-935-0521
8345-00-914-6087
8345-00-926-6026
8345-00-935-0403
8345-00-935-0536
8345-00-926-9210
8345-00-926-9213
8345-00-926-6028
8345-00-935-0508
8345-00-935-0519
8345-00-935-0415
8345-00-914-6085
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8345-00-935-0411
8345-00-926-9212
8345-00-914-7411
8345-00-914-6079
8345-00-914-6082
8345-00-935-0523
8345-00-935-0417
8345-00-926-5990
8345-00-935-0421
8345-00-926-9207
8345-00-935-0542
8345-00-935-0520
8345-00-935-0492
8345-00-935-0493
8345-00-926-9214
8345-00-935-0513
8345-00-935-0490
8345-00-935-0495
8345-00-926-9208
8345-00-935-0518
8345-00-935-0511
8345-00-914-6084
8345-00-935-0405
8345-00-935-0410
8345-00-935-0525
8345-00-914-6075
8345-00-914-6077
8345-00-914-6081
8345-00-935-0419
8345-00-935-0416
8345-00-935-0537
8345-00-935-0538
8345-00-935-0540
8345-00-935-0541
8345-00-926-9211
8345-00-935-0499
8345-00-935-0500
8345-00-935-0501
8345-00-825-1818
8345-00-935-0497
8345-00-935-0504
8345-00-935-1841
8345-00-935-0418
8345-00-825-1819
8345-00-926-1551
8345-00-935-0503
8345-00-935-0534
8345-00-935-1843
8345-00-926-1548
8345-00-926-1549
8345-00-926-1552

Streamer, Warning, Aircraft (IB)
8345-00-863-9170

CLASS 8405

Cover, Service Cap (IB)
8405-01-046-8544
8405-01-046-8545

Liner, Poncho, Wet Weather (IB)
8405-00-889-3683

Poncho, Wet Weather (IB)
8405-01-100-0976

CLASS 8415

Apron, Construction Worker's (IB)
8415-00-205-3895
8415-00-257-4290

Apron, Food Handler's (IB)
8415-00-255-8577
8415-00-634-0205
8415-00-051-1173
8415-00-045-0587

Apron, Food Handler's (SH)
8415-00-899-3026

Apron, Impermeable (SH)
8415-00-082-6108

Apron, Laboratory (SH)
8415-00-634-5023

Band, Helmet, Camouflage (IB)
8415-01-110-9981

Cap, Food Handler's (IB)
8415-00-234-7677
8415-00-234-7678
8415-00-234-7679

Cover, Helmet (IB)
8415-00-105-0605

Cover, Helmet, Camouflage Pattern (IB)
8415-01-092-7514
8415-01-092-7515

Cover, Helmet, Chemical Protective (IB)
8415-01-111-9028 (75,000 each annually)

Cover, Helmet, Desert Camouflage (SH)
8415-01-103-1349
8415-01-103-1350

Hood, Anti-Flash (SH)
8415-00-275-3159

Hood, Spray Painter's Protective (SH)
8415-00-NSH-0001
Pearl Harbor Naval Shipyard, HI only

Liner, Coat, Cold Weather (IB)
8415-00-782-2886
8415-00-782-2887
8415-00-782-2888
8415-00-782-2889
8415-00-782-2890
8415-01-062-0679
All Gov't requirements except for Memphis Depot, TN

Liner, Trousers, Cold Weather (IB)
8415-01-180-0370
8415-01-180-0371
8415-01-180-0372
8415-01-180-0373
8415-01-180-0374
8415-01-180-0375
8415-01-180-0376
8415-01-180-0377

Mask, Extreme Cold Weather (SH)
8415-01-006-3468

Pad, Helmet, Flight Deck Crewman's (IB)
8415-00-178-6830
8415-00-178-6831

Socks, Extreme Cold Weather (SH)
8415-00-177-7992
8415-00-177-7993
8415-00-177-7994
8415-01-057-3503

Traffic Safety Clothing (See Class 8465 also) (IB)
8415-00-177-4978
8415-00-177-4974

CLASS 8430

Footwear Cover (IB)
8430-01-196-8394
8430-00-580-1205
8430-00-580-1206
8430-00-591-1359
8430-01-162-4453

Slide Fastener Unit, Laced Boot (IB)
8430-00-465-1888
8430-00-465-1889
8430-00-465-1890

CLASS 8440

Belt, Coat (IB)
8440-00-261-4965
8440-00-261-4966

Belt, Trousers (IB)
8440-00-270-0535
8440-00-412-2309
8440-00-573-1666
8440-00-270-0536
8440-00-412-2312
8440-00-573-1765
8440-00-270-0537
8440-00-412-2314
8440-00-573-3727
8440-00-290-0567
8440-00-052-9738
8440-00-290-0568
8440-00-052-9739
8440-00-269-5311
8440-00-052-9740
8440-00-634-5632
8440-00-753-6363
8440-00-577-4177
8440-00-753-6364
8440-00-577-4178
8440-00-753-6365
8440-00-270-0541
8440-00-412-2326
8440-00-270-0542
8440-00-412-2341
8440-00-270-0543
8440-00-412-2342

Handkerchief, Man's (SH)
8440-00-261-4246

Neckerchief (IB)
8440-01-198-5175

Neckerchief, Camouflage, Desert (IB)
8440-01-103-5981
8440-01-148-4549

Necktie (IB)
8440-01-156-0373
8440-01-171-7571
8440-01-190-0066

Scarf, Man's, Wool (SH)
8440-01-005-2558
8440-00-160-6843
8440-00-823-7520

Suspenders, Trousers (IB)
8440-00-221-0852

CLASS 8445

Belt, Trousers, Cotton (IB)
8445-01-068-8339
8445-01-068-8340
8445-01-075-0013
8445-01-075-0014
8445-01-075-0015

Scarf, Neckwear (IB)
8445-00-549-5363

CLASS 8455

Holder, Identification (IB)
8455-00-988-9730
Scarf, Branch of Service (IB)
8455-00-916-8398
8455-00-405-2294
8455-00-985-7336
8455-01-078-0745

CLASS 8460

Briefcase (SH)
8460-01-193-9769
Kit Bag, Flyer's (IB)
8460-00-606-8366
8460-00-883-8673

CLASS 8465

Bag, Barrack (IB)
8465-00-530-3692
Bag, Carrying (IB)
8465-01-216-6259
Bag, Laundry (SH)
8465-00-616-9576
Bag, Laundry, Self-Closing, Ropeless (SH)
8465-00-656-0816
Bag, Personal Effects (SH)
8465-00-174-0808
Bag, Sleeping, Firefighter's (IB)
8465-00-081-0798
Bag, Soiled Clothes (SH)
8465-00-122-3869
Bag, Soiled Clothes, Submarine (IB)
8465-00-762-7671
Belt, Individual, Equipment, Nylon, LC-1 (IB)
8465-00-001-6487
8465-00-001-6488
8465-01-120-0674
8465-01-120-0675
Belt, M.P. (IB)
8465-00-527-8843
Binding, Snowshoe, Universal (IB)
8465-00-965-2175
Canteen, Water, Plastic (IB)
8465-01-115-0026
Carrier, Intrenching Tool (IB)
8465-00-001-6474
Case, Field, First Aid (IB)
8465-00-935-6814
Case, Maintenance Equipment, Small Arms (IB)
8465-00-781-9564
Clipboard, Pilot's (SH)
8465-01-012-9174
Clothes Stop (IB)
8465-00-377-5701
Cover, Field Pack, Camouflage (IB)
8465-01-103-0659
Cover, Field-Pack, Camouflage, White (SH)
8465-00-001-6478
Cover, Water, Canteen (IB)
8465-00-118-4956
Fieldpack, Canvas (SH)
8465-00-205-3493
Lanyard, Pistol (SH)
8465-00-262-5237
8465-00-965-1705
Mat, Sleeping, Cold Weather (SH)
8465-01-109-3369
Necklace, Personnel, Identification (SH)
8465-00-261-6629
Pack, Personal Gear (SH)
8465-01-141-2321
Pocket, Ammunition Magazine (IB)
8465-00-782-2239
8465-00-261-4983
Protector, Trousers, Pistol Holster (IB)
8465-00-682-6741
Sheath, Ax (SH)
8465-01-110-2078
Sheath, Brush Hook (Bush) (SH)
8465-01-136-4720
Sheath, McLeod Tool (SH)
8465-01-136-4718
Sheath, Pulaski Tool (SH)
8465-01-067-9999
Sheath, Shovel, Hand (SH)
8465-01-136-4719
Strap, Shoulder, Quick Release, Right Hand (IB)
8465-01-078-9282
Strap, Waist, with Pad, LC-2 (IB)
8465-01-075-8164
Strap, Webbing, Cargo, Tie-Down (IB)
8465-00-001-6477
Strap, Webbing, Frame Attaching (IB)
8465-01-151-2891
Strap, Webbing, Waist, LC-1 (IB)
8465-00-269-0481
Strap, Shoulder, Quick Release, Left Hand (IB)
8465-00-269-0482
Suspenders, Individual Equipment Belt (IB)
8465-00-001-6471
Traffic-Safety Clothing (IB)
8465-00-177-4975
8465-00-177-4976
8465-00-177-4977
Whistle, Ball, Plastic (IB)
8465-00-254-8803

CLASS 8470

Headband, Ground Troop, Helmet Liner (IB)
8470-00-153-6671
Mechanicsburg, PA and Richmond, VA only
Headband, Ground-Troop'/Parachutists' Helmet (IB)
8470-01-092-8493
8470-01-092-8492
Neckband, G.T., Helmet Liner (IB)
8470-00-753-6166
Pad, Parachutists' Helmet (IB)
8470-01-092-8494
Strap, Chin, Ground Troops'/Parachutists' Helmet (IB)
8470-01-092-7534
Strap, Chin, Parachutist Steel Helmet (IB)
8470-00-032-2737
Strap, Retention, Parachutists' Helmet (IB)
8470-01-092-7524
Strap, Soldier's Steel Helmet M-1 (IB)
8470-00-030-8003
Suspension Assembly, Liner, Helmet (IB)
8470-00-880-8814
Suspension-Assembly, Ground Troops'/ Parachutist (IB)
8470-01-092-7516
8470-01-092-7517
8470-01-092-7518
8470-01-092-7519

CLASS 8520

Soap, Toilet (IB)
8520-00-228-0598
8520-01-058-7463
8520-00-141-2519

CLASS 8915

Potatoes, White, Fresh (SH)
8915-00-456-6111 Whole
8915-00-228-1945 Diced
DLA in North Carolina and South Crolina only

CLASS 8970

Food Packet, Survival, Aircraft, Life Raft, Indiv. (SH)
8970-01-028-9406

CLASS 9905

Holder, Card-Label (IB)
9905-00-866-0334
Plate, Marking, Blank (SH)
9905-00-473-6336
Sign-Kit, Vehicle (SH)
9905-00-565-6267
Tag, Key (SH)
9905-00-245-7826
Tag, Marker (SH)
9905-00-537-8954
9905-00-537-8955
9905-00-537-8956
9905-00-537-8957
Tree Shade (SH)
9905-00-NSH-0001 8"×12"
9905-00-NSH-0153 8"×16"
BLM and U.S. Forest Service, Washington and Oregon only

CLASS 9920

Ash Receiver, Tobacco (IB)
9920-00-682-6757
Cleaner, Tobacco Pipe (SH)
9920-00-292-9946

U.S. Postal Service Items

Divider, Separation (SH)
P.S. #01037-A
P.S. #01037-B
Lead Seal with Cord Attachment (SH)
P.S. #0815
Market, I.D., Plastic (SH)
P.S. #01036
P.S. #01036-A
P.S. #01036-B
P.S. #01036-C
P.S. #01036-D
P.S. #01036-E
P.S. #01036-F
Pallet, P.S., Material Handling (SH)
3990-00-NSH-0008
Postal Service, Western Area Supply Center only
Pocket, Imitation Leather (SH)
P.S. #D-1200-G
Safety Guard (SH)
P.S. #1075-B
Seal, Metal Band (SH)
P.S. #0816-A
P.S. #0816-B
Seat Assembly, Complete (SH)
P.S. #054-A
Seat Cover (SH)
P.S. #054-B
Strap, Mail Tray (IB)
P.S. #01067
Strap, Tie, Mail Carrier's, with buckle (IB)
8465—D-1216D
8465—D-1216E
8465—D-1216F

Military Resale Commodities

Procedures for ordering military resale commodities are contained in § 51–5.6, Code of Federal Regulations, Title 41.

Item No.	Item Name
060	Roller ball pen, red (IB)
061	Roller ball pen, blue (IB)
062	Roller ball pen, black (IB)
063	Retractable pen, black (IB)
064	Retractable pen, blue (IB)
065	Ultra fine tip marker, red (IB)
066	Ultra fine tip marker, blue (IB)
067	Ultra fine tip marker, black (IB)
068	Pencil, mechanical, 0.5 mm lead (IB)
204	Cleaner, tobacco, pipe (SH)
500	Room air freshener (IB)
501	Deodorizer, toilet bowl (IB)
503	Bowl deodorizer (IB)
504	Bowl deodorizer (IB)
510	Cleaner, all purpose (IB)
519	Fabric softener sheets, reusable, 8-¾ x 4" (60 count) (IB)
520	Fabric softener sheets, reusable, 8-¾ x 4" (40 count) (IB)
521	Candle, air freshening, fruit (IB)
522	Candle, air freshening, holiday (IB)
523	Candle, air freshening, floral (IB)
524	Candle, air freshening, berry (IB)
525	Candle, air freshening, forest (IB)
526	Candle, air freshening, carnival (IB)
527	Candle, air freshening, festival (IB)
528	Candle, air freshening, herbal (IB)
529	Candle, air freshening, assorted scents with holders (IB)
541	Scrubber, bathroom, with handle (IB)
542	Scrubber, kitchen, with handle (IB)
543	Scrubber, grill & garage, with handle (IB)
544	Scrubber, nylon net over polyurethane pad (IB)
554	Scrubber, nylon, rectangular (IB)
555	Scrubber, kitchen, 4-⅜ x 3-$^{1}/_{16}$ x $^{13}/_{16}$" (IB)
556	Scrubber, bathroom, 4-⅜ x 3-$^{1}/_{16}$ x $^{13}/_{16}$" (IB)
557	Scrubber, general household, 6-⅜ x 3-$^{1}/_{16}$ x 1" (IB)
563	Scrubber, plastic, for teflon (IB)
564	Scrubber, stainless steel (IB)
568	Board, ironing, table top (IB)
570	Clothespins, plastic (IB)
574	Clothesline, plastic, rayon reinforced, 100-ft. (IB)
575	Sponge, cellulose, 5-½ x 3-⅜ x 1-⅛" (IB)
576	Sponge, cellulose, 7-⅜ x 4 x 1-¾" (IB)
577	Sponge, cellulose, 5-½ x 3-⅜ x 1" (IB)
578	Sponge, cellulose, 5-½ x 3-⅜ x ⅜" (IB)
593	Sponge, bath, circular (IB)
594	Swatter, fly, plastic (IB)
596	Cutlery set, plastic, heavy duty (8 ea knives, forks, spoons) (IB)
597	Knives, plastic, heavy duty (IB)
598	Forks, plastic, heavy duty (IB)
599	Spoons, plastic, heavy duty (IB)
721	Paint roller cover, economy, 9" (IB)
723	Paint roller cover, all purpose, 9" (IB)
727	Paint roller cover, high pile, 9" (IB)
730	Paint roller cover, for rough surfaces, 9" (IB)
754	Pillow, Standard, 20" x 26" (IB)
755	Pillow, Queen, 20" x 30" (IB)
756	Pillow, King, 20" x 36" (IB)
901	Broom, mixed fiber (IB)
902	Broom, push, indoor/outdoor, 54" handle (IB)
903	Broom, parlor, corn, medium weight (IB)
904	Broom, corn, plastic cap (IB)
905	Broom, plastic filament, flagged ends (IB)
907	Broom, plastic filament, angle cut (IB)
908	Broom, plastic filament, angle tilt (IB)
909	Broom, whisk, corn (IB)
912	Brush, lint, plastic filament (IB)
914	Brush, barbecue, with scraper (IB)
915	Brush, counter, plastic (IB)
916	Brush, bowl, sanitary, nylon filament (IB)
918	Brush, scrub, household (IB)
919	Brush, scrub, plastic block, vinyl filament (IB)
920	Handle, mop, spring lever, for wet mopheads (IB)
921	Mop, anglematic (IB)
922	Applicator, wax, foam block (IB)
923	Mop, automatic, block sponge (IB)
924	Mop, block sponge, with scrub strip brush (IB)
925	Mop, dusting, nylon (IB)
926	Mop, stick, orlon/rayon yarn, wet (IB)
927	Mop, stick, rayon yarn, wet (IB)
928	Mop, stick, cotton yarn, wet (IB)
931	Refill, for #921 (IB)
933	Refill, mop, automatic, block sponge, for 923 (IB)
934	Refill, mop, block sponge, for 924 (IB)
936	Mophead, orlon/rayon yarn, wet (IB)
937	Mophead, cotton yarn, wet (IB)
940	Towel, heritage design (IB)
941	Cloth, dish, knitted cotton (IB)
942	Dish cloth, heritage design (IB)
943	Towel, modern design (IB)
944	Dish cloth, modern design (IB)
945	Towel, kitchen, cotton (IB)
946	Potholder, quilted, cotton (IB)
947	Oven mitt, modern design (IB)
948	Potholder, modern design (IB)
949	Mitt, oven, quilted, cotton (IB)
950	Mop, dish and bottle, wood handle (IB)
955	Brush, vegetable/utility, plastic filament (IB)
956	Brush, bottle, nylon filament (IB)
957	Brush, dish and pan, nylon filament (IB)
959	Brush, pastry and basting (IB)
962	Cover, ironing board, silicone and pad, poly foam (IB)
964	Cover, ironing board, silicone, double coated (IB)
965	Cover, ironing board, color coated (IB)
970	Bag, washing machine, nylon with zipper (IB)
971	Towel dish, traditional design (IB)
972	Dish cloth, traditional design (IB)
973	Towel, contemporary design (IB)
974	Dish cloth, contemporary design (IB)
975	Oven mitt, traditional design (IB)
977	Oven mitt, contemporary design (IB)
978	Pot holder, contemporary design (IB)
979	Pot holder, traditional design (IB)
980	Cloth, all purpose, cotton (IB)
983	Cloth, dusting (IB)
986	Cloth, wash, face (IB)
995	Dustpan, plastic (IB)

Services

Administrative Services

Department of Commerce:
Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC (SH)
Department of Defense:
DCASR Building B–95, 805 Walker Street, Marietta, Georgia (SH)
Department of Transporation:
FAA Regional Office, East Point, Field Facilities and Accounting Office, Hapeville, Georgia (SH)
Environmental Protection Agency:
1860 Lincoln Street, Denver, Colorado (SH)
Marfair/Fairchild Building, Washington, DC (SH)
Waterside Mall Complex, Washington DC (SH)
345 Courtland Street, NE., Atlanta, Georgia (SH)
General Services Branch, 230 South Dearborn Street, Chicago, Illinois (SH)
Beltsville Research Laboratory, Beltsville, Maryland (SH)
6100 Executive Boulevard, Rockville, Maryland (SH)
9100 Brookville Road, Silver Spring, Maryland (SH)
26 Federal Plaza, New York, New York (SH)
6th and Walnut Street, Philadelphia, Pennsylvania (SH)
Crystal Mall Complex, Arlington, Virginia (SH)

Assembly

Department of Defense:
Belt, Trousers (IB)
Food Packet, Long Range Patrol (8970–00–926–9222) (SH)
Food Packet, Survival, Abandon Ship (8970–00–299–1365) (IB)
Food Packet, Survival, General-Purpose, Individual (8970–00–082–5665) (IB)
General Services Administration:
Living Kit, Basic and Supplemental (SH)

Bursting and Packaging of Commemorative Stamps

U.S. Postal Service:
Washington, DC (SH)

Cage Cleaning

Department of Health and Human Services:
Food and Drug Administration, Federal Office Building #8, 200 C Street, SW., Washington, DC (SH)

Cardboard and Paper Scrap Recovery

Department of Army:
New Cumberland Army Depot, Pennsylvania (SH)
Department of Energy:
Bonneville Power Administration, Portland, Oregon (SH)

Carpet Cleaning

General Services Administration:
Portland, Oregon, plus 10-mile radius (SH)

Carwash

Department of Interior:
Bureau of Land Management, Medford District Office, 3040 Biddle Road, Medford, Oregon (SH)

Catering Service

Department of Air Force:
Military Entrance Processing Station, Jackson, Mississippi (SH)
Department of Army:
New Cumberland Army Depot, Military Entrance Processing Station, Building 521, New Cumberland, Pennsylvania (SH)

Commissary Shelf Stocking

Department of Navy:
Naval Air Station, Alameda, California (SH)
Naval Air Station, Long Beach, California (SH)
Naval Air Station, Miramar, San Diego, California (SH)
Naval Air Station, North Island, San Diego, California (SH)
Naval Station, San Diego, California (SH)
Naval Training Center, San Diego, California (SH)
Mare Island Naval Shipyard, Vallejo, California (SH)
Naval Air Station, Pensacola, Florida (SH)
Naval Air Station, Barbers Point, Oahu, Hawaii (SH)
Naval Base, Pearl Harbor, Hawaii (SH)
Naval Training Center, Great Lakes, Illinois (SH)
Naval Air Station, Brunswick, Maine (SH)
Naval Air Station, Patuxent River, Maryland (SH)
Naval Construction Battalion Center, Gulfport, Mississippi (SH)
Naval Air Station, Fallon, Nevada (SH)
Naval Administrative Unit, Scotia, New York (SH)
Naval Station, Roosevelt Roads, Puerto Rico (SH)
Naval Education Training Center, Newport, Rhode Island (SH)

Naval Station and Naval Weapons Station, Charleston, South Carolina (SH)
Branch Commissary Store, Little Creek Naval Amphibious Base, Building 3324, Norfolk, Virginia (SH)
Naval Station, Norfolk, Virginia (SH)
Branch Commissary Store, Building 350, Norfolk Naval Shipyard, Portsmouth, Virginia (SH)
Naval Air Station, Oceana, Virginia Beach, Virginia (SH)
Naval Submarine Base, Bangor, Washington (SH)
Naval Air Station, Whidbey Island, Oak Harbor, Washington (SH)
Naval Support Activity, Sand Point, Seattle, Washington (SH)

Commissary Shelf Stocking and Custodial Service

Department of Air Force:
Gunter Air Force Station, Alabama (SH)
Maxwell Air Force Base, Alabama (SH)
Eielson Air Force Base, Alaska (SH)
Elmendorf Air Force Base, Alaska (SH)
Little Rock Air Force Base, Arkansas (SH)
George Air Force Base, California (SH)
Lowry Air Force Base, Colorado (SH)
Homestead Air Force Base, Florida (SH)
Robins Air Force Base, Georgia (SH)
Hickam Air Force Base, Hawaii (SH)
Mountain Home Air Force Base, Idaho (SH)
Scott Air Force Base, Illinois (SH)
McConnell Air Force Base, Kansas (SH)
Hanscom Air Force Base, Massachusetts (SH)
Columbus Air Force Base, Mississippi (SH)
Nellis Air Force Base, Nevada (SH)
Cannon Air Force Base, New Mexico (SH)
Griffiss Air Force Base, New York (SH)
Minot Air Force Base, North Dakota (SH)
Altus Air Force Base, Oklahoma (SH)
Myrtle Beach Air Force Base, South Carolina (SH)
Shaw Air Force Base, South Carolina (SH)
Goodfellow Air Force Base, Texas (SH)
Lackland Air Force Base, Texas (SH)
Randolph Air Force Base, Texas (SH)
Sheppard Air Force Base, Texas (SH)
Francis E. Warren Air Force Base, Wyoming (SH)
Department of Army:
Fort Benjamin Harrison, Indiana (SH)

Commissary Warehousing Service

Department of Air Force:
Columbus Air Force Base, Mississippi (SH)

Currency Packaging

Department of Treasury:
Bureau of Engraving and Printing, Washington, DC (SH)

Document Destruction

Department of Treasury:
Internal Revenue Service, Cincinnati Service Center, 200 West Fourth Street, Covington, Kentucky (SH)

Drill Sharpening

Department of Navy:
Naval Supply Center, San Diego, California (SH)

Elevator Operation Service

General Service Administration:
Wyoming Valley Veterans Building, 19 North Main Street, Wilkes-Barre, Pennsylvania (SH)

Food Service

Department of Air Force:
Sheppard Air Force Base, Texas (SH)

Food Service Attendant

Department of Army:
Consolidated Enlisted Dining Facility, Building 61, Fort McPherson, Georgia (SH)
Seneca Army Depot, Romulus, New York (SH)

Forms/Publication Storage and Distribution

Department of Treasury:
Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC (SH)

Furniture Rehabilitation

General Service Administration:
Altus Air Force Base, Oklahoma (SH)
Lawton, Oklahoma including Fort Sill (SH)
Oklahoma City, Oklahoma, plus 25-mile radius, including FAA and Tinker Air Force Base (SH)
San Antonio, Texas, plus 40-mile radius (SH)
Wichita Falls, Texas, including Sheppard Air Force Base (SH)
Spokane, Washington, plus 30-mile radius (SH)

Furniture Rehabilitation (Metal)

Department of Navy:
Naval Ordnance Station, Louisville, Kentucky (IB)

Ground Maintenance

Department of Air Force:
26 Buildings, 1 Area, and 4 Athletic Fields, Edwards Air Force Base, California (SH)
Department of Army:
5 Buildings and 6 Fields, Fort Ord, California (SH)
Lewiston Levee Parkway, Nez Perce County, Idaho (SH)
Bonneville Lock and Dam, Bonneville, Oregon (SH)
U.S. Army Reserve Facility-Portland (South), Sears Hall, 2731 SW Multnomah Boulevard, Portland, Oregon (SH)
U.S. Army Reserve Facility-Portland (West), Sharff Hall, 8801 N. Chautaugua Boulevard, Portland, Oregon (SH)
Asotin Recreation Area, Asotin County, Washington (SH)
Cemetery Grounds (includes opening and closing of graves), Fort Lawton, Washington (SH)
U.S. Army Reserve Facility, Building 4306, Grant County Airport, Moses Lake, Washington (SH)
U.S. Army Reserve Facility, Mann Hall, N. 4415 Market Street, Spokane, Washington (SH)
U.S. Army Reserve Facility, N. 3800 Sullivan Road, Trentwood, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington (SH)
Department of Energy:
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Interior:
Ash Woods, French Drive and Independence Avenue to 17th Street and Independence Avenue, Washington DC (SH)
National Park Service, LBJ Memorial Grove, Constitution Gardens, Washington, DC (SH)
Department of Navy:
Marine Corps Air Station, Yuma, Arizona (SH)
Naval Weapons Center, China Lake, California (SH)
Naval Air Station, Recreation Areas, Lemoore, California (SH)
Mare Island Naval Shipyard, Combat Systems Technical School Command, Vallejo, California (SH)
Naval Air Station Miramar, 15 Parcel Areas, San Diego, California (SH)
Naval Postgraduate School, Monterey, California (SH)
U.S. Naval Security Activity, Skaggs Island, Sonoma, California (SH)
Naval Ordnance Station, Nonindustrial Area, Indian Head, Maryland (SH)
Naval Weapons Station, 2 Parks, 5 Buildings, and 7 Areas, Yorktown, Virginia (SH)
Naval Air Station, Whidbey Island, Washington (SH)
Department of Transportation:
Federal Aviation Administration, AFSFO, 55 Midway Avenue, Daytona Beach, Florida (SH)
Federal Aviation Administration Airway Facilities Sector, 1100 South Service Road, Atlanta, Georgia (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Ronkonkoma, New York (SH)
Federal Aviation Administration, New York TRACON Facility, Westbury, New York (SH)
Federal Aviation Administration, Air Route Traffic Control Center, Leesburg, Virginia (SH)
Department of Treasury:
U.S. Secret Service, Special Training Building and Complex, Beltsville, Maryland (SH)
General Services Administration:
Federal Center, 620 Central Avenue, Alameda, California (SH)
Federal Building and U.S. Post Office, 11000 Wilshire Boulevard, Los Angeles, California (SH)
U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California (SH)
Federal Building, 2800 Cottage Way, Sacramento, California (SH)
U.S. Court of Appeals, 7th and Mission Streets, San Francisco, California (SH)
Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland (SH)
Social Security Administration Computer Center, 6201 Security Boulevard, Baltimore, Maryland (SH)

Internal Revenue Service Center, 310 Lowell Street, Andover, Massachusetts (SH)
U.S. Customs House, 6 World Trade Center, New York, New York (SH)
Federal Building, 1002 NE Holladay, Portland, Oregon (SH)
Pioneer Courthouse, 520 SW Morrison, Portland, Oregon (SH)
U.S. Courthouse 620 SW Main, Portland, Oregon (SH)
Wyatt Federal Building, 1220 SW Third, Portland, Oregon (SH)
Federal Building, 500 West 12th, Vancouver, Washington (SH)
National Aeronautics and Space Administration:
Goddard Space Flight Center, Greenbelt, Maryland (SH)
U.S. Postal Service:
1088 Nandino Boulevard, Lexington, Kentucky (SH)

JANITORIAL/CUSTODIAL

Department of Agriculture:
Forest Service, Sequoia National Forest, 2 Buildings, Porterville, California (SH)
Forest Service, Coeur d'Alene Nursery, 3600 Nursery Road, Coeur d'Alene, Idaho (SH)
Forest Service, Fernan Ranger Station, 2502 E. Sherman Avenue, Coeur d'Alene, Idaho (SH)
Wallace Ranger District of the Panhandle National Forest, Coeur d'Alene, Idaho (SH)
National Finance Center, NASA Facility, 13800 Old Gentilly Road, Building 350, New Orleans, Louisiana (SH)
Umpqua National Forest-Radio Shop, 2691 NE. Diamond Lake Boulevard, Roseburg, Oregon (SH)
Umpqua National Forest, Supervisor's Office, 2900 NW. Stewart Parkway, Roseburg, Oregon (SH)
Department of Air Force:
5 Buildings, Bergstrom Air Force Base, Texas (SH)
Ellsworth Air Force Base, South Dakota (SH)
Fairchild Air Force Base, Washington (excluding USAF Hospital, Air National Guard and Commissary) (SH)
Griffiss Air Force Base, New York (SH)
Building 1293, Hill Air Force Base, Utah (SH)
Department of Army:
National Defense University, Health Fitness, Fort McNair, Washington, DC (SH)
Pentagon Officers Athletic Center, The Pentagon, Washington, DC (SH)
U.S. Army Reserve Center, John Williams Street, Attleboro, Massachusetts (SH)
U.S. Army Reserve Center, Belmont & Manley Streets, Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 915 W. Chestnut Street Brockton, Massachusetts (SH)
U.S. Army Reserve Center, 675 American Legion Highway, Roslindale, Massachusetts (SH)
U.S. Army Reserve Center, 130 Eldridge Street, Taunton, Massachusetts (SH)
U.S. Army Reserve Center, Fort Snelling, Minnesota (SH)
U.S. Readiness Group, Fort Snelling, Minnesota (SH)
U.S. Army Reserve Center #3, 4301 Goodfellow Boulevard, St. Louis, Missouri (SH)
U.S. Army Reserve Center, 111 Finney Boulevard, Malone, New York (SH)
U.S. Army Reserve Center, Burrstone Road, Utica, New York (SH)
U.S. Army Reserve Center, Watertown, New York (SH)
U.S. Army Reserve Facility, Salem, Oregon (SH)
U.S. Army Reserve Center, 3273rd U.S. Army Reserve Hospital, Suites B and C, 1003 Grove Road, Greenville, South Carolina (SH)
U.S. Army Reserve Center, Center No. 1, 2201 Laurens Road, Greenville, South Carolina (SH)
U.S. Army Reserve Center, Kukowski-Donaldson Center, Perimeter Road, Greenville, South Carolina (SH)
Lewisville Lake Park, Lewisville, Texas (SH)
Resources Management Office Building, 400 Riverside Drive, Clarkston, Washington (SH)
U.S. Army Reserve Facility, Grant County Airport, Moses Lake, Washington (SH)
U.S. Army Reserve Facility, 14631 SE. 1092nd Street, Renton, Washington (SH)
Hiram M. Chittenden Locks, Seattle, Washington (SH)
U.S. Army Reserve Facility, Mann Hall, North 4415 Market Street, Spokane, Washington (SH)
U.S. Army Reserve Facility, 3800 North Sullivan Road, Trentwood, Washington (SH)
Vancouver Army Barracks, Vancouver, Washington (SH)
Yakima Firing Center, Yakima, Washington (SH)
Departments of Army and Air Force:
Army and Air Force Exchange System, Fort Bliss Exchange, Main Store, Building 1735, Fort Bliss, Texas (SH)
Army and Air Force Exchange, Alamo Exchange Region, 5315 Summit Parkway, San Antonio, Texas (SH)
Department of Defense:
DCASR Building B-95, 2 Buildings, Marietta, Georgia (SH)
Department of Energy:
3 Buildings, Idaho Falls, Idaho (SH)
Morgantown Energy Technology Center, Morgantown, West Virginia (SH)
Department of Health and Human Services:
National Institute for Occupational Safety and Health, 5555 Ridge Avenue, Cincinnati, Ohio (SH)
Department of Interior:
Indiana Dunes National Lakeshore, 1100 North Mineral Springs Road, Porter, Indiana (SH)
Bureau of Land Management, District Building, Roseburg, Oregon (SH)
Bureau of Land Management, Salem District Office, 1717 Fabry Road, SE., Salem, Oregon (SH)
Department of Navy:
Marine Corps Air Station, Yuma, Arizona (SH)
12 Buildings, Naval Research Laboratory, Washington, DC (SH)
Naval Communications Unit (Cheltenham), Washington, DC (SH)
Naval and Marine Corps Reserve Center, Jackson, Mississippi (SH)
Naval Resale and Support Office, Fort Wadsworth, Staten Island, New York (SH)
Naval and Marine Corps Reserve Center, Newport News, Virginia (SH)
Marine Corps Development and Education Command, Quantico, Virginia for All Family Housing Units and 38 Buildings (SH)
Pudget Sound Naval Shipyard, Equipment Maintenance Shops, Bremerton, Washington (SH)
Naval Air Station, 37 Buildings, Whidbey Island, Washington (SH)
Department of Transportation:
Federal Aviation Administration, Air Traffic Control Tower, Atlanta, Georgia (SH)
Federal Aviation Administration Facilities, Air Route Traffic Control Center, Hampton, Georgia (SH)
Federal Aviation Administration, TRACON Facility, Westbury, New York (SH)
Federal Aviation Administration Facilities, 7 Buildings, Spokane, Washington (SH)
Department of Treasury:
Bureau of Engraving and Printing, Annex Building, 14th and C Streets, SW., Washington, (SH)
Bureau of Engraving and Printing, Main Building, 14th and C Streets, SW., Washington, DC (SH)
General Services Administration:
Federal Building, 3rd Avenue and 1st Street, Cullman, Alabama (SH)
Federal Building, 109 St. Joseph Street, Mobile, Alabama (SH)
GSA Motor Pool and Parking Garage, St. Joseph Street, Mobile, Alabama (SH)
John A. Campbell U.S. Courthouse, 113 St. Joseph Street, Mobile, Alabama (SH)
Federal Building and U.S. Courthouse, 15 Lee Street, Montgomery, Alabama (SH)
Federal Building, 55 East Broadway, Tucson, Arizona (SH)
Federal Building and U.S. Courthouse, 1130 "O" Street, Fresno, California (SH)
Federal Building, 801 I Street, Sacramento, California (SH)
John E. Moss Federal Building, 650 Capitol Mall, Sacramento, California (SH)
U.S. Court of Appeals and Post Office, 7th and Mission Streets, San Francisco, California SH)
Denver Federal Center, Building 85, Denver, Colorado (SH)
Central, East and South Buildings, 2430 E Street, NW., Washington, DC (SH)
Federal Building, 1724 F Street, NW., Washington, DC (SH)
Potomac Annex Buildings 1-7, 23rd and E Streets, NW., Washington, DC (SH)
Federal Building-U.S. Courthouse, 401 SE First Avenue, Gainesville, Florida (SH)
Federal Building, 51 SW First Avenue, Miami, Florida (SH)
Federal Building, U.S. Courthouse, U.S. Post Office, 601 North Florida Avenue, Tampa, Florida (SH)
Federal Building, 355 Hancock Avenue, Athens, Georgia (SH)

Federal Building, 275 Peachtree Street, NE., Atlanta, Georgia (SH)
U.S. Court of Appeals, Forsyth & Walton Streets, Atlanta, Georgia (SH)
IRS Center, 4800 Buford Highway, Chamblee, Georgia (SH)
Federal Building, Moultrie, Georgia (SH)
Juliette Gordon Low Federal Buildings, Building A—120 Bernard Street, Building B—124 Bernard Street, Building C—100 W. Oglethorpe Avenue, Savannah, Georgia (SH)
Federal Building, U.S. Post Office and U.S. Courthouse, Thomasville, Georgia (SH)
Federal Regional Center, Pinetree Boulevard, Thomasville, Georgia (SH)
Federal Building, U.S. Post Office, 304 N. 8th, Boise, Idaho (SH)
Federal Building and U.S. Courthouse, 205 4th Street, Coeur d'Alene, Idaho (SH)
Federal Building, 536 South Clark Street, Chicago, Illinois (SH)
Federal Parking Facility, 450 South Federal Street, Chicago, Illinois (SH)
Interagency Motor Pool, 701 South Clinton Street, Chicago, Illinois (SH)
U.S. Customhouse, 610 South Canal Street, Chicago, Illinois (SH)
OSHA Training Center, 1555 Times Drive, Des Plaines, Illinois (SH)
Federal Building and U.S. Courthouse, 121 W. Spring Street, New Albany, Indiana (SH)
Federal Building and U.S. Courthouse, 101 First Street, SE., Cedar Rapids, Iowa (SH)
Federal Building, 210 Walnut Street, Des Moines, Iowa (SH)
Leased Spaced, 603–11 East 2nd Street, Des Moines, Iowa (SH)
U.S. Courthouse, 123 East Walnut Street, Des Moines, Iowa (SH)
Federal Building, 400 South Clinton, Iowa City, Iowa (SH)
Federal Building, U.S. Post Office and Courthouse, 330 Shawnee, Leavenworth, Kansas (SH)
U.S. Post Office-Courthouse, 601 Broadway, Louisville, Kentucky (SH)
Federal Building, U.S. Post Office, U.S. Courthouse, Frederica and 5th Streets, Owensboro, Kentucky (SH)
Federal Building and U.S. Post Office, 40 Western Avenue, Augusta, Maine (SH)
U.S. Federal Building & Post Office, 212 Harlow, Bangor, Maine (SH)
Garmatz Courthouse and Federal Building, 101 W. Lombard Street, Baltimore, Maryland (SH)
Roth Building, Social Security Administration Complex, 5536 Caswell Road, Baltimore, Maryland (SH)
Social Security Complex, Woodlawn Annex and Supply Buildings, 6401 Security Boulevard, Baltimore, Maryland (SH)
Social Security Administration Computer Center, 6201 Security Boulevard, Woodlawn, Maryland (SH)
John W. McCormack Post Office and Courthouse, Post Office Square, Boston, Massachusetts (SH)
U.S. Appraiser's Stores, 408 Atlanta Avenue, Boston, Massachusetts (SH)
U.S. Custom House, 8 McKinley Square, Boston, Massachusetts (SH)
Philip J. Philbin Federal Building, 885 Main Street, Fitchburg, Massachusetts (SH)
Springfield Federal Building, Main and Bridge Streets, Springfield, Massachusetts (SH)
Federal Records Center, 380 Trapelo Road, Waltham, Massachusetts (SH)
Waltham Federal Center, 424 Trapelo Road, Waltham, Massachusetts (SH)
Gerald R. Ford Museum, 303 Pearl Street, NW., Grand Rapids, Michigan (SH)
Federal Building, 212 3rd Avenue South, Minneapolis, Minnesota (SH)
Social Security Building, 1811 Chicago Avenue South, Minneapolis, Minnesota (SH)
Federal Building and U.S. Courthouse, 316 N. Robert Street, St. Paul, Minnesota (SH)
Federal Building, U.S. Post Office, and U.S. Courthouse, Main and Poplar Streets, Greenville, Mississippi (SH)
Federal Building, U.S. Post Office, 200 East Washington Street, Greenwood, Mississippi (SH)
William M. Colmer Federal Building-Courthouse, 701 Main Street, Hattiesburg, Mississippi (SH)
Federal Building, 100 West Capitol Street, Jackson, Mississippi (SH)
U.S. Post Office and U.S. Courthouse, 245 East Capitol Street, Jackson, Mississippi (SH)
Federal Building and U.S. Courthouse, 100 Centenntial Mall North, Lincoln, Nebraska (SH)
Social Security Administration District Office Building, 22 Morris Street, Hackensack, New Jersey (SH)
Social Security Administration District Office Building, 686 Nye Avenue, Irvington, New Jersey (SH)
Social Security Administration District Office Building, 396 Bloomfield Avenue, Montclair, New Jersey (SH)
Federal Building, 20 Washington Place, Newark, New Jersey (SH)
Federal Building, 3rd and Hill Avenue, Gallup, New Mexico (SH)
Leo W. O'Brien Federal Building, Clinton Avenue and N. Pearl Street, Albany, New York (SH)
U.S. Post Office and Courthouse, 455 Broadway, Albany, New York (SH)
Federal Building, 111 West Huron, Buffalo, New York (SH)
U.S. Courthouse, 68 Court Street, Buffalo, New York (SH)
Internal Revenue Service, 120 Church Street, New York, New York (SH)
Jacob K. Javits Federal Building, including U.S. Court of International Trade, 26 Federal Plaza and Centre Street Garage, 203–209 Centre Street, New York, New York (SH)
U.S. Courthouse Annex, 1 St. Andrews Plaza, New York, New York (SH)
U.S. Courthouse, 40 Foley Square, New York, New York (SH)
U.S. Mission to the United Nations, 799 U.N. Plaza, New York, New York (SH)
Kenneth B. Keating Federal Building and U.S. Courthouse, 100 State Street, Rochester, New York (SH)
Federal Building, 45 Bay Street, Staten Island, New York (SH)
U.S. Courthouse and Federal Building, Broad and Catherine Streets, Utica, New York (SH)
Federal Building, 401 West Trade Street, Charlotte, North Carolina (SH)
Social Security Administration Building, 215 West Third Avenue, Gastonia, North Carolina (SH)
Federal Building, 125 South Main Street, Muskogee, Oklahoma (SH)
Federal Building and Courthouse, 5th and Okmulgee, Muskogee, Oklahoma (SH)
Federal Building, U.S. Courthouse, 211 East 7th Avenue, Eugene, Oregon (SH)
Federal Building, 511 NW. Broadway, Portland, Oregon (SH)
Federal Building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon (SH)
Federal Warehouse, 2760 NW. Yeon Avenue, Portland, Oregon (SH)
Lloyd Group Buildings, 5 Locations, Portland, Oregon (SH)
Pioneer Courthouse, 520 SW. Morrison, Portland, Oregon (SH)
U.S. Courthouse, Broadway and Maine, Portland, Oregon (SH)
U.S. Customs House, 220 NE. 8th Avenue, Portland, Oregon (SH)
Federal Building, 6th and State Streets, Erie, Pennsylvania (SH)
Federal Building and Courthouse, 228 Walnut Street, Harrisburg, Pennsylvania (SH)
William J. Green, Jr. Federal Building, 600 Arch Street, Philadelphia, Pennsylvania (SH)
Federal Building, 240 West Third Street, Williamsport, Pennsylvania (SH)
Defense Mapping Agency, 175 Brookside Avenue, West Warwick, Rhode Island (SH)
L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, South Carolina (SH)
U.S. Post Office-Courthouse, Broad and Meeting Street, Charleston, South Carolina (SH)
C. F. Haynesworth Federal Building and U.S. Courthouse, 300 East Washington Street, Greenville, South Carolina (SH)
Federal Building/U.S. Courthouse, 515 9th Street, Rapid City, South Dakota (SH)
Federal Building-U.S. Courthouse, 400 South Phillips Street, Sioux Falls, South Dakota (SH)
Armed Forces Examining Station and Bureau of Mines Building, 1100 Filmore Street, Amarillo, Texas (SH)
J. Marvin Jones Federal Building and U.S. Courthouse, 295 E. 5th Street, Amarillo, Texas (SH)
3 Bridges and 1 Building, El Paso, Texas (SH)
U.S. Courthouse, 511 E. San Antonio Avenue, El Paso, Texas (SH)
Forest Service Building, 507 25th Street, Ogden, Utah (SH)
Federal Executive Institute, Route #29 North, Charlottesville, Virginia (SH)
U.S. Customs House, 101 E. Main Street, Norfolk, Virginia (SH)
U.S. Post Office and Courthouse, 600 Granby Mall, Norfolk, Virginia (SH)
Federal Building, 400 N. 8th Street, Richmond, Virginia (SH)
U.S. Courthouse, 10th and Main Streets, Richmond, Virginia (SH)

GSA Center, 2 Buildings, Auburn, Washington (SH)
Federal Building, 3002 Colby Avenue, Everett, Washington (SH)
Federal Center, 25th and Dover Streets, Moses Lake, Washington (SH)
Federal Building, U.S. Post Office, 403 West Lewis Street, Pasco, Washington (SH)
Federal Building, U.S. Post Office and Courthouse, 825 Jadwin Avenue, Richland, Washington (SH)
Federal Archives and Records Center, 6125 Sandpoint Way, Seattle, Washington (SH)
Federal Building, Immigration and Naturalization Services, 815 Airport Way, Seattle, Washington (SH)
Federal Center South, 4735 E. Marginal Way, Seattle, Washington (SH)
U.S. Courthouse, 1010 Fifth Avenue, Seattle, Washington (SH)
Federal Buillding, U.S. Post Office, W. 904 Riverside, Spokane, Washington (SH)
U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington (SH)
Federal Building, 500 W. 12th Street, Vancouver, Washington (SH)
Federal Center, 14 Buildings, Walla Walla, Washington (SH)
U.S. Courthouse, 120 North Henry Street, Madison, Wisconsin (SH)
Federal Building, 500 Quarrier Street, West Virginia (SH)
Smithsonian Institution:
National Zoological Park, Washington, DC (SH)
Smithsonian Institution Service Center, 1111 North Carolina Street, NE., Washington, DC (SH)
Paul E. Garber Complex, 3904 Old Silver Hill Road, Suitland, Maryland (SH)
U.S. Postal Service:
Mailbag Facility, 7600 West Roosevelt Road, Forest Park, Illinois (SH)
Veterans Administration:
Veterans Administration Medical Center, Building No. #32, Dublin, Georgia (SH)

Janitorial/Mechanical

General Services Administration:
The Carter Presidential Library, Atlanta, Georgia (SH)
Federal Office Building, 591 Park Avenue, Idaho Falls, Idaho (SH)

Janitorial/Elevator Operator

Department of Treasury:
Bureau of Engraving and Printing, Public Debt Building, Washington, D.C. (SH)
General Services Administration:
3 Buildings, Navy Yard Annex, 2nd and M Streets, SE., Washington, DC (SH)
Veterans Administration Clinic Building, 17 Court Street, Boston, Massachusetts (SH)
Federal Building, 35 Ryerson Street, Brooklyn, New York (SH)
Federal Building, 201 Varick Street, New York, New York (SH)
Veterans Administration Building, 252 Seventh Avenue, New York, New York (SH)

Laundry

Department of Air Force:
Hill Air Force Base, Utah (Wiping Rags only) (SH)
Department of Army:
U.S. Army Medical Material Agency, Fort Detrick Maryland (SH)
Department of Navy:
Naval Training Center, Great Lakes, Illinois (SH)

Mailing

Department of Agriculture:
Washington, D.C. (Metropolitan area) (SH)
Department of Commerce:
National Oceanic and Atmospheric Administration, 5 Offices, Rockville, Maryland (SH)
National Technical Information Services, 5285 Port Royal Road, Springfield, Virginia (SH)
Department of Defense:
Defense Supply Service, National Committee for Employer Support for Guard and Reserve, 1117 N. 19th Street, Arlington, Virginia (SH)
Department of Education:
Office of Civil Rights, Office of Program Review & Assistance, 300 C Street, SW., Washington, DC (SH)
Department of Energy:
Distribution, 12th and Pennsylvania, NW., Washington, DC (SH)
Department of Health and Human Services:
Office of the Secretary, Washington, DC (SH)
National Institutes of Health, Bethesda, Maryland (SH)
Alcohol, Drug, Abuse, and Mental Health Administration, Rockville, Maryland (SH)
Food and Drug Administration, Rockville, Maryland (SH)
Health Resources Administration, Rockville, Maryland (SH)
Health Services Administration, Rockville, Maryland (SH)
Office of Assistant Secretary for Health, Rockville, Maryland (SH)
Department of Housing and Urban Development:
Washington, D.C. (SH)
Department of Interior:
18th & C Streets, NW., Washington, DC (SH)
U.S. Geological Survey, 2 Divisions, Reston, Virginia (SH)
Department of Labor:
200 Constitution Avenue, NW., Washington, DC (SH)
Manpower Administration, Washington, DC (SH)
President's Committee on Employment of the Handicapped, Washington, DC (SH)
Department of Transportation:
National Highway Traffic Administration, 400 7th Street, SW., Washington, DC (SH)
Office of the Secretary, Distribution Unit, 400 7th Street, SW., Washington, DC (SH)
Department of Treasury:
Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC (SH)
Bureau of Public Debt, 14th and C Streets, SW., Washington, DC (SH)
Architectural and Transportation Barriers Compliance Board:
330 C Street, SW., Washington, DC (SH)
Environmental Protection Agency:
Specialized Procurement Unit, 401 M Street, SW., Washington, DC (SH)
Federal Election Commission:
1325 K Street, NW., Washington, DC (SH)
Federal Trade Commission:
Pennsylvania Avenue and 6th Street, NW., Washington, DC (SH)
General Services Administration:
National Archives and Records Services, 7th and Pennsylvania Avenue, NW., Washington, DC (SH)
Library of Congress:
Washington, DC (SH)
Merit Systems Protection Board:
Office of Special Counsel, 1120 Vermont Avenue, NW., Washington, DC (SH)
National Credit Union Administration:
Printing Service, 1375 K Street, NW., Washington, DC (SH)
National Endowment for the Humanities:
1100 Pennsylvania Avenue, NW., Room 202, Washington, DC (SH)
National Science Foundation:
1800 G Street, NW., Washington, DC (SH)
Office of Personnel Management:
1900 E Street, NW., Washington, DC (SH)
Smithsonian Institution:
Supply Division, Washington, DC (SH)
U.S. Commission on Civil Rights:
1211 Vermont Avenue, NW., Washington, DC (SH)
U.S. Consumer Product Safety Commission:
Washington, DC (SH)
U.S. Information Agency:
400 C Street, SW., Washington, DC (SH)

Mattress and Box Spring Rehabilitation

General Services Administration:
Orders for renovated mattresses may be arranged through GSA regional offices. IB will provide requirements for mattress and box spring renovation for GSA Regions W,2,3,4,5,6,7 and 8 only. (IB)

Microfilm Reproduction

Department of Navy:
Naval Submarine Base Bangor, Silverdale, Washington, DC (SH)

Operation of USDA Central Shipping and Receiving Facility

Department of Agriculture:
South Building, 12th and C Streets, S.W., Washington, DC (SH)

Operation of the Postal Service Center

Department of Air Force:
Elmendorf Air Force Base, Alaska (SH)
Barksdale Air Force Base, Louisiana (SH)
Minot Air Force Base, North Dakota (SH)

Operation of Visitors Center Gift Shop

Department of Treasury:
Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC (SH)

Pallet Repair

Department of Navy:
Naval Supply Center, Norfolk, Virginia (SH)
Naval Supply Center, Cheatham Annex, Williamsburg, Virginia (SH)
Naval Supply Center, Puget Sound, Bremerton, Washington (SH)

Parts Sorting

Department of Air Force:
Hill Air Force Base, Utah (SH)

Photocopying

Department of Agriculture:
National Agricultural Library Building, Beltsville, Maryland (SH)

Publications Distribution

Department of Navy:
Naval Construction Battalion Center, Gulfport, Mississippi (SH)

Repair and Maintenance of Electric Typewriters Only

General Services Administration:
Syracuse, New York (including Onondaga County) (SH)

Repair and Maintenance of Manual Typewriters Only

General Services Administration:
Federal Court House Building, Syracuse, New York (SH)

Repair of Air Cargo Pallet Top and Side Nets

Department of Air Force:
Norton Air Force Base, California (SH)
Wright-Patterson Air Force Base, Ohio (SH)

Repair of Rubberized Items

Department of Army:
Mattress Pneumatic (Noninsulated 8465–00–254–8887), Fort Bliss, Texas (SH)
Mattress Pneumatic (Insulated 8465–00–518–2781), Fort Bliss, Texas (SH)
Ponchos (8405–00–935–3257), Fort Bliss, Texas (SH)
Bag, Clothing, Waterproof (8465–00–261–6909), Fort Bliss, Texas (SH)

Repair Service

Department of Army:
Bag, Sleeping (8465–00–242–7855 and 8465–01–049–0088), Fort Bliss, Texas (SH)
Case, Sleeping Bag (8465–00–237–8719), Fort Bliss, Texas (SH)
Liner, Field Jacket (8415–00–782–2888), Fort Bliss, Texas (SH)
Liner, Trousers, Field (8415–00–782–2926), Fort Bliss, Texas (SH)
Bag, Barracks (8465–00–530–3692), Fort Bliss, Texas (SH)
Bag, Duffel (8465–00–141–0932), Fort Bliss, Texas (SH)

Department of Navy:
Electrode Holder Assemblies, Bremerton, Washington (SH)

Sewing

Department of Army:
Redstone Arsenal, Alabama (Provide specified end items produced through use of customized, heavy-duty sewing service) (SH)

Shrink Wrapping Gift Packages

U.S. Postal Service:
Washington, DC (SH)

Sponge Rubber Mattresses Rehabilitation

General Services Administration:
Requirements for GSA Region 3 (SH)

[FR Doc. 86–24745 Filed 10–31–86; 8:45 am]
BILLING CODE 6820–33–M

federal register

Monday
November 3, 1986

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 1, 22, 52, and 53
Federal Acquisition Regulation (FAR); Labor Standards for Construction Contracts; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1, 22, 52, and 53

Federal Acquisition Regulation (FAR); Labor Standards for Construction Contracts

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule; notice of availability and request for comments.

SUMMARY: The Department of Labor (DOL) has issued labor standard provisions applicable to contracts covering Federally Financed and Assisted Construction. The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are proposing to revise Federal Acquisition Regulation (FAR) section 1.105, Subparts 22.3, Contract Work Hours and Safety Standards Act, and 22.4, Labor Standards for Contracts Involving Construction; and to add twelve clauses at 52.222–6 through 52.222–17 and three Standard Forms.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before February 2, 1987, to be considered in the formulation of a final rule.

ADDRESS: Interested parties may obtain copies of the proposed text from the FAR Secretariat and written comments should be submitted to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 83–7 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION: .

A. Regulatory Flexibility Act

A full, final regulatory impact and regulatory flexibility act analysis was prepared by DOL and a summary was published in the **Federal Register** on May 28, 1982 (47 FR 23661) when DOL published their regulation. The proposed revision to FAR 22.4 is an implementation of policy and regulation published by DOL.

B. Paperwork Reduction Act

The information collection requirements contained in this FAR revision were approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 1215–0140, 1215–0149, and 1215–0017. Those portions (Standard Forms) not previously cleared under the above OMB control numbers have been submitted to OMB for clearance.

List of Subjects in 48 CFR Parts 1, 22, 52, and 53

Government procurement.

Dated: October 24, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

[FR Doc. 86–24828 Filed 10–31–86; 8:45 am]

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Federal Register

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Part IV

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Denials and Request for Comments

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3102-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Denials

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

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

The Agency has previously evaluated all five of these petitions which are discussed in today's notice. Based on our review at that time, these petitioners were all granted temporary exclusions. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, these petitions, have been evaluated both for the factors for which the wastes were originally listed, as well as other factors which reasonably could cause the wastes to be hazardous.

DATES: EPA will accept public comments on these proposed denials until November 6, 1986. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on these proposed decisions by filing a request with Bruce Weddle, whose address appears below, by November 6, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSP/OSW (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F-86-MADP-FFFFF".

Requests for a hearing should be addressed to Bruce Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at U.S. Environmental Protection Agency, 401 M Street SW. (sub-basement), Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475-9327 or Kate Blow at (202) 382-4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

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

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

Approach Used to Evaluate Delisting Petitions

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

The Agency is using a hierarchical approach in evaluating petitions for the other factors or contaminants (*i.e.*, those listed in Appendix VIII of Part 261). This approach may, in some cases, eliminate the need for additional testing. The petitioner can choose to submit a raw materials lists and process descriptions. The Agency will evaluate this information to determine whether any Appendix VIII hazardous constituents are used or formed in the manufacturing and treatment process and are likely to be present in the waste at significant levels. If so, the Agency then will request that the petitioner perform additional analytical testing. If the petitioner disagrees, he may present arguments on why the toxicants would not be present in the waste, or, if present, why they would pose not toxicological hazard. The reasoning may include descriptions of closed or segregated systems, or mass balance arguments relating volume of raw materials used to the rate of waste generation. If the Agency finds that the arguments presented by the petitioner are not sufficient to eliminate the reasonable likelihood of the toxicant's presence in the waste, the petition would be tentatively denied on the basis of insufficient information. The petitioner then may choose to submit the additional analytical data on representative samples of the waste during the public comment period.

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

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 *FR* 7882 (February 26, 1985), 50 *FR* 48886 (November 27, 1985), and 50 *FR* 48943 (November 27, 1985). The overall approach, which includes a ground water transport model, is used to predict reasonable worst-case contaminant levels in ground water in nearby hypothetical receptor wells—"compliance points" (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

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

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. The Agency has used this approach in evaluating each of the wastes discussed in today's publication. As a result of this evaluation, the Agency is tentatively denying exclusions for the wastes from all five petitioners.

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

Finally, before the Hazardous and Solid Waste Amendments of 1984 were enacted, the Agency granted temporary exclusions without first requesting public comment. The Amendments specifically require the Agency to provide notice and an opportunity for comment before granting an exclusion. All five of the denials proposed today will not become effective unless and until made final. A notice of final denial will not be published until all public comments (including those that requested hearings, if any) are addressed.

Petitioners

The proposed denials published today are for the following petitioners:

ITE Electrical Apparatus Division of Siemens Energy and Automation, Inc., Spartanburg, South Carolina;

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[1] The Agency proposed a similar approach, including a ground water transport model, as part of the proposed toxicity characteristic (See 51 *FR* 21648, June 13, 1986). The Agency, has not completed its evaluation of the comments on this proposal, however. If a regulation is promulgated, using the ground water transport model, the Agency will consider revising the delisting analysis.

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

Monroe Auto Equipment Company, Cozad, Nebraska;
Harrison Radiator, Division of General Motors Corp., Dayton, Ohio;
Harrison Radiator, Division of General Motors Corp., Moraine, Ohio;
American Chrome and Chemicals, Corpus Christi, Texas.

I. ITE Electrical Apparatus Division of Siemens Energy and Automation, Inc.

A. Petition for Exclusions

ITE Electrical Apparatus Division of Siemens Energy and Automation, Inc. (ITE), located in Spartanburg, South Carolina (formerly Gould, Inc.) is involved in the manufacture of electrical products for use in industrial and commercial applications. ITE has petitioned the Agency to exclude their sludge, currently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of their petition, ITE was granted a temporary exclusion on August 6, 1981.[3] The Agency's basis for granting the exclusion, at that time, was the low migration potential of the constituents of concern. On November 8, 1984, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider: (1) Factors (including additional constituents) other than those for which the waste was originally listed; and (2) determine whether any other factors are present which could cause the waste to be hazardous. Today's notice is the result of the Agency's re-evaluation of this petition.

In support of their petition, ITE submitted a detailed description of their manufacturing and wastewater treatment processes, including schematic diagrams, a list of raw materials, and safety data sheets for those materials. In addition, ITE submitted analytical data to characterize the sludge. This included the results of total constituent analyses and EP leachate tests for the EP toxic metals and nickel; total constituent analysis and distilled water leachate tests for cyanide; and total constituent analyses for sulfide, total oil and grease, and certain organic compounds. The South Carolina Department of Health and Environmental Control (SCDHEC) provided ground-water monitoring data from ten RCRA approved monitoring wells surrounding the batch dump lagoon and holding basin.

ITE manufactures a product known as "electrical bus" or "lighting duct." The product has a steel casing that surrounds copper on aluminum bars that are protected by insulation. The bars are electroplated to provide a surface that has the best characteristics for the required use. Copper, cyanide, silver, acids, and alkalines are used in the electroplating processes.

Electroplating waste containing cyanide are subjected to pH adjustment and chlorination in a series of two cyanide destruction units. These wastes are then combined with acid and alkaline wastes in an equalization basin. Subsequent treatment includes addition of alum, additional pH adjustment steps, addition of polymer, and clarification. The sludge from the clarifier is pumped to an 8,650 yd^3- capacity clay-lined sludge holding basin. It is the sludge in that basin that is the subject of ITE's petition. Prior to disposal, the sludge is further dewatered to approximately 40 percent solids with a mobile filter press. ITE estimates the annual generation rate of the dewatered sludge to be 375 cubic yards per year.

Four composite samples were collected from ITE's sludge holding basin. Each sample was a composite of five full-depth cores from each quadrant. The basin was sampled in this manner in November 1980, in February 1985, and in March 1986. The 1980 samples (analyzed for inorganic toxicants) were dewatered to 40 percent solids prior to analysis in order to simulate the effects of the filter press. The 1985 samples (analyzed for inorganic toxicants) and the 1986 samples (analyzed for organic toxicants) were analyzed as collected. The results from the inorganic analyses are summarized in Table 1. Total oil and grease analyses revealed a maximum concentration of 0.5 percent.

Adjacent to the sludge holding basin is a batch dump lagoon. The batch dump lagoon is connected to the holding basin by an emergency overflow. Since the batch dump lagoon occasionally received paint wastes, ITE analyzed the holding basin sludge for several organic compounds that are typically found in paint wastes. The concentrations of the tested compounds are summarized in Table 2.

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Total constituent analyses	EP leachate analyses	
		As collected from basin	Dewatered to 40% solids
As	190	<0.01	<0.001
Bd	20	<.1	<.1
Cd	23	<.02	<.01
Cr	143	<.05	<.05
Pb	74	<.1	<.1
Hg	<0.2	<.001	<.0002
Se	<.5	<.01	<.003
Ag	42	<.01	<.01
Ni	53	.07	.X
CN(total)[1]	301	.34	.059
CN(free)[1]	<5.0	X	X
Sulfide	20	NA	NA
Oil & Grease	.5	NA	NA

X = test not performed
NA = test not applicable
[1] Cyanide leaching tests were performed with distilled water.

TABLE 2.—MAXIMUM CONCENTRATIONS

Constituents	Constituent concentration (mg/kg, wet wt.)
Carbon tetrachloride	<0.2
Methylene chloride	<.2
Tetrachloroethylene	<.2
Naphthalene	<.04
Bis(2-ethylhexyl)phthalate	3.3
Di-n-butyl phthalate	<.04
Toluene	.02
Phenol	.51
Pentachlorophenol	<.13
Vinyl chloride	<.2
Trichloroethylene	<.2
3,3-Dichlorobenzidine	<.06
Benzene	<.2

The ground-water monitoring data submitted by the SCDHEC indicates that the underlying ground water at ITE's site is contaminated with significant concentrations of VOC's, methylene chloride, chloroform, trichloroethylene, and dichloroethylene. None of these compounds were detected in the upgradient monitoring well using a detection limit of 0.005 ppm. Table 3 presents the maximum constituent concentrations detected in the ground water in upgradient Well Number 1, downgradient Well Numbers 3 and 6 (adjacent to the sludge holding impoundments), and Well Number 5 (adjacent to the batch dump lagoon).

TABLE 3.—MAXIMUM CONCENTRATION OF VOLATILE ORGANIC COMPOUNDS GROUND WATER (PPM)

Constituents	Upgradient monitoring well	Downgradient monitoring wells		
		No. 3	No. 5	No. 6
VOC's (Total)	<0.005	0.318	6.187	1.316
Chloroform	<.005	.024	.040	.024
Methylene chloride	<.005	.315	.418	1.20
Trichloroethylene	<.005	.038	.010	<.005
Dichloroethylene	<.005	.014	.345	.052

[3] See 46 *FR* 40158, August 6, 1981.

B. Agency Analysis and Action

ITE has not demonstrated that their wastewater treatment system produces a non-hazardous sludge. This decision is based primarily on data submitted by SCDHEC.[4] The Agency believes that the samples collected by ITE are non-biased and adequately represent the sludge in that basin. The collection of four samples, each of which was a composite of five full-depth cores from a given quadrant, encompasses any horizontal or vertical stratification that may have occurred as the basin was being filled. Also, since the basin typically contains sludge that was generated over approximately one year, the sludge that was in the basin during the sampling periods is believed to be representative of the waste normally generated by ITE. Further, the samples that were dewatered to 40 percent solids prior to analysis indicate that the dewatering of the sludge in a filter press has no impact on the mobility of the toxicants in the sludge.

The Agency has evaluated the mobility of toxicants from ITE's waste by using the vertical and horizontal spread (VHS) model.[5] The compliance point concentrations of the inorganic toxicants were calculated by using the maximum reported leachate concentrations from the wet sludge (approximately 5 percent solids, as collected from the basin) and a waste volume equal to the capacity of the holding basin (8,650 cubic yards). The Agency also applied the VHS model to the dewatered sludge (40 percent solids, as ultimately disposed) using a waste volume of 1,100 cubic yards, which represents the volume of dewatered sludge that would be generated from 8,650 cubic yards of wet sludge. The results from these evaluations, along with the regulatory standards to which the compliance point concentrations are compared, are presented in Table 4.

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS

Constituents	Compliance point concentrations (mg/l)		Regulatory standards (mg/l)
	As collected from basin	Dewatered to 40% solids	
As	<0.002	<0.001	0.05
Bd	<.016	<.007	1.0
Cd	<.003	<.001	.01
Cr	<.008	<.003	.05
Pb	<.016	<.007	.05
Hg	<.0002	<.0001	.002
Se	<.002	<.001	.01
Ag	<.002	<.001	.05
Ni	<.011	X	.35
CN (total)	<.054	<.004	.2

X = leachate test not performed.

For both the wet and the dewatered sludges, the compliance point concentrations of the EP toxic metals and cyanide are less than their regulatory standards (the National Interim Primary Drinking Water Standards for the EP metals and the U.S. Public Health Service's suggested drinking water standard for cyanide.[6] Also, the predicted compliance point concentration of nickel from the wet sludge is less than the Agency's interim delisting standard.[7] While the dewatered sludge was not subjected to the EP leachate test for nickel, the constituent concentration is sufficiently low (53 mg/kg maximum) that nickel is not expected to be of regulatory concern. That is, if all of the nickel were to leach from the waste, the EP leachate concentration would not be expected to exceed 2.7 mg/l due to the 20-fold dilution that is inherent in the EP toxicity test. With the VHS model, this leachate concentration would result in a compliance point concentration of 0.18 mg/l, which is less than the regulatory standard of 0.35 mg/l. The Agency concludes, therefore, that the presence of inorganic toxicants in ITE's waste is not of regulatory concern.

The Agency has evaluated the mobility of the organic toxicants found in ITE's waste by estimating the concentration of the toxicants in the leachate and by using the leachate concentrations in the Agency's organic leaching model (OLM).[8] The results of this evaluation are presented in Table 5. Table 5 also presents the regulatory standards for these toxicants.

TABLE 5.—VHS MODEL: CALCULATED ESTIMATED COMPLIANCE POINT CONCENTRATIONS [1]

Constituents	Best fit compliance point concentrations (mg/l)	95 percent compliance point concentrations (mg/l)	Regulatory standards
Carbon tetrachloride	<0.000265	<0.000364	0.00027
Methylene chloride	<.000882	<.00232	.056
Tetrachloroethylene	<.000142	<.000193	.00069
Naphthalene	<.0000267	<.0000388	9.0
Bis(2-ethylhexyl)-phthalate	<.000104	<.00014	.7
Di-n-butyl phthalate	<.0000192	<.0000281	3.5
Toluene	<.000228	<.000312	10.5
Phenol	<.00295	<.00436	3.5
Pentachlorophenol	<.0000438	<.0000614	1.1
Vinyl chloride	<.000418	<.00058	.002
Trichloroethylene	<.000299	<.00041	.0032
3,3-Dichlorobenzidine	<.0000198	<.0000287	.000021
Benzene	<.000359	<.000496	.0012

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.

No compliance point concentrations exceeded the regulatory standards when the best fit model was used. The estimated compliance point concentrations of carbon tetrachloride and 3,3–dichlorobenzidine were found to exceed their respective regulatory standards in the 95 percent confidence version of the OLM when using the detection limit as the maximum total constituent concentration. The detection limits used to calculate the compliance points were acheived using the recommended extraction and analytical procedures from Test Methods for Evaluating Solid Waste (SW–846). These methods cannot achieve low enough detection limits to pass the OLM/VHS analysis for these constituents. Where hazardous constituents in a waste are determined to be not detected using appropriate analytical methods, the Agency will, as a matter of policy, not use those constituents as a basis to regulate the waste as hazardous.[9] The compliance point concentrations of the remaining constituents do not exceed their respective standards; the presence of these toxicants is not, therefore, of regulatory concern. Also, based upon

[4] The Agency notes that the ground water data summarized in this notice does not include all of the corroborative data collected by the SCDHEC. This data is being compiled and will be available in the Public Docket by the on-set of the public comment period. Reference to this data will be made in the Agency's final decision on ITE's petition.

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

[6] See Drinking Water Standards, U.S. Public Health Service, Publication 956 (1962).

[7] See 50 *FR* 20247 (May 15, 1985) for a complete description of the Agency's interim standard for nickel. To date, the Agency has collected enough statistically defensible data from its ongoing nickel toxicity study to indicate that the interim standard of 350 ppb will decrease.

[8] See 50 *FR* 48953–48966, November 27, 1985 for an explanation of the procedures used to estimate the concentration of organic compounds in the leachate. See also 51 *FR* 27061, July 29, 1986, for an explanation of the Agency's newly proposed OLM.

[9] The Agency is not indicating that these detection limits are appropriate minimum limits for all petitioners. The Agency further notes that, as the recommended clean-up procedures and analytical tests improve, the required detection limits will decrease for petitioners submitting petitions at that time.

the Agency's review of the raw materials and processes used by ITE, no additional hazardous constituents (other than those tested for) are expected to be present in the waste.

The Agency has also reviewed the ground water monitoring data submitted by the SCDHEC. The monitoring data indicates that ground water contamination has occured at ITE's site. This contamination is the sole reason for the Agency's denial decision. The Agency's policy regarding the ground-water monitoring requirements and evidence of contamination for facilities that have previously been issued temporary exclusions, is that the RCRA Subpart F standards will not be required, however, any existing monitoring data will be reviewed. If existing monitoring data indicate that the petitioned waste has caused contamination, then these data will be used as a basis for petition denial. In ITE's case, ground water contamination exists, for several organic constituents. Chloroform, methylene chloride, trichloroethylene, and 1,1–dichloroethylene were found in three wells downgradient from ITE's holding impoundments and batch dump lagoon at concentrations above the Agency's levels of regulatory concern of 0.0005, 0.056, 0.003, and 0.003 ppm, respectively. Since several of these constituents could be expected to be present in ITE's waste due to comingling of wastes from painting operations and these constituents are present at levels of regulatory concern in downgradient wells (and were not detected in upgradient wells), the Agency has concluded that ITE's waste has caused ground water contamination at their site. The Agency believes that ITE has not demonstrated that their waste is non-hazardous. The Agency, therefore, proposes to deny ITE's petition for exclusion of its clarified wastewater treatment sludge as generated, and as held in its impoundments at its Spartanburg, South Carolina facility.

II. Monroe Auto Equipment Company

A. Petition for Exclusion

Monroe Auto Equipment Company (Monroe), located in Cozad, Nebraska, manufactures shock absorbers for automobiles, trucks, and tanks. Monroe has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations, except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc aluminum plating on carbon steel; (5) cleaning/stripping associated with tin zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Monroe claims that this waste should be excluded because it does not meet the criteria for which it was listed.

Monroe originally petitioned the Agency to exclude their alum treated sludge stored in two on-site surface impoundments. The petition did not at that time cover the material removed from the impoundments and disposed at an off-site landfill area (Sandhills Landfill). Monroe's waste was placed in the Sandhills Landfill area from 1977 through 1982. On September 16, 1985 Monroe altered their treatment process with the addition of a vacuum filtration unit and no longer placed any new waste into the impoundments. Monroe, therefore, submitted an additional petition seeking a one-time exclusion for the landfilled sludge and the re-treated surface impoundment sludge (stored on-site in the two impoundments); and an exclusion for the continuously generated vacuum filtered sludge.

Based upon the Agency's review of the original petition, Monroe was granted a temporary exclusion covering the material stored in their two on-site surface impoundments in December of 1982. The Agency's basis for granting the temporary exclusion, at that time, was the low migration potential of the constituents of concern, namely cadmium, hexavalent chromium, cyanide (complexed), and nickel.

Since that time, the Hazardous Waste and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) In anticipation of enactment of this legislation and regulatory changes by the Agency, EPA requested additional information from Monroe. This information was submitted in numerous parts between October 25, 1985 and September 23, 1986 (see public docket). The Agency, therefore, has re-evaluated Monroe's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) evaluate the waste for factors (other than those for which the waste was listed) to determine whether the waste is non-hazardous. This notice presents the results of the Agency's re-evaluation of Monroe's petitions.

Monroe has submitted a detailed description of its manufacturing and waste treatment processes, including schematic diagrams; results from total constituent and Oily Waste EP toxicity analyses of the waste for all the EP toxic metals, cyanide, and nickel; results from total constituent analyses for volatile organic constituents; ground-water monitoring data; and ignitability, corrosivity, and reactivity data on samples collected from the on-site surface impoundments, the off-site landfill, and the currently generated vacuum filter sludge. In addition, Monroe also submitted a list of raw materials and material safety data sheets for all materials used in the manufacturing process.[10] The additional information was submitted, as indicated above, to determine whether any hazardous constituents other than those for which the waste was originally listed could be present in the waste at levels of regulatory concern.

Monroe manufactures shock absorbers for automobiles, trucks, and tanks. Purchased coils of steel are drawn through a cold forming tube mill and subject to continuous electrical resistance welding. The steel tubes are cut to the required lengths. Pistons are manufactured by injecting iron powder into molds, which are then baked to harden the powder metal parts. Rod for pistons is purchased as bar stock, cut to length, threaded and ground, then hard-chromium plated. The dirt shield tubes are attached to the piston rods by electric resistance welding and the shock absorber tubes are filled with either hydraulic fluid or pressurized air. The shock absorbers are assembled and checked for leaks, then phosphated and painted.

The rinse waters from the chrome plating lines are collected and then pumped to the wastewater treatment facility for hexavalent chromium reduction. Spent chromium baths are sent off-site for reclamation and chromic acid etch baths waters are reduced in-tank prior to discharging to the hexavalent chromium reduction unit (at the wastewater treatment facility). Process rinse waters from the alkaline dip tanks (paint removal operations), vertical seam welder, shock oil room and separator, zinc phosphating line, air compressors, air conditioners, pressure

[10] The Agency notes that Monroe has not identified the components or major chemical families contained in 29 raw materials. The Agency had requested Monroe to supply additional information regarding these raw materials; however, we have yet to receive this information.

tube washer, and non-oily vat wastewater all flow to the wastewater treatment facility. All emulsified oils used in the zinc phosphating line, and grinding/milling operations, are collected in three rancid oil sumps. The rancid oil is then pumped to an oil cracker which separates the oil and water emulsions. The separated oil is shipped off-site for recycling and the water layer is sent to the wastewater treatment facility. The reduced wastewater from the chrome reduction unit and the process wastewaters are combined at the treatment facility, where the wastewater is neutralized. Flocculants and polyelectrolytes are added, and the resulting mixture is clarified. Sludge from the clarifier is dewatered by vacuum filtration, and the resulting filter cake is dropped into one cubic yard bags for off-site disposal.

During 1984, the Nebraska Department of Environmental Protection (NDNR) and Monroe detected significant concentrations of trichloroethylene (TCE) (2.9 ppm) and 1,1,1-trichloroethane (TCA) (0.036 ppm) in the ground water at Monroe's production facility. Due to the ground-water contamination detected at the facility, Monroe collected a total of eight sludge samples from both the east and west surface impoundments during May of 1985. These eight samples were analyzed for total constituent concentrations of volatile organic constituents (VOCs). TCE and TCA were detected in the sludge at combined concentrations ranging from 25–57 ppm (in a ratio of 9:1 TCE to TCA). In order to reduce the concentrations of VOCs present in their impounded sludge, Monroe began a sludge re-treatment program in July 1985. This re-treatment program consisted of hydration, aeration, and attempted biological treatment of the sludge contained in both the east and west surface impoundments. The program, which ended in November 1985 (and was to be restarted in July 1986), affected the chemical and physical nature of the sludge, which potentially altered the waste matrix, pH, and mobility of toxic constituents. Some portion of the oil matrix is expected to have both oxidized and biologically degraded. For that fraction of sludge effected by aeration, evidence of the chemical alteration of the waste was apparent when the concentration of VOCs were reduced (see Table 2, which lists the maximum concentration of VOCs detected in Monroe's re-treated sludge). The Agency has not included any analytical data characterizing the concentrations of VOCs contained in the impounded wastes prior to the retreatment programs, since the original VOC data are no longer representative of the waste currently stored in the surface impoundments. The Agency is, however, using the test data for metals from the waste prior to retreatment. The Agency's basis for using the metals data is that if any change due to degradation of the oil fraction occurred, it would have increased (rather than decreased) the mobile metals concentration, enhancing the bases for denial.

Prior to the re-treatment of the waste contained in the two surface impoundments, Monroe submitted a total of four, four-point quadrant composites collected from the east impoundment on October 10, 1985. These samples were analyzed for total constituent concentrations and mobile metal concentrations (using the Oily Waste EP Toxicity Test) for the EP toxic metals, nickel, and cyanide. The maximum concentrations for these metals are displayed in Table 1.

Since the re-treatment of the impounded waste, Monroe has submitted a total of nine samples analyzed for total constituent concentrations of volatile organic constituents. Four composite samples were collected from the east impoundment. Two of these four samples, collected on November 27, 1985, were two to four point composites. The other two samples, collected in March 1986, were half pond 15-point composite samples. Five composite samples were taken from the west impoundment. One sample, collected on November 27, 1985, was a quadrant composite of six to eight cores. The other four samples, collected in March 1986, were 15-point quadrant composites.

TABLE 1.—MAXIMUM CONCENTRATIONS OF THE CONSTITUENTS OF CONCERN SURFACE IMPOUNDMENTS

Constituents	Maximum total concentrations (ppm)	Maximum mobile metal concentrations (ppm)
As	0.91	<0.0026
Ba	197.3	6.96
Cd	0.35	<.029
Cr (Total)	1762.1	3.37
Pb	1885.1	.30
Hg	<0.005	<[1].007
Ni	10.5	.228
Se	<0.005	<[1].007
Ag	<1.0	<.029
CN	0.06	[2]NA

[1] The Agency notes that although these detection limits are higher than the totals, these constituents are present below levels of regulatory concern.
[2] Not analyzed since the total concentration of cyanide is well below the regulatory standard for cyanide.

Table 2 presents the maximum total constituent concentration of the volatile organic constituents contained in the impounded sludge. The Agency notes that no other volatile organic constituents were detected using a detection limit of 10 ppb. The maximum total oil and grease content of the impounded waste prior to retreatment was 12.9 percent. Monroe claims that the impounded waste is not corrosive, reactive, or ignitable.

TABLE 2.—MAXIMUM CONCENTRATIONS OF VOLATILE ORGANIC CONSTITUENTS SURFACE IMPOUNDMENTS

Constituents	Maximum concentrations (ppm)
1,1-Dichloroethane	3.79
(trans)-1,2-Dichloroethylene	8.41
1,1,1-Trichloroethane	4.78
Trichloroethane	17.97
Vinyl chloride	2.14

Monroe collected a total of 24 full depth cores for volatile organic constituent analyses and a total of 13 full depth cores for total metals and mobile metal concentrations in December 1985[11] from the six cells (filled 1977 through 1982) at their Sandhills Landfill.

The total constituent analyses of the Sandhills sludge for the listed and non-listed metals found the maximum concentrations presented in Table 3. Table 3 also presents the maximum mobile metal concentrations detected using the Oily Waste EP method for both the listed constituents and the non-listed metals.

TABLE 3.—MAXIMUM CONCENTRATIONS OF THE CONSTITUENTS OF CONCERN SANDHILLS LANDFILL

Constituents	Maximum total concentrations (ppm)	Maximum mobile metal concentrations (ppm)
As	29.36	0.235
Ba	1.46	----
Cd	1.6	.1
Cr (Total)	2030	5.3
Pb	2950	1.54
Hg	<0.6	[1] <.0015
Ni	2.7	[2] 1.13
Se	14.0	[1] .03
Ag	1.2	[1] .15
CN	<0.3	[2] .024

[11] Four samples analyzed for total metals and mobile metals concentrations were collected on June 4, and 5, 1986. The Agency, however, is not considering the four samples, which were analyzed using the regular EP toxicity methodology due to the waste's high total oil and grease content (41.4 percent).

[1] Only three analyses were done using the Oily Waste EP procedure.
[2] An Oily Waste EP Analysis was not performed for this constituent; therefore, the Agency calculated the "worst-case" mobile metal concentration by assuming an oily dilution of 12.34 and 100 percent leaching (based on the total volume of oil and grease).

Table 4 presents the maximum total constituent concentrations of the volatile organic constituents detected in the sludge contained in the six cells at the Sandhills Landfill.

TABLE 4.—MAXIMUM CONCENTRATIONS OF VOLATILE ORGANIC CONSTITUENTS SANDHILLS LANDFILL

Constituents	Maximum concentrations (ppm)
1,1-Dichloroethylene	7.8
1,1-Dichloroethane	2.89
(trans)-1,2-Dichloroethylene	1.3
1,1,1-Trichloroethane	52.0
Trichloroethylene	[1] 1.36
Tetrachloroethylene	1.8
Dichloromethane	0.33
1,1,2-Trichloroethane	.06
Toluene	.093
Ethyl benzene	.115
1,2-Dichloropropane	.006

[1] The Agency notes that it is not using a higher reported trichloroethylene concentration of 6.6 ppm since it was detected in a sample of pre-RCRA waste.

The Agency notes that it does not know whether any other volatile organics or semi-volatile acid or base/neutral extractables were analyzed for and/or detected. Furthermore, the Agency was only able to use three of the 24 samples analyzed for VOCs and only three of the 13 samples analyzed for mobile metal concentrations, since the other 21 and 10 samples, respectively, were taken from either pre-RCRA material (*i.e.*, sludge generated and disposed prior to November 19, 1980), incompletely referenced samples (*i.e.*, insufficient documentation of sample location, compositing techniques, and sample composition), or from non-waste material (*i.e.*, soil, gravel, or a mixture of mostly soil and/or gravel, with sludge).[12] [13] [14] The Agency has not used test data on the pre-RCRA material since Monroe did not supply information detailing process description and raw materials lists for the manufacturing and treatment process at that time; nor did they indicate whether this material was generated from the same treatment system (*i.e.*, whether the material generated prior to 1980 was filtered sludge, dredged sludge, etc.). The maximum total oil and grease content of the Sandhills sludge is 41.4 percent. Monroe claims that the landfilled sludge is not corrosive, reactive, or ignitable.

Monroe collected a total of six grab samples of the filter cake from the vacuum filtration unit on November 6, 1985. A composite of the six grab samples was analyzed using the Oily Waste EP methodology; however, the results of the total metals analyses were not provided to the Agency. Table 5 presents the mobile metal concentrations for the EP toxic metals. (Monroe did not submit analyses for cyanide or nickel). Monroe performed total constituent analyses for the volatile organic constituents on each of the six grab samples; however, Monroe reported the results obtained on only three of the grab samples. No volatile organic constituents were detected at a detection limit of 10 ppb.

TABLE 5.—MAXIMUM CONCENTRATIONS OF THE CONSTITUENTS OF CONCERN VACUUM FILTERED SLUDGE [1]

Constituents	Mobile metal concentrations (mg/1)
As	<0.01
Ba	4.0
Cd	<.01
Cr	.1
Pb	<.1
Hg	<.01
Se	<.01
Ag	.1
CN	[2] NA
Ni	[2] NA

[1] The Agency notes that Monroe either did not perform the total constituent analyses for metals, or did not provide the results from this test.
[2] Monroe did not analyze any samples for this constituent. The Agency has notified the petitioner that analyses must be conducted.

Monroe did not provide results from the total oil and grease test or characteristics testing on the vacuum filtered sludge.

The Agency conducted a sampling visit at Monroe's facility on June 26 and 27, 1986 under the spot-check sampling program. During this visit the Agency collected eight random two-point full-depth composite samples in each of the east and west surface impoundments, and six random two-point one to two foot deep composite samples from the Sandhills Landfill 1982 cell. The Agency also collected six composite samples of the vacuum filter cake. Each filter cake sample was a composite of 4 to 8 full depth core samples taken from two one cubic yard storage bags. Table 6 presents the maximum concentrations of the volatile and semi-volatile organics detected in the surface impoundment sludge, Sandhills Landfill (1982 cell), and the vacuum filter cake. The maximum concentration of total cyanide detected in the surface impoundment sludge, landfill sludge, and vacuum filter cake is also presented in Table 6. The Agency notes that it has not yet completed the analyses of total metals or mobile metals.

The Agency also reviewed the list of raw materials and material safety data sheets submitted by Monroe, identifying the following 12 Appendix VIII hazardous constituents: Methyl ethyl ketone, methyl isobutyl ketone, toluene, xylene, isobutyl alcohol, methylene chloride, hydrazine, 1,1,1-trichloroethane, ethyl benzene, formic acid, cresylic acid, and benzene. The Agency notes that Monroe submitted analytical data on methylene chloride, 1,1,1-trichloroethane, ethyl benzene, and benzene as part of the volatile organic constituents scans, and that no mass balance arguments nor analytical data have been presented on the remaining eight constituents, despite having been requested by the Agency.

TABLE 6.—AGENCY SPOT CHECK MAXIMUM CONSTITUENT CONCENTRATIONS (MG/KG)

Constituents	Surface impoundment sludge	Landfill sludge	Vacuum filter cake
1,1-Dichloroethane	12.0	ND	ND
(trans)-1,2,-Dichloroethylene	76.0	ND	1.2
1,1,1-Trichloroethylene	100.0	ND	ND
Trichloroethylene	13.0	ND	0.490
Tetrachloroethylene	1.8	0.22	ND
Toluene	8.9	1.3	1.6
1,1-Dichloroethylene	0.210	ND	ND
Methyl ethyl ketone	3.5	ND	ND
Ethyl benzene	1.0	0.078	2.3
Xylene (total)	5.9	0.58	14.0
Acetone	23.0	ND	ND
Pentacholorophenol	1.8	ND	ND
Benzo(a)pyrene	3.6	ND	ND
Chrysene	3.9	ND	ND

[12] Monroe was unable to identify the exact location of the cells in the Sandhills Landfill area and the location of waste within the cells due to a lack of placement records and the movement of some material due to the local highway department's regrading of an adjacent side road for snow drift control.
[13] Of the 24 VOC samples: 12 were pre-RCRA material, 4 contained little or no sludge, and 8 were insufficiently documented, such that the sampling location, sample composition and compositing techniques were not known. (The Agency notes, that analytical data for these 8 samples were mentioned in Monroe's submissions, yet the data were never submitted. The Agency further notes that Monroe did not use the data for these eight samples in their own conclusions in the petition).
[14] Of the 13 mobile metals samples: 6 samples were of pre-RCRA material and 4 samples were analyzed using the standard EP toxicity analysis instead of the Oily Waste EP methodology.

TABLE 6.—AGENCY SPOT CHECK MAXIMUM CONSTITUENT CONCENTRATIONS (MG/KG)—Continued

Constituents	Surface impound-ment sludge	Landfill sludge	Vacuum filter cake
Anthracene	3.6	ND	ND
Phenanthrene	14.0	25.0	11.0
Pyrene	9.0	ND	ND
Fluoranthene	9.7	ND	ND
Fluorene	3.1	ND	ND
Phenol	0.67	ND	ND
1,2-Dichlorobenzene	16.0	ND	2600
1,3-Dichlorobenzene	ND	ND	310
1,4-Dichlorobenzene	ND	ND	260
Anthracene	3.6	ND	ND
4,6-Dinitrocresol	ND	16.0	ND
4-Methyl-2-pentanone	0.53	ND	ND
Carbon disulfide	0.16	0.043	ND
Isophorone	120	32	ND
Vinyl chloride	8.7	ND	ND
p-Nitrosodiphenylamine	130	77	92.5
2-Butanone	3.5	0.059	ND
2-Chlorophenol	ND	13	ND
Chloroethane	0.23	ND	ND
Diethyl phthalate	220	ND	ND
p-Chloro-m-cresol	ND	15	ND
1,2-Dichloroethane	0.014	ND	ND
1,2-Dichloropropane	0.017	ND	ND
1,1,2,2-Tetrachloroethane	0.011	ND	ND
Bis(2-ethylhexyl) phthalate	200	180	760
Di-n-Butyl phthalate	ND	12	ND
Cyanide (total)	8.8	6.4	10.8

Monroe claims that the samples of the impounded sludge and landfilled sludge are representative of any variation of the listed and non-listed constituent concentrations, since no new waste is to be added to either the impoundments or landfill cells, and that the full depth cores are representative of any spatial variations in the wastes. In addition, Monroe contends that the manufacturing and treatment processes were uniform and consistent, and that the use of raw materials did not vary over time. Consequently, they believe that the samples collected and analyzed fully characterize their waste. Monroe also claims that the six grab samples taken from the vacuum filtration unit are representative of the waste and fully characterize any variation of the listed and non-listed constituent concentrations in the waste, since both the manufacturing and treatment process are uniform and consistent, and that the use of raw materials does not vary over time.

Monroe has also provided the results from ground-water monitoring data for both sites (Cozad surface impoundments and facility, and Sandhills Landfill). This included data from the vicinity of both surface impoundments, the facility, and the six cells of sludge in the Sandhills Landfill. (Complete ground-water monitoring data for the sites are available in the public docket for this notice.) A discussion of the available ground-water monitoring data is presented in Section C of this notice—Additional Agency Concerns. Monroe claims that the surface impoundments and Sandhills Landfill area contain approximately 3,270 and 895 cubic yards, respectively, and that they currently generate a maximum of 87 cubic yards of vacuum filter cake annually.

B. Agency Analysis and Action

Monroe has not demonstrated to the Agency that the sludge contained in the two on-site surface impoundments and the Sandhills Landfill, and the currently generated vacuum filter sludge are non-hazardous. The Agency is not certain whether the samples analyzed adequately characterize the impounded sludge, landfilled sludge, or vacuum filtered sludge due to Monroe's poor documentation of sampling, inconsistent sampling procedures, inconsistencies in the list of toxicants tested for, and submission of less than the required minimum number of samples (4) per unit. The Agency was unable to determine the following for some samples: Dates samples were collected, dates samples were tested, exact sampling location for each sample and subsample. We were also unable to clearly determine whether certain samples represented the vacuum filtered lagoon sludge or the newly generated vacuum filtered sludge. The Agency believes that Monroe was inconsistent in both the numbers and type of samples collected, and the selection of parameters for testing. Monroe took single random core samples of the material contained in the impoundments prior to re-treatment and then took six to eight point quadrant composites, 15 point quadrant composites and half pond 15-point composites from the impoundments during other sampling occasions. The Agency believes that the use of half pond composites (regardless of the number of separate core samples) potentially masks any variation in constituent concentrations across quadrants.

The Agency, as stated earlier, only considers three of the 24 samples analyzed for concentrations of VOC's and three of the 13 samples analyzed for concentrations of mobile metals, collected from the Sandhills Landfill area to be representative of the landfill material. The Agency does not consider the remaining 21 samples and 10 samples (analyzed for concentrations of VOCs and mobile metals, respectively) to be representative of the landfill material because the samples were either taken from material generated and disposed prior to November 19, 1980 (pre-RCRA) (for which the production process, raw materials and treatment process generating this waste were not documented); were incompletely documented (*i.e.*, sampling locations, compositing techniques, and sampling composition); or upon review of the coring data presented in Monroe's petition, the Agency determined that the samples were mainly from non-waste materials (*i.e.*, soil, gravel, or a mixture of mostly soil and/or gravel with sludge). We do not consider the data obtained from the four samples analyzed using the EP toxicity procedure for non-oily wastes representative of the waste material because the samples should have been analyzed using the Oily Waste EP toxicity test. (The Agency notes that Monroe was informed that the analyses should have been completed using the Oily Waste EP toxicity procedure.) The Agency considers the six samples taken from the vacuum filtration unit during the same day's operation as sample splits of the same waste rather than six separate samples because the six grab samples were from the same daily batch of treated waste (the Agency notes that it only received data on three grab samples).

The Agency believes that its spot check samples collected from the east and west surface impoundments accurately characterize the variations in constituent concentrations because they were randomly selected and constitute complete-depth samples [15] (necessary to

[15] Monroe's surface impoundments contain between five and eight feet of sludge. The Agency, when trying to obtain a full-depth core, inserted a sampling tube into the sludge and pushed the tube downward until the bentonite liner was reached. The Agency then placed a stopper device on the top

Continued

characterize vertical stratification). The Sandhills Landfill samples are not representative of the variations in constituent concentrations because they were not complete depth samples. The Agency notes that we normally collect complete depth core samples; however, due to equipment difficulties, we were only able to collect the top one to two feet of landfill material. The Agency was only able to sample the vacuum filter cake generated over the course of one week. The Agency believes that these samples adequately characterize any variations in constituent concentrations because Monroe's use of raw materials does not vary with time and there are no seasonal variations in production (*i.e.*, Monroe is not operated like a job shop).

Additionally, Monroe did not test each set of samples for the same set of parameters, making comparison impossible. Due to the lack of historical knowledge and appropriate documentation, the Agency would require that all samples be tested for the same set of parameters, including: The EP toxic metals, nickel, cyanide, and the remainder of constituents listed in Appendix VIII.[16] [17] TheAgency notes, that in Monroe's case, this problem was especially apparent since constituents, such as 1,1-dichloroethylene and 1,2-dichloroethane were detected in some samples and not tested for in other samples. Furthermore, Monroe has not submitted sufficient information regarding the chemical families and/or constituents contained in 29 raw materials, or analytical results on eight of the twelve Appendix VIII hazardous constituents identified by EPA in Monroe's list of raw materials and material safety data sheets. The Agency, therefore, is unable to determine whether the samples adequately characterize the petitioned wastes.

Lastly, the Agency notes that, Monroe has not submitted the required minimum of four samples per unit, and that the following additional samples from the following locations are still needed: The west impoundment analyzed for concentrations of total metals and mobile metals, the Sandhills Landfill analyzed for concentrations of VOCs, total metals, and mobile metals, and the vacuum filtered sludge for concentrations of VOCs, of total metals and mobile metals, and characteristics.

The Agency has evaluated the mobility of the constituents from Monroe's impounded sludge, landfilled sludge, and its continuously generated vacuum filter cake using the vertical and horizontal spread (VHS) model.[18] The Agency's evaluation of Monroe's 3,267 cubic yards of impounded sludge, 895 cubic yards of landfilled sludge, and 87 cubic yards of filter cake using the maximum mobile metal concentrations for the EP toxic metals, nickel, and cyanide in the VHS model generated the compliance point concentrations in Tables 7, 8, and 9, respectively. These tables also present, for each toxicant, the regulatory standard to which the compliance point concentration is compared.

TABLE 7.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm) SURFACE IMPOUNDMENT SLUDGE [1]

Constituents	Compliance point concentrations [2]	Regulatory standards
As	<0.001	0.05
Ba	1.008	1.0
Cd	<.004	.01
Cr (total)	.488	.05
Pb	.043	.05
Hg	<.001	.002
Se	<.001	.01
Ag	<.004	.05
Ni	.033	.35
CN (total)	[3] <.009	.20

[1] As noted previously, the Agency is using metals data from the impounded sludge prior to retreatment since these levels would not be expected to decrease.
[2] Where concentrations were below the detection limits, the detection limit was used in the VHS model calculations.
[3] Calculated using the maximum total concentration of cyanide without the dilution associated with the volume of oil and the Oily Waste EP extraction test. The Agency is normally able to calculate an appropriate dilution factor when it knows the volume of oil present in the sample; however, this procedure is not applicable when a liquid phase of unknown volume is present in the sample.

TABLE 8.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm) SANDHILLS LANDFILL SLUDGE

Constituents	Compliance point concentrations [1]	Regulatory standards
As	<0.013	0.05
Ba	1.081	1.0
Cd	<.006	.01
Cr (total)	.295	.05
Pb	.086	.05
Hg	<.001	.002
Se	<.001	.01
Ag	<.008	.05
Ni	.063	.35
CN (total)	<.001	.20

[1] Where concentrations were below the detection limits, the detection limit was used in the VHS model calculations.

TABLE 9.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm) VACUUM FILTER CAKE

Constituents	Compliance point concentrations [1]	Regulatory standards
As	<0.001	0.05
Ba	124	1.0
Cd	<.001	.01
Cr (total)	.003	.05
Pb	<.003	.05
Hg	<.001	.002
Se	<.001	.01
Ag	<.003	.05
Ni	NC [2]	.35
CN (total)	NC [2]	.20

[1] Where concentrations were below the detection limits, the detection limit was used in the VHS model calculations.
[2] Not calculated since neither a total constituent analysis nor mobile metals analysis was performed.

The surface impoundment sludge exhibited arsenic, cadmium, lead, mercury, selenium, and silver levels (at the compliance point) below the National Interim Primary Drinking Water Standards (NIPDWS), cyanide levels below the U.S. Public Health Service's suggested drinking water standard [19] and nickel levels below the Agency's interim regulatory standard for nickel. [20] Barium and chromium concentrations were found (at the compliance point), however, exceed the NIPDWS.[21]

of the sampling tube in order to create a vacuum sufficient to keep the sludge in the sampling tube. The Agency believes that due to the "fluid" nature of the waste, the bottom one to two feet of sludge slid out of the sampling tube when the tube was withdrawn from the impoundment; therefore, the samples were not complete full-depth cores. The Agency, however, believes that the core samples were representative of at least the top 4½ to 6 feet of sludge stored in Monroe's surface impoundments.

[16] The Agency would request data on the universe of Appendix VIII constituents since there is a lack of historical data on raw material use, the presence of painting operations, and the presence of unidentified volatiles in the ground water. The Agency can accept analyses for some subset of Appendix VIII depending on arguments based on raw materials lists, process descriptions, mass balances, reactivity, or available test methods.

[17] The Agency notes that it has informed Monroe of our concerns, and that should they re-petition the Agency, they must provide data on all of the requested parameters.

[18] See footnote 5.

[19] See footnote 6.

[20] See footnote 7.

[21] The Agency believes that the evaluation of hazardous wastes in the context of delisting should include the use of chromium standards which are based upon total chromium (*e.g.*, the EP toxicity characteristic). The acute toxicity of hexavalent chromium is well documented, and Cr (VI) has been incorporated in numerous hazardous waste listings as a constituent of concern. The Agency has information, however, which indicates that trivalent chromium, a less toxic form of chromium, is readily interconvertible with Cr (VI) in a number of environmental scenarios. Recent Agency studies on agueous systems have determined that Cr (III) in ground water may be readily converted to Cr (VI) by chlorination (commonly used to disinfect drinking water supplies), at a rate dependent on pH. (Clifford, Dennis, and Jimmy Man Chau, 1984. The fate of chromium (III) in chlorinated water. Draft Report prepared for MERL/ORD, EPA, Cincinnati, Ohio). The potential to form Cr (VI) exists for the entire pH range of most ground waters (Battelle.

Continued

The sludge disposed at the Sandhills Landfill exhibited arsenic, barium, cadmium, mercury, selenium, and silver levels (at the compliance point) below the NIPDWS, cyanide levels below the U.S. Public Health Service's suggested drinking water standard [22] and nickel levels below the Agency's interim regulatory standard for nickel.[23] Chromium and lead, however, were found (at the compliance point) to exceed the NIPDWS.[24]

The continuously generated vacuum filter cake exhibited arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver levels (at the compliance point) below the NIPDWS. The Agency, however, is unable to evaluate the cyanide and nickel levels (at the compliance point) since Monroe did not submit any analytical data on these two constituents.

The organic constituents listed in Table 2 (surface impoundment sludge) and Table 4 (Sandhills Landfill sludge) were evaluated by first estimating their leachate concentrations (using the proposed Organic Leachate Model (OLM) and then predicting their compliance point concentrations with the BHS model.[25] This procedure resulted in the compliance point concentrations presented in Tables 10 and 11 for the surface impoundment sludge and Sandhills Landfill sludge, respectively. Tables 10 and 11 also present, for each organic compound, the regulatory standard to which the predicted compliance point concentration is compared.

TABLE 10.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (mg/l) SURFACE IMPOUNDMENT SLUDGE [1]

Constituents	Compliance point concentration		Regulatory standards [2]
	Baseline	95 percent confidence	
1,1-Dichloroethane	1.87×10^{-2}	2.42×10^{-2}	3.5×10^{-4}
(trans)-1,2,Dichloroethylene	3.38×10^{-2}	4.37×10^{-2}	4.0×10^{-1}
1,1,1=Trichloroethane	2.02×10^{-1}	2.61×10^{-2}	3.0
Trichloroethylene	2.95×10^{-2}	3.64×10^{-2}	3.2×10^{-3}
Vinyl chloride	9.76×10^{-3}	1.26×10^{-3}	2.0×10^{-1}

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.

TABLE 11.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (mg./l) SANDHILLS LANDFILL SLUDGE [1]

Constituents	Compliance point concentration		Regulatory standards [2]
	Baseline	95 percent confidence	
1,1-Dichloroethylene	8.75×10^{-3}	1.11×10^{-2}	3.01×10^{-4}
1,1-Dichloroethane	5.99×10^{-3}	7.8×10^{-3}	3.5×10^{-4}
(trans)-1,2-Dichloroethylene	3.67×10^{-3}	4.8×10^{-3}	4.0×10^{-1}
1,1,1-Trichloroethane	3.91×10^{-1}	5.0×10^{-2}	3.0
Trichloroethylene	1.97×10^{-3}	2.51×10^{-3}	3.2×10^{-3}
Tetrachloroethylene	1.13×10^{-3}	1.39×10^{-3}	6.9×10^{-4}
Dichloromethane	2.23×10^{-3}	3.16×10^{-3}	5.6×10^{-2}
1,1,2-Trichloroethane	4.02×10^{-4}	5.93×10^{-4}	6.1×10^{-3}
Toluene	2.54×15^{-4}	3.94×10^{-4}	10
Ethyl benzene	1.77×10^{-4}	2.44×10^{-4}	4.0
1,2-Dichloropropane	6.97×10^{-5}	1.13×10^{-4}	6.0×10^{-4}

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.

As indicated in Table 10, both the concentrations from the baseline and 95 percent confidence versions of the OLM for 1,1-dichloroethane, trichloroethane, trichloroethylene, and vinyl chloride (at the compliance point) significantly exceed their respective regulatory standards. Both the baseline and 95 percent confidence level concentrations of (trans)-1,2-dichloroethylene and 1,1,1-trichloroethane (at the compliance point) are less than their respective regulatory standards.

Table 11 indicates that both the concentrations from the baseline and 95 percent confidence versions of the OLM for 1,1-dichloroethylene, 1,1-dichlorethane, and tetrachloroethylene (at the compliance point) significantly exceed their respective regulatory standards. Both the baseline and 95 percent confidence level concentrations of (trans)-1,2-dichloroethylene, 1,1,1-trichloroethane, trichloroethylene, dichloromethane, 1,1,2-trichloroethane, toluene, ethyl benzene, 1,2,-dichloropropane (at the compliance point) are less than their respective regulatory standards.

The organic constituents detected during the Agency's spot check visit were also evaluated using the OLM/VHS models. The predicted baseline and 95 percent confidence concentrations, and the applicable regulatory standards for the surface impoundment sludge, the Sandhills Landfill sludge, and the vacuum filter cake are presented in Tables 12 through 14, respectively. As indicated in Table 12 (the surface impoundment sludge) both versions of the OLM generate concentrations of 1,1-dichloroethane, trichloroethylene, vinyl chloride, 1,2-dichloroethane, tetrachloroethylene, 1,1-dichloroethylene, and benzo(a)pyrene and 95 percent confidence level concentrations of phenanthrene (at the compliance point) significantly above their respective regulatory standards. Both the baseline and 95 percent confidence level concentrations of the remaining constituents (at the compliance point) are less than their respective regulatory standards.

TABLE 12.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (MG/1)[1] AGENCY SPOT CHECK VISIT DATA—SURFACE IMPOUNDMENTS

Constituents	Baseline	95 percent confidence	Regulatory standards [2]
1,1-Dichloroethane	4.09×10^{-2}	5.26×10^{-2}	3.5×10^{-4}
(trans)-1,2-Dichloroethylene	1.51×10^{-1}	1.94×10^{-1}	0.35
1,1,1-Trichloroethane	1.59×10^{-1}	2.84×10^{-1}	3.0
Trichloroethylene	2.37×10^{-3}	2.93×10^{-2}	3.2×10^{-3}
Tetrachloroethylene	2.95×10^{-4}	3.62×10^{-3}	6.9×10^{-4}
Toluene	1.41×10^{-2}	1.72×10^{-2}	10
1,1-Dichloroethylene	1.89×10^{-3}	2.61×10^{-3}	3.0×10^{-4}
Methyl ethyl ketone	7.59×10^{-2}	1.1×10^{-1}	1.8
Ethyl benzene	1.99×10^{-2}	2.55×10^{-2}	4.0
Xylene	7.35×10^{-1}	8.98×10^{-1}	2.0

Pacific Northwest laboratories, 1988). Geochemical behavior of chromium species. Interim report no. EA-4544, prepared for Electric Power Research Institute, Palo Alto, California). Cr (III), has also been found to oxidize readily to Cr (VI) under conditions found in many soils. This reaction is catalyzed by oxidized manganese, such as manganese dioxide which is commonly present in soils and sediments (Bartlett, R. and Bruce, James, 1979. Behavior of Chromium in Soils: III. Oxidation. J. Envir. Qual. 8(1):31–35). Earlier findings of the potential interconvertability of chromium species convinced the Agency to set its chromium species water standard on the basis of total chromium, not hexavalent chromium. The EP toxicity characteristic was also set on the basis of total chromium. EPA's proposal to amend the characteristic to apply to hexavalent chromium (45 *FR* 72029–72033, October 30, 1980; see also 48 *FR* 22170–22171, May 17, 1983) has not been made final, and is not likely to be made final. A recommended maximum contaminant level (RCML) of 0.12 mg/1 has been proposed for total chromium (50 FR 46936–47016, November 13, 1985). This new RCML value is a non-enforceable health goal that serves as an initial stage for establishment of drinking water standards. A revised maximum contaminant level (MCL) for chromium will be proposed when the RCML is promulgated. Until such time that a new standard is established, the Agency will continue to use the current MCL for total chromium, which is the National Interim Primary Drinking Water Standard of 0.05 mg/1.

[22] See footnote 6
[23] See footnote 7
[24] See footnote 21
[25] See footnote 8

TABLE 12.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (MG/1)[1] AGENCY SPOT CHECK VISIT DATA—SURFACE IMPOUNDMENTS—Continued

Constituents	Baseline	95 percent confidence	Regulatory standards [2]
Acetone	1.87×10^{-1}	2.63×10^{-1}	4.0
Pentachlorophenol	1.2×10^{-3}	1.53×10^{-3}	1.1
Benzo(a)pyrene	5.93×10^{-5}	9.38×10^{-5}	3.0×10^{-6}
Chrysene	7.2×10^{-5}	1.09×10^{-4}	2.0×10^{-4}
Anthracene	2.38×10^{-4}	3.40×10^{-4}	2.0×10^{-3}
Phenanthrene	1.83×10^{-3}	2.34×10^{-3}	2.0×10^{-3}
Pyrene	6.34×10^{-4}	8.53×10^{-4}	4.0
Fluoranthene	7.97×10^{-4}	1.06×10^{-4}	0.2
Fluorene	6.02×10^{-4}	1.02×10^{-3}	2.0×10^{-3}
Phenol	1.66×10^{-2}	2.42×10^{-2}	3.5
1,2-Dichlorobenzene	1.12×10^{-2}	1.34×10^{-2}	3.2
Anthracene	2.38×10^{-4}	3.4×10^{-4}	2.0×10^{-3}
4-Methyl-2-pentanone	[3] NC	[3] NC	[4] NA
Carbon disulfide	1.73×10^{-3}	2.4×10^{-3}	3.5
Isophorone	2.61×10^{-1}	3.43×10^{-1}	7.0
Vinyl chloride	2.52×10^{-2}	3.2×10^{-2}	2.0×10^{-3}
n-Nitrosodiphenylamine	[3] NC	[3] NC	7.1×10^{-3}
2-Butanone	[3] NC	[3] NC	[4] NA
Chloroethane	[3] NC	[3] NC	[4] NA
Diethyl phthalate	7.26×10^{-2}	8.65×10^{-2}	455
1,2-Dichloroethane	4.95×10^{-4}	5.31×10^{-4}	6.0×10^{-4}
1,2-Dichloropropane	3.68×10^{-4}	7.51×10^{-4}	3.8×10^{-4}
1,1,2,2-Tetrachloroethane	2.81×10^{-4}	4.33×10^{-4}	2.0×10^{-3}
Bis(2-ethyl hexyl)phthalate	7.89×10^{-3}	1.01×10^{-2}	0.7

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.
[3] Not calculated because the Agency does not currently have a solubility value for this constituent.
[4] A regulatory standard is not currently available.

TABLE 13.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (MG/L)[1]

[Agency Spot Check Visit Data—Landfill Sludge]

Constituents	Baseline	95 percent confidence	Regulatory standard [2]
Tetrachloroethylene	2.8×10^{-4}	3.7×10^{-4}	6.9×10^{-4}
Toluene	1.5×10^{-3}	1.9×10^{-3}	10
Ethyl benzene	1.3×10^{-4}	1.9×10^{-4}	4.0
Xylene	6×10^{-4}	7.9×10^{-4}	2.0
Phenanthrene	1.07×10^{-3}	1.36×10^{-3}	2.0×10^{-3}
4,6-Dinitrocresol	4.4×10^{-3}	5.27×10^{-3}	4.0×10^{-2}
Carbon disulfide	2.79×10^{-4}	4.1×10^{-4}	3.5
Isophorone	4.2×10^{-3}	5.5×10^{-2}	7.0
n-Nitrosodiphenylamine	[3] NC	[3] NC	7.1×10^{-3}
2-Butanone	[3] NC	[3] NC	[4] NA
2-Chlorophenol	3.15×10^{-2}	4.5×10^{-2}	5.0×10^{-5}
p-Chloro-m-cresol	1.6×10^{-2}	2.1×10^{-2}	.2
Bis(2-ethylhexyl) phthalate	2.9×10^{-3}	3.69×10^{-3}	.7
Di-n-butyl phthalate	1.69×10^{-3}	2.6×10^{-3}	4.0

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.
[3] Not calculated because the Agency does not currently have a solubility value for this constituent.
[4] A regulatory standard is not currently available.

TABLE 14.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (MG/L) [1]

[Agency Spot Check Visit Data—Vacuum Filter Cake]

Constituents	Baseline	95 percent confidence	Regulatory standards [2]
(trans)-1,2-Dichloroethylene	1.93×10^{-3}	2.56×10^{-3}	0.35
Trichloroethylene	5.94×10^{-4}	7.4×10^{-4}	3.2×10^{-3}
Toluene	9.39×10^{-4}	1.18×10^{-3}	10
Ethyl benzene	7.48×10^{-4}	9.23×10^{-4}	4.0
Xylene	2.82×10^{-3}	3.4×10^{-3}	2.0
1,2-Dichlorobenzene	7.52×10^{-3}	9.81×10^{-3}	3.2
1,3-Dichlorobenzene	1.92×10^{-3}	2.32×10^{-2}	3.8
1,4-Dichlorobenzene	1.45×10^{-2}	1.74×10^{-2}	3.8

TABLE 14.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS AND REGULATORY STANDARDS (MG/L) [1]—Continued

[Agency Spot Check Visit Data—Vacuum Filter Cake]

Constituents	Baseline	95 percent confidence	Regulatory standards [2]
n-Nitrosodiphenylamine	[3] NC	[3] NC	[4] NC
Phenanthrene	3.2×10^{-4}	4.27×10^{-4}	2.0×10^{-3}
Bis(2-ethyl hexyl) phthalate	7.6×10^{-3}	1.0×10^{-2}	.7

[1] Since the OLM has not yet been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.
[3] Not calculated because the Agency does not currently have a solubility value for this constituent.
[4] A regulatory standard is not currently available.

As indicated in Tables 13 and 14, none of the calculated baseline or 95 percent confidence concentrations for any hazardous constituents (except for 2-chlorophenol in the Sandhills Landfill) were found to exceed their respective regulatory standards. Both versions of the OLM generate a concentration of 2-chlorophenol (at the compliance point) significantly above its regulatory standard. The Agency notes that where hazardous constituents in a waste are determined to be not detected using appropriate analytical methods, the Agency will, as a matter of policy, not use those constituents as a basis to regulate the waste as hazardous.[26]

The Agency's evaluation of the processes and material safety data sheets used at Monroe's Cozad, Nebraska facility indicates that there could be other hazardous organic compounds, for which Monroe did not test, and that the Agency can presumably expect to be present in the sludges, and vacuum filter cake.

The Agency believes that, based upon the constituents and factors evaluated, Monroe's surface impoundment sludge and Sandhills Landfill sludge is hazardous. The Agency also believes that Monroe's demonstration for the currently generated filter cake is incomplete. The Agency's conclusion regarding the surface impoundment waste is based on the significantly high Oily Waste EP leachate concentrations of chromium and barium, total constituent concentrations of 1,1-dichloroethane, 1,2-dichloroethane, trichloroethylene, tetrachloroethylene, 1,1-dichloroethylene, benzo(a) pyrene, vinyl chloride, and 95 percent confidence concentration of phenanthrene. The conclusion that the landfilled sludge is hazardous is based on the significantly high Oily Waste EP leachate concentrations of chromium and lead, and total constituent concentrations of 1,1-dichloroethylene, 2-chlorophenol, 1,1-dichloroethane, and tetrachloroethylene. These constituent concentrations, the lack of information on the additional organic constituents which could reasonably be expected to be present in the impounded and landfilled sludge lead the Agency to conclude that the surface impounded sludge and landfilled sludge now presents and will continue to present a substantial hazard to human health and the environment. The Agency does not have enough data to draw any conclusions with respect to the filter press sludge. The Agency's conclusions regarding the hazardous nature of impoundment and landfill are further supported by the significant groundwater concentrations of trichloroethylene, cadmium, and chromium present at, and around, Monroe's impoundments and facility, and the significant groundwater concentrations of chloroform and chromium at th Sandhills Landfill. The Agency requested that Monroe address the ground-water contamination in order to prove that the waste contained in either the east and west surface impoundments or the Sandhills Landfill were not contributing to the overall degradation of the underlying ground water at these sites. The Agency has reviewed information provided by Monroe and believes that both the impounded sludge and the landfilled sludge has contributed to the ground-

[26] The Agency will identify appropriate minimum detection limits on a case by case basis which will depend on waste matrices.

water contamination (see Section C for a discussion of the ground-water information submitted by Monroe, and an explanation why the Agency believes that the impounded and landfilled wastes may have contributed to the overall degradation of the underlying ground waters.) Based on the fact that Monroe's impounded and landfilled sludge fails the VHS model analysis for the above cited metals and organics, the need for additional analytical information, and the presence of ground-water contamination, the Agency believes that the surface impoundment sludge and the landfill sludge should therefore be considered hazardous and subject to regulation under 40 CFR Parts 262 through 265 and the permitting standards of 40 CFR Part 270.

The Agency, therefore, proposes to revoke Monroe's temporary exclusion covering the impounded electroplating waste and deny their petitions to delist the electroplating sludge contained in the two surface impoundments and the Sandhills Landfill which was generated from their Cozad, Nebraska facility. The Agency is also proposing to deny Monroe's petition for the vacuum filter cake due to a lack of information.

C. Additional Agency Concerns

The Agency has reviewed ground-water monitoring data (submitted by Monroe) characterizing the ground-water quality at, and around, Monroe's on-site surface impoundments, Cozad facility, and the Sandhills Landfill in order to determine: (1) Whether or not the ground-water monitoring data presented by Monroe indicates that ground-water contamination has occurred at the sites; (2) whether or not the ground-water contamination at the sites is a direct result of the petitioned waste (*i.e.*, the material stored in both surface impoundments and the Sandhills Landfill); and, (3) whether there is insufficient information to determine both items (1) and (2), what additional information is needed in order to support a determination concerning the presence and the source of the ground-water contamination.

The Agency notes that where ground-water contamination is reported regarding a temporarily excluded waste, it is the Agency's policy to deny the petition unless the petitioner can provide ground-water monitoring information necessary to prove either that the ground water is not contaminated or that the ground-water contamination present at the site(s) is not a direct result of constituents migrating from the petitioned waste(s). The Agency believes that the ground-water monitoring data provided by Monroe was sufficient to prove that significant degradation of the underlying ground water has occurred at and around Monroe's on-site surface impoundments, facility, and Sandhills Landfill. The Agency also believes that the ground-water monitoring data strongly indicate that the resulting ground-water contamination has occurred as a direct result of constituent migration from the petitioned wastes (specifically trichloroethylene, cadmium, and chromium at the Cozad facility, and chromium and chloroform at the Sandhills Landfill).

The following discussion of the Agency's evaluation of Monroe's ground-water data is divided into two sections: one that addresses the Monroe Auto Plant Site, and one that addresses the Sandhills Landfill site. Each section provides site background information, and discussion of the ground-water contamination, the waste at the site, the monitoring data, and the Agency's conclusions. The Agency notes that all of the information provided by Monroe and the notes compiled during the Agency's analyses are available in the public docket.

1. Monroe Auto Plant Site

Figure 1 provides a map of Monroe's facility site in Cozad, Nebraska. Monroe claims that the site is underlain by alluvium and unconsolidated sediments of the Ogallala formation. Monroe further claims that both the alluvium and the Ogallala formation contain ground water, and its flow is largely from west to east across the site. However, the seepage from a storage lagoon, the Dawson County Drainage Ditch, and potentially from the two sludge lagoons is believed by the Agency to create a slight ground-water mound at certain times in the vicinity of the lagoons. The mound is only obvious when not influenced by pumping wells in the area. The Agency has reached this conclusion by reviewing data submitted by Monroe, showing isolines of reported ground-water elevations.

Samples of ground water throughout the plant area exhibit volatile organic contamination with heavy metals being present at a few locations. The presence of VOCs in the ground water is believed by the Agency to be largely the consequence of spills and inadvertent releases to surface water and soils near the plant site as well as migration of constituents from the waste in the impoundments. These spills are directly related to past site operations.

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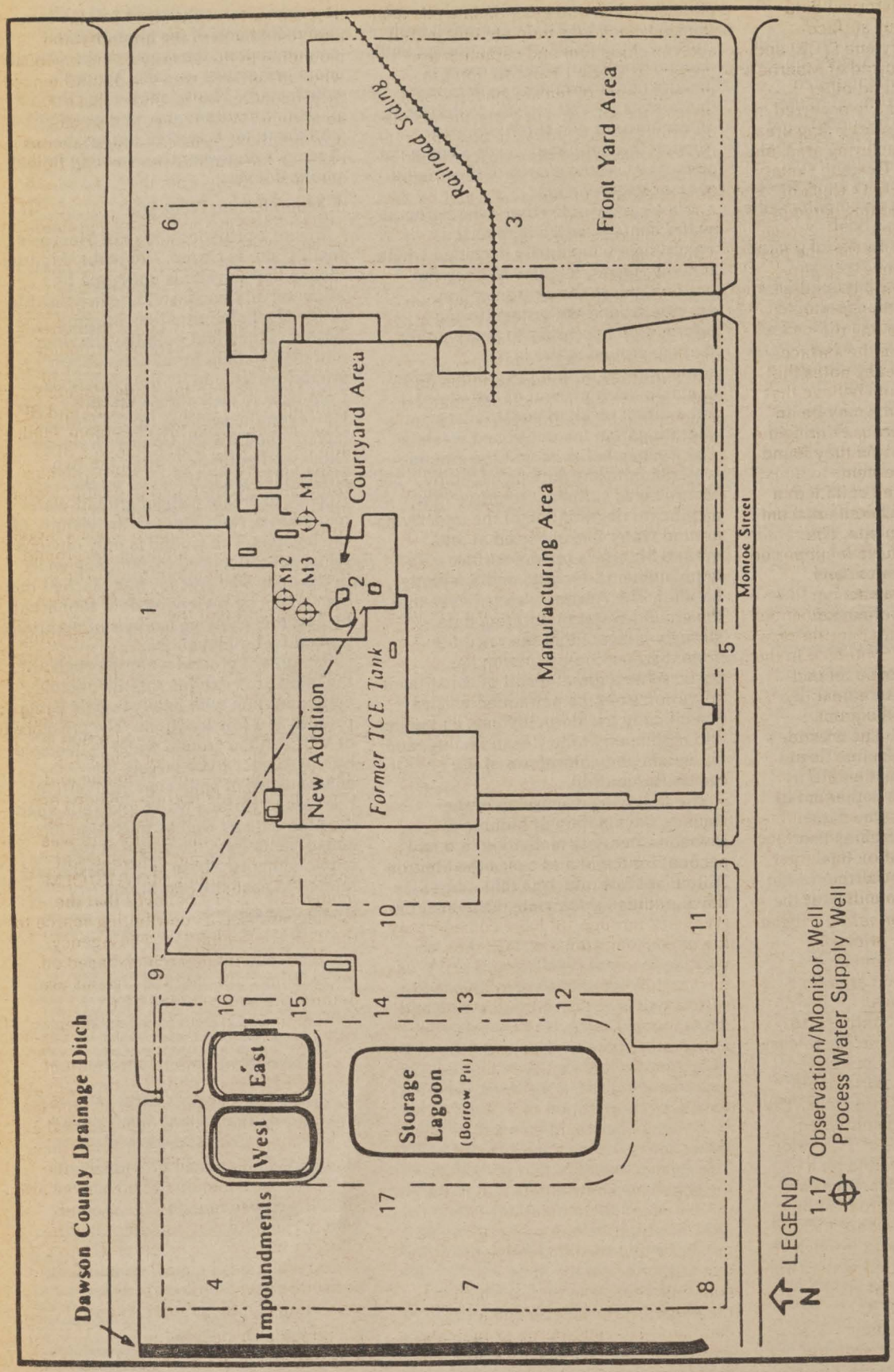

Figure 1

Monroe Auto Cozad Site

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Monroe submitted historical data indicating that numerous surface releases of trichloroethylene (TCE) and other solvents had occurred at Monroe's plant. Releases of TCE and other solvents are known to have occurred in the courtyard area, railroad siding area, front yard area, manufacturing area, and at least one time in the Dawson County Drainage Ditch when a tank truck of TCE off-loaded its remaining cargo of TCE after filling Monroe's TCE storage tank. The Agency believes that the past releases of TCE on Monroe's facility, and in the Dawson County Drainage Ditch (upgradient from the surface impoundments) are masking the contribution of TCE from the surface impoundments. The Agency notes that Monroe's own consultants believe that the surface impoundments may be an active source of TCE because during the course of their investigation they found 1 ppb of TCE in an upgradient monitoring well and 4 ppb of TCE in a downgradient monitoring well adjacent to the surface impoundments. The Agency's conclusion is further supported by the presence of chromium and cadmium in the ground water surrounding the surface impoundments. Specifically, the only source for these two metals is the waste contained in the surface impoundments. None of the surface releases of TCE or other solvents are expected to contain chromium and cadmium. The ground-water contamination, therefore, is at least in part from the constituents migrating from the waste contained in Monroe's surface impoundments, and the contribution of TCE from the surface impoundments is masked by the larger surface releases which occurred upgradient from the impoundments.

Ground-Water Contamination. Higher concentrations of VOCs, primarily trichloroethylene (TCE), appear upgradient from the lagoon area (in Wells 4 and 17) than appear downgradient in Wells 12 through 16. This is due to a one-time surface release of solvent to the Dawson County Drainage Ditch that runs north-south and lies upgradient of all site wells. The impounded sludge, which contained significant concentrations of TCE prior to aeration, is also believed to be a source of TCE. Other TCE sources are believed to include the railroad siding and the courtyard area that are located downgradient from Wells 12 through 16. These sources and irrigation water (from Well M–1) used on the front yard contribute to the higher VOC contamination in wells farther downgradient. Analyses of ground-water samples for content of EP toxic metals, nickel, and cyanide in wells near the sludge lagoons indicate that metals such as chromium and cadmium are present in Wells 15 and 16 that are downgradient of the sludge lagoon. A lower concentration of these metals also occurs in Well 17 which is upgradient of the lagoons. When Monroe's production wells are not pumping, the direction of flow of ground water is believed by the Agency to be radial from the impoundments; therefore, the Agency would expect to find low concentrations of EP toxic metals (cadmium and chromium) in Well 17. As stated above, the Agency has not identified any other sources of these EP metals and because the impounded waste contains concentrations of total chromium and cadmium, we have concluded that the impoundments are the source of metals contamination.

Waste Characterization. The sludge in the lagoons contained 25–57 ppm of combined trichloroethane (TCA) and TCE in the ratio of 1 to 9, respectively prior to aeration. The aeration of the sludge did reduce the levels of the VOCs; however, significant concentrations of VOC still remain in the aerated sludge (see Tables 2 and 6). Analyses for the EP toxic metals indicate high concentrations of chromium, lead, and barium with lesser amounts of cadmium, arsenic, and nickel (see Table 1).

Discussion and Conclusions. The TCE contamination at the Monroe Auto site stems largely from surface releases and spills. A past surface release in the Dawson County Drainage Ditch could account for the higher concentrations of TCE in Wells 4 and 17. Wells downgradient of the sludge lagoon (Wells 12 through 16) have considerably lower concentrations of TCE than do wells upgradient (Wells 4 and 17). Wells further downgradient are influenced by surface spills at the railroad siding and the courtyard areas, and by irrigation with water containing up to 3,000 ppb of TCE from Well M–1. Given the upgradient source in the drainage ditch, the effect of migration of TCE from the sludge lagoons would be masked by the larger source at the upgradient ditch. The Agency believes that the sludge lagoons have contributed TCE to the groundwater contamination. The evidence Monroe has submitted does not show that the impoundments are not a contributing source of TCE contamination. The EP toxic metals in the ground water (chromium and cadmium) in Wells 15, 16, 17 indicate that the sludge lagoons are a source of contamination. The lower concentration of these metals in Well 17 can be explained by periodic ground-water mounding in the vicinity of the lagoons when the ground water is not influenced by production wells. Under these conditions, Well 17 would also be downgradient from the sludge lagoons because the ground water would flow outward radially from the impoundments.

Based on this review of the ground-water monitoring data for the Cozad, Nebraska plant site, the Agency has made the following conclusions:

(1) The ground water at the site is contamininated with VOCs (primarily TCE) and EP toxic metals (chromium and cadmium).

(2) The waste in the sludge lagoons contains VOCs (primarily TCE) and EP toxic metals (primarily chromium, lead, and barium with lesser amounts of cadmium, arsenic, and nickel). Similar contaminants are found in ground water in the vicinity of the lagoons (TCE, chromium, and cadmium). Since a large amount of the TCE found in the ground water likely originated from surface spills and releases, Monroe has not demonstrated that the impoundments¼— are not contributing to the TCE contamination. The presence of chromium and cadmium in ground water at Wells 15, 16, and 17 provides positive evidence that some component of the ground-water contamination is due to the sludge lagoons. Since the ground water data for chromium and cadmium indicate that the lagoons are the source of this contamination; and TCE was used at the facility and was present in the impounded wastes at concentrations failing the VHS/OLM model, the Agency believes that the lagoons are also a contributing source to the TCE contamination. The Agency, however, cannot determine, based on the existing data, that the lagoons are definitely a source of the TCE contamination due to other masking sources.

(3) The only additional information that could be collected to better indicate the presence or absence of constituent migration to the ground water from the sludge lagoons would result from tracer studies. As mentioned previously, the chemical contaminants in the sludge are similar to those found in the ground water. The only way to determine the effect of the lagoons on ground water is to add a unique chemical constituent to the sludge and monitor for its appearance in the ground water.

2. Sandhills Disposal Site

Background. Between 1977 and 1982 sludges from operations at Monroe Auto

were disposed of in trenches at the Cozad Sandhills Disposal Site. Monore claims that a total of six trenches that range in length from 160 to 210 feet and contain sludge that range in thickness from 2 to 3.5 feet were constructed at the Sandhills site. The trenches are about 20 to 30 feet wide and were filled at the rate of one per year.

The exact quantities and burial locations of the landfilled sludge is not known due to both Monroe's inadequate documentation and the regrading of the road adjacent to the Sandhills Landfill. Monroe believes that the material once contained in the 1977 and 1978 trenches were partially (if not completely) moved by the Highway Department. The Agency notes that Monroe does not own the Sandhills Landfill site, and therefore is unable to guarantee that the sludge will remain at the Sandhills Landfill. Monroe claims that the site is underlain by the Ogallala formation and the depth to ground water is more than 80 feet. Monore also claims that during construction of three monitoring wells, a resistant silt layer was encountered at a depth of approximately 45 feet. Monroe believes that this resistant silt layer is both impermeable and unfractured and, therefore capable of preventing any constituents from migrating downwards from the landfilled waste to the underlying ground water. The Agency does not believe that Monroe has submitted enough data to prove both that a resistant silt layer runs continuously under the Sandhills Landfill and that the resistant silt layer is not fractured. The Agency notes that the data submitted by Monroe, thus far, do not indicate the presence of a perched aquifer above the resistant silt layer, which indicates that either the resistant silt layer is not as impermeable as Monroe thought or that the resistant silt layer is sufficiently fractured to allow movement of ground water through the silt layer.

Ground-Water Contamination. The three wells, located more than 100 feet from the trenches, show evidence of chromium and chloroform contamination and exhibit significant concentrations of total organic carbon (TOC). The levels of chromium contamination have decreased with each sampling between 1981 and 1984, and the chloroform and TOC have also decreased. The decrease in chloroform and TOC were not as regular as that of chromium (*i.e.*, they were only detected during the first round of sampling). Prior to sampling each well, 7 to 9 well volumes were removed. The Agency believes that by bailing 7 to 9 times the well's volume, sufficient quantities of ground water were brought into the well's zone of influence to dilute the low concentrations of chloroform and TOC contained (the concentrations are low due to the slow migration of the constituents through the resistant silt layer beneath the Sandhills Landfill area) in the ground water at the beginning of Monroe's sampling program.

Waste Characterization. The sludge contained in the Sandhills Landfill is believed to contain high concentrations of chromium, lead, and barium with lesser amounts of arsenic, cadmium, selenium, and silver (see Table 3). The Agency notes that additional samples collected from the Sandhills Landfill are necessary in order to completely characterize the total concentrations of the EP metals, nickel, and cyanide. As indicated by Tables 4 and 6, significant concentrations of 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 1,1,1-trichloroethane, 1,1-dichloroethylene, xylene, tetrachloroethylene, and other volatile and semi-volatile organic constituents are present in the landfilled material. The Agency again notes that additional full-depth core samples are necessary in order to fully characterize the VOCs contained in the landfilled material. The Agency believes that the partially reduced concentrations of VOCs (when compared to the surface impoundment sludge) is likely due to volatilization prior to burial at the Sandhills Landfill and to some minor extent reduction by volatilization through the interstitial spaces of the cover soil and migration after burial since the waste trenches are not capped.

Discussion and Conclusions. Ground-water monitoring indicates that contamination has migrated downward from the disposal trenches, through the siltstone aquitard, and has reached the water table. The waste characterization information submitted to date indicates that the waste does have significant concentrations of chromium and lesser concentrations of VOCs. The landfilled material is the only source of metals and VOCs in the area; therefore, the Agency believes that the ground-water contaminants originated from the landfill area. Monroe believes that the aquitard should behave as a barrier to downard migration. However, if this were the case a perched ground-water table should exist above the siltstone. It appears more likely that enough pathways through the siltstone exist and that downward migration is only slowed by the presence of the siltstone. The Agency notes that Monroe must provide more data if they wish to prove that the siltstone layer is impermeable.

The three wells were installed far enough from the waste trenches (more than 100 feet) that no contamination should have been carried down the wellbore during construction (as Monroe claimed). The presence of chromium, chloroform, and total organic carbon (TOC) in the first sampling is likely due to actual ground-water contamination caused by very slow downward migration through the siltstone aquitard. Pumping of the wells during their development and purging with many well volumes prior to sampling may have drawn enough fresh water into the vicinity of the well to dilute the concentration of the contaminants. The downward migration may be slow enough that several years would be required to build back to the original concentrations. This would explain the significant reductions in constituent concentrations after each round of sampling.

Based on this review of ground-water monitoring data for the Sandhills Landfill site, the Agency has drawn the following conclusions:

(1) The ground water at the site is contaminated with chromium and to some extent with VOC.

(2) The ground-water contamination is likely due to downward migration of contamination from the disposal site because the landfill is the only source of EP metals, nickel, cyanide and VOCs in the area. The fact that perched ground water does not exist above the aquitard demonstrates that pathways exist for downward migration to the water table.

(3) More information concerning the siltstone aquitard at the site and installation of wells are necessary to determine the extent of the contamination.

III. Harrison Radiator, Division Of General Motors Corporation

A. Petition for Exclusion

Harrison Radiator, a Division of General Motors Corporation, located in Dayton, Ohio, manufactures automotive air conditioning compressors, accumulator/dehydrators, and related components. Harrison Radiator has petitioned the Agency to exclude its wastewater treatment sludge, presently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc aluminum plating on

carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of their petition, Harrison Radiator was granted a temporary exclusion in December, 1981. The basis for granting the exclusion was due to the low concentration of cadmium and cyanide, and the relative immobility of chromium and nickel in the waste. Since that time, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was originally listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Harrison Radiator's petition to: (1) Determine whether the petition should be granted based on the factors for which the waste was originally listed; and (2) evaluate the waste for additional factors (other than those for which the waste was originally listed) to determine whether the waste is non-hazardous. Today's notice summarizes and presents the results of the Agency's re-evaluation of Harrison Radiator's petition.

In support of their petition, Harrison Radiator has submitted a detailed description of their wastewater treatment system; results from total constituent analyses, and EP toxicity and Oily Waste EP toxicity test results of the sludge for cadmium, chromium, and nickel; and total constituent analysis and distilled water leach results for cyanide. Harrison Radiator also submitted results from total constituent analyses and Oily Waste EP toxicity tests of the sludge for arsenic, barium, lead, mercury, selenium, and silver; analyses for certain organic compounds; and total oil and grease analyses on representative waste samples. In addition, Harrison Radiator submitted Materials Safety Data Sheets (MSDS) for the chemicals used in the manufacturing process. The Agency requested most of this information, as noted above, to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.

Harrison Radiator's manufacturing processes include chromium, zinc, and tin plating, and electrocleaning. Harrison Radiator claims that no cyanide is used in the manufacturing processes. Plating wastes resulting from the electroplating operations contain chromium, zinc, and tin. Plating wastes are treated by the reduction of hexavalent chromium with sodium metabisulfite, pH adjustment using lime, and flocculation with polymers. Oily wastes result from machining operations, spray cleaning, electrocleaning, airless painting, mechanical deburring, and floor cleaning. These oily wastes are subjected to gravity separation, de-emulsification, and phase separation. Effluents from the plating and oily waste treatment streams are mixed for equalization and pH adjustment. Wastewater is discharged to the municipal sewer system after filtration. The resulting metal hydroxide sludge and oily sludge are mixed, lime and polymers are added, and the sludge is dewatered in filter presses. The dewatered sludge is loaded into open-top luggers (containers for transport) and sent to a Subtitle C disposal facility. Harrison Radiator claims that the sludge is non-hazardous since the hazardous constituents are present only in an essentially immobile form.

Four samples were collected during four consecutive weeks in June 1981 from the sludge luggers at the wastewater treatment plant. Each sample was composed of multiple cores from the lugger box that contained the sludge generated during the previous week. These samples were analyzed for EP leachate concentrations. Additional samples were collected in a similar manner in February and March 1984 (four samples for total constituent analyses) and in June through August 1985 (eight samples for Oily Waste EP and organics analyses). Harrison Radiator claims that the raw materials used in the production processes do not vary substantially over time. In addition, they claim that the length of the sampling period and compositing methods used accounted for short-term fluctuations in sludge composition. Harrison Radiator claims, therefore, that the samples are representative of any variations in the listed and non-listed constituent concentrations in the sludge.

Total constituent and Oily Waste EP analyses of the sludge for the listed constituents revealed the maximum concentrations reported in Table 1. (The Oily Waste EP analysis was requested since the sludge's oil and grease content was reported at values up to 31.7 percent.)

TABLE 1.—MAXIMUM CONCENTRATIONS (ppm)

Constituents	Total constituent analyses (mg/kg)	Oily waste EP analyses (mg/l)
Cd	8.93	0.130
Cr	1320.00	1.640
Ni	193.00	.420
CN	1.028	[1] <.005

[1] From distilled water leach test.

Total constituent and Oily Waste EP analyses of the sludge for the non-listed EP toxic metals revealed the maximum concentrations reported in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS

Constituents	Total constituent analyses (mg/kg)	Oily waste EP analyses (mg/l)
As	4.54	0.070
Ba	90.50	1.490
Pb	63.50	1.240
Hg	1.17	.035
Se	2.18	.040
Ag	4.00	.200

Harrison Radiator also submitted a list of raw materials and MSDS for the materials used in their processes. Since some Appendix VIII hazardous organic constituents were listed in these data sheets, eight samples were analyzed for the priority pollutants and other suspected Appendix VIII compounds. The maximum results from total constitutent analyses for organic compounds detected in the sludge are presented in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS (MG/KG)

Constituents	Concentrations
1,1-Dichloroethane	5.300
1,1,1-Trichloroethane	127.000
Tetrachloroethylene	0.600
Methylene chloride	0.700
Toluene	1.300
Xylene	0.068
Bis (2-ethylhexyl) phthalate	114.10
Di-n-butyl phthalate	13.50
Phenanthrene	0.84
Fluorene	0.51

Methyl ethyl ketone and acrylamide were listed in the MSDS, but not detected in the sludge. Harrison Radiator claims that they generate approximately 600 cubic yards per year of the filtered sludge.

B. Agency Analysis and Action

Harrison Radiator has not demonstrated that their wastewater

treatment system produces a non-hazardous sludge. The Agency believes that the samples collected by Harrison Radiator were non-biased and adequately reflect the variations that may occur in the waste stream petitioned for exclusion. In particular, since their raw materials do not change substantially over time and all processes that contribute to the sludge were operational during the sampling periods, the Agency believes that the samples are representative of the sludge generated at Harrison Radiator.

The Agency evaluated the mobility of the listed constituents in the sludge by using the vertical and horizontal spread (VHS) model.[27] The VHS model was used to calculate compliance point concentrations using the waste generation rate and the maximum reported Oily Waste EP concentrations as input parameters. The predicted compliance point concentrations are presented in Table 4.

TABLE 4.—VHS MODEL: PREDICTED COMPLIANCE POINT CONCENTRATIONS (MG/L)

Constituents	Predicted concentrations	Regulatory standards
Cd	0.005	0.01
Cr	064	.05
Ni	.016	.35
CN	<.0002	.2

The compliance point concentration of cadmium is less than its National Interim Primary Drinking Water Standard; the cyanide concentration is less than the U.S. Public Health Services' suggested drinking water standard;[28] and the nickel concentration is less than the Agency's interim regulatory standard.[29] Also, the maximum constituent concentration of cyanide (1.028 mg/kg) is sufficiently low so as to not be of regulatory concern through an air contamination route (*i.e.*, total cyanide levels in the waste are sufficiently low so as to preclude the generation of hazardous levels of toxic gases.[30] The presence of these constituents, therefore, is not of regulatory concern.

Using the maximum reported Oily Waste EP value, the predicted compliance point concentration of chromium exceeds the National Interim Primary Drinking Water Standard. In view of the analytical results from the other seven samples; however, the Agency believes that the maximum value is an outlier and does not reflect the typical mobility of chromium in Harrison Radiator's waste.[31] Using the second-highest chromium value (1.010 mg/l), the predicted compliance point concentration is 0.039 mg/l, which is less than the regulatory standard. The Agency believes that the second-highest chromium value more accurately reflects the mobility of chromium in Harrison Radiator's waste and that, therefore, the presence of chromium is not of regulatory concern.

Compliance point concentrations were also calculated for the other EP toxic metals using the VHS model; they are presented in Table 5. These values are all less than the National Interim Primary Drinking Water Standards and, therefore, the presence of these toxicants is not of regulatory concern.

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (MG/L)

Constituents	Compliance point concentrations	Regulatory standards
As	0.003	0.05
Ba	0.058	1.0
Pb	0.048	0.05
Hg	0.001	0.002
Se	0.002	0.01
Ag	0.008	0.05

The Agency also evaluated the mobility of the organic constituents detected in Harrison Radiator's sludge using the proposed Organic Leachate Model (OLM).[32] The calculated concentrations of the organics in the leachate were then used as input for the VHS model. The predicted leachate concentrations, calculated compliance point concentrations, and regulatory standards for these compounds are presented in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (mg/l)

Constituent	Leachate concentrations		Compliance point concentrations		Regulatory standards [2]
	(Base)	(95% CI)	(Base)	(95% CI)	
1,1-Dichloroethane	0.162	0.211	0.0063	0.0082	0.00038
1,1,1-Trichloroethane	.852	1.068	.033	.041	1.2
Tetrachloroethylene	.0096	.013	.0004	.0005	.0007
Methylene chloride	.067	.093	.0026	.0036	.056
Toluene	.026	.033	.001	.0013	10.5
Bis(2-ethylhexyl)phthalate	.037	.048	.0014	.0019	.7
Di-n-butylphthalate	.032	.039	.0013	.0015	3.5
Phenanthrene	.0019	.0026	.00007	.0001	.002
Fluorene	.0016	.0023	.00006	.00009	.002

[1] Since the Organic Leachate Model (OLM) has not been finalized, both the baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] An explanation of the derivation of these regulatory standards is available in the public docket.

The predicted compliance point concentrations of these compounds (except for 1,1-dichloroethane) are all less than their regulatory standards. The presence of these compounds, therefore, is not of regulatory concern. In addition, xylene, which is identified as presenting only an ignitability hazard, is not of concern due to the non-ignitability of the sludge. However, 1,1-dichloroethane levels in the sludge are of regulatory concern. Based on the maximum annual volume of waste generated, reported as 600 cubic yards per year, the maximum 1,1-dichloroethane level that could be present in the waste without failing the VHS model evaluation would be 0.084 mg/l for the baseline form of the OLM and 0.047 mg/l for the 95 percent confidence interval version of the OLM. All five samples analyzed for 1,1-dichloroethane exceeded the allowable level (either form of the OLM) for this constituent. The Agency's review of the processes and raw materials used at Harrison Radiator indicates that no additional Appendix VIII compounds (other than those tested for) are expected to be present, or are likely to be formed, in the sludge.

The Agency believes that Harrison Radiator has not demonstrated that their waste is non-hazardous. The prediction of 1,1-dichloroethane levels (at the compliance point) using the OLM/VHS model analysis reveals concentrations that exceed the regulatory standard, and indicates a potential for the waste to leach 1,1-dichloroethane and contaminate the ground water. The Agency, therefore, proposes to deny Harrison Radiator Division of General Motors Corporation's petition for exclusion of its wastewater treatment sludge generated at its Dayton, Ohio

[27] See footnote 5.

[28] See footnote 6.

[29] See footnote 7.

[30] See Internal Agency memorandum dated July 12, 1985, entitled "Interim Thresholds for Toxic Gas Generation" (in the RCRA public docket).

[31] The results from the Oily Waste EP test for the other seven samples were 0.980, 1.010, 0.380, 0.345, 0.370, 0.795, and 0.625 mg/l. The Agency's conclusion that the maximum value (1.640 mg/l) is an outlier is supported by the Dixon Extreme Value Test. This test and the supporting calculations are available in the public docket to this notice.

[32] See footnote 8.

facility and revoke their temporary exclusion.

IV. Harrison Radiator, Division of General Motors Corporation

A. Petition for Exclusion

The GMC Harrison Radiator-Moraine Plant, located in Moraine, Ohio, operates a wastewater pretreatment facility which serves the following GM plants: the Harrison Radiator-Moraine Plant, the Chevrolet-Moraine Truck Assembly Plant, and the Chevrolet-Moraine Engine Plant. Harrison Radiator Division of General Motors Corporation (Harrison Radiator) has petitioned the Agency to exclude the sludge generated at this wastewater treatment facility, currently listed as EPA Hazardous Waste No. F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. The listed constituents of concern for EPA Hazardous Waste No. F006 are cadmium, hexavalent chromium, nickel, and cyanide (complexed).

Based upon the Agency's review of their petition, Harrison Radiator was granted a temporary exclusion on December 27, 1982. The Agency's basis for granting this exclusion was the low migration potential of the constituents of concern—namely cadmium, hexavalent chromium, nickel, and complexed cyanide. On November 8, 1984, the Hazardous and Solid Waste Amendments were enacted. In part, the Amendments require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such factors are present and could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Harrison Radiator's petition to (1) determine whether the petition should be granted, based upon the factors for which the waste was originally listed; and (2) determine whether any additional factors are present which could cause the waste to be hazardous. Today's notice is the result of the Agency's re-evaluation of this petition.

The Harrison Radiator-Moraine Pretreatment Facility receives wastewater in two segregated streams—a general waste stream and an oily waste stream. The general waste stream is primarily generated at the Chevrolet-Moraine Assembly Plant and mainly consists of wastewater from painting, phosphate coating, and assembly operations. Additionally, acidified water, resulting from treatment of the oily waste stream, is added to the general waste stream at the Pretreatment Facility.

The general waste stream is treated by adding a cationic polymer to remove any residual oil. Lime is then used for purposes of pH adjustment and an anionic polymer is added to facilitate coagulation. The resultant floc is removed in a clarifier/thickener. Sludge from the clarifier/thickener is pumped to one of two centrifuges. The dewatered sludge is discharged from the centrifuges to luggers for disposal. The estimated annual sludge generation rate is 5,400 tons per year.

The oily waste stream is generated at the Harrison Radiator-Moraine and Chevrolet-Moraine Engine Plants and is chiefly comprised of water-soluble coolants and oily emulsions. The oily wastewater from machining and assembly operations is treated by adding alum and anionic and cationic polymers to break the oil emulsion. Dissolved air flotation is used to phase separate the mixture and remove the resulting float oils. The float oils are processed with a "cooking" operation, which consists of sulfuric acid addition, polymer treatment, heating with steam, and settlement to produce a recoverable oil. The acidic wastewater generated by this process is added to the general waste stream.

In support of their petition, Harrison Radiator submitted a detailed description of their manufacturing and treatment processes, lists of raw materials used in each process, and safety data sheets for those materials. Harrison Radiator also submitted analytical data to characterize the sludge in its as-disposed condition. This data included results from total constituent analyses, EP leachate tests, and Oily Waste EP leachate tests for the EP toxic metals and nickel. Results from tests for total oil and grease, constituent analyses for cyanide and several organic compounds, and distilled water leachate tests for cyanide were also submitted.

Samples were collected from the luggers that receive the dewatered sludge from the centrifuges. Multiple core samples were collected daily and combined to produce weekly composites. Samples were collected in this manner during a four-week period in January 1982 (total constituent analyses for the listed constituents and EP leachate tests for all EP toxic metals and nickel), a four-week period in March 1984 (total constituent analyses for the EP toxic metals, nickel, cyanide, and oil and grease as well as distilled water leachate analyses for cyanide), and an eight-week period from June through August 1985 (Oily Waste EP tests for the EP toxic metals and nickel as well as total constituent analyses for several organic compounds). Results from the analyses for inorganic toxicants are summarized in Table 1. The Agency notes that the Oily Waste EP data, rather than the EP data, are presented and evaluated in this notice since this is an oily waste.

TABLE 1.—MAXIMUM CONCENTRATIONS

Toxicants	Total constituent analyses (mg/kg, wet)	Oily waste EP[1] analyses (mg/l)
As	<6.27	<0.065
Ba	5,220	<1.130
Cd	60.3	<.115
Cr	2,580	1.810
Pb	916	<1.130
Hg	.223	.019
Se	<6.26	<.065
Ag	<9.37	<.170
Ni	300	3.79
CN (total)[2]	22.4	[3]NA
CN (free)	14.2	NA

[1] The Oily Waste EP test was required because the sludge's oil and grease content was reported at values up to 19 percent (See 49 FR 42591, October 23, 1984 for an explanation of the use of the Oily Waste EP test.)
[2] The leachate test for cyanide was performed with distilled water.
[3] NA—test is not applicable.

Based upon the processes and raw materials used, a number of organic toxicants were identified as potentially being present in the sludge. The concentrations of the Appendix VIII hazardous constituents that were detected in the sludge are summarized in Table 2.

TABLE 2.—MAXIMUM CONCENTRATIONS

Toxicants	Total constituent analyses (mg/kg, wet)
Bis (2-ethyl hexyl) phthalate	52.6
Butyl benzyl phthalate	177
Methylene chloride	13.0
1,1,1-Trichloroethane	11.4
Toluene	11.8

B. Agency Analysis and Action

Harrison Radiator has not demonstrated that the wastewater treatment sludge from the Harrison Radiator-Moraine Plant is non-hazardous. The Agency believes that the samples used to characterize the sludge were non-biased and adequately represent that sludge. Short-term

fluctuations in sludge quality were addressed by the length of the sampling period and the method used to composite the sludge. Long-term fluctuations would not be expected since changes in the products, materials, or processes have not occurred.

The Agency has evaluated the mobility of the toxicants in Harrison Radiator's sludge by using the vertical and horizontal spread (VHS) model.[33] This evaluation, using the estimated maximum annual sludge volume (5,400 tons) and the maximum reported leachate concentrations of inorganic toxicants (from the Oily Waste EP tests), resulted in the compliance point concentrations presented in Table 3. Table 3 also presents, for each toxicant, the regulatory standards to which these concentrations are compared.

TABLE 3.—VHS MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATIONS

Toxicant	From oily waste EP leachate test (mg/l)	Regulatory standard (mg/l)
As	<0.010	0.05
Ba	<.179	1.0
Cd	<.018	.01
Cr	.287	.05
Pb	<.179	.05
Hg	.003	.002
Se	<.010	.01
Ag	<.027	.05
Ni	.601	.350
CN		.2

Using the Oily Waste EP results, the compliance-point concentrations of cadmium, chromium, lead, mercury, and nickel exceed their regulatory standards. This evaluation incorporated the use of the detection limits for cadmium, and lead while the true leachate concentrations of cadmium and lead may, again, be lower. The Agency believes, however, that the petitioner should have been able to demonstrate much lower detection limits for these metals and has, therefore, used them as basis for denial in addition to the VHS results for mercury, chromium and nickel. The Agency and other petitioners have typically been able to achieve lower detection limits for similar wastes. This evaluation indicates, therefore, that chromium, mercury, nickel, cadmium, and lead could migrate from the waste to ground water in sufficient concentration to constitute a hazard to human health and the environment.

Organic toxicants were evaluated by using the Agency's estimation procedure for determining leachate concentrations.[34] The estimated leachate concentration was then used in the VHS model. The results of this evaluation are summarized in Table 4.

TABLE 4.—VHS MODEL: CALCULATED COMPLIANCE-POINT CONCENTRATION[1] (mg/l)

Toxicants	Estimated leachate concentrations		Compliance-point concentrations		Regulatory standards
	(Base)	(95%) CI)	(Base)	(95% CI)	
Bis (2-ethyl hexyl) phthalate	0.022	0.028	0.0035	0.0044	0.7
Butyl benzyl phthalate	.105	.151	.017	.024	8.75
Methylene chloride	.48	.66	.076	.104	.056
1,1,1-trichloroethane	.168	.21	.027	.033	1.2
Toluene	.12	.14	.018	.022	10.5

[1] Since the OLM has not been finalized, both versions of the model, the baseline equation and the 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.

The sludge exhibited bis(2-ethyl hexyl)phthalate, butyl benzyl phthalate, 1,1,1-trichloroethane, and toluene concentrations below their regulatory standards. Methylene chloride, however, was detected above its regulatory standard. This constituent, therefore, is of regulatory concern.

The Agency also reviewed Harrison Radiator's raw materials lists and material safety data sheets for each component in the raw materials lists. The Agency has concluded from this review that no other Appendix VIII hazardous constituents, other than those tested for, are present in the waste.

The Agency believes that Harrison Radiator has not demonstrated that the wastes generated at its pretreatment facility are non-hazardous. The VHS model analysis of the sludge indicates the potential for the waste to leach chromium, mercury, nickel, cadmium, lead, and methylene chloride and contaminate ground water. Therefore, the Agency proposes to deny GMC-Harrison Radiator's petition for its wastewater treatment sludge generated at its Moraine, Ohio facility and revoke their temporary exclusion.

V. American Chrome and Chemicals

A. Petition for Exclusion

American Chrome and Chemicals (ACC), located in Corpus Christi, Texas, is involved in the production of sodium bichromate, sodium chromate, and chromic oxide products, including pigmentary grade chromic oxide. ACC has petitioned the Agency to exclude its waste presently listed as EPA Hazardous Waste No. K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrous). The listed constituent of concern for this waste is chromium.

ACC has petitioned for a delisting of their chromic oxide wastewater. ACC has also included in their petition a description of the sludge contained in a settling pond which results from the settling of this wastewater and other wastes; and analytical results from the analyses of this sludge. The Agency notes that the K006 listing is descriptive of only the settling pond sludge. That is, a waste is not classified under the K006 listing until the wastewater treatment sludge from the production of chrome oxide green pigments is *formed*. Therefore, since wastewater stream is not classified under the K006 listing, the Agency has evaluated the sludge contained in ACC's settling pond because it is listed waste.

Based upon the Agency's review of the petition, ACC was granted a temporary exclusion on May 25, 1982. The Agency's basis for granting the temporary exclusion (at that time) was the low concentration and the low migration potential of chromium in the wastewater. The Agency has concluded, however, that a temporary exclusion should not have been granted since the petitioned waste—the wastewater mixture prior to settling—is not a listed waste.[35] ACC's temporary exclusion was based on data from laboratory formulations of experimental mixtures of chromic oxide wastewater and residue solids from the sodium bichromate/sodium chromate process. The Agency has determined that this mixture was representative of ACC's wastewater prior to settling, which as previously described is not a listed K006 waste. Since that time, the Hazardous and Solid Waste Amendments (HSWA) of 1984 were enacted. In part, the Amendments require the Agency to

[33] See footnote 5.

[34] See footnote 8.

[35] The Agency's policy regarding the point of delisting in a process where additional treatment can concentrate the hazardous constituents in a waste or wastewater has been to only allow the delisting demonstration to be made only after the last step of treatment. Furthermore, since the inception of the delisting program in 1980, the Agency has defined listed sludges such as EPA Hazardous Waste Nos. K006 and F006 as the solids fraction of the wastewater that settles out after a precipitation or settling step. (*i.e.*, the listed waste is not formed until the solids fraction has physically settled out of the wastewater).

consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) ACC submitted data on sludge contained in one surface impoundment in response to data requests under HSWA. As a result, the Agency has re-evaluated ACC's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of ACC's petition.[36]

In support of their petition, ACC has submitted a detailed description of its manufacturing and treatment processes, including schematic diagrams; total constituent analyses and EP toxicity test results of the settling pond sludge for the EP toxic metals, and nickel; and analytical results for total cyanide, and total available sulfides.[37] ACC also submitted results of total oil and grease analyses on representative settling pond sludge samples. ACC further submitted a list of raw materials used in the manufacturing process. As noted above, the Agency requested this information to determine whether toxicants, other than the original listing criteria, are present in the waste at levels of regulatory concern.

ACC manufactures sodium bichromate, sodium chromate, high purity metallurigical grade chromic oxide, and other products, including refractory and pigmentary grade chromic oxide.[38] Chromic oxide process wastes are discharged into batch treatment tanks. The waste treatment process includes conversion of any hexavalent chromium to trivalent chromium. In the course of this reduction (under pre-determined pH and temperature conditions), the trivalent chromium complexes are precipitated. The chromic oxide wastewater, which contains 0.1–0.2 percent solids, is then discharged from the treatment tanks to a settling pond. The settling pond also receives residue from the sodium bichromate/sodium chromate process. Wastewater from a secondary wastewater treatment facility (which included leachate from recovery operations, rain run-off from processing areas, and supernatent from treated chromate residue) was also discharged to the settling pond between 1971 and 1984. The liquid from the settling pond is discharged via a NPDES controlled outfall.

ACC presented anaytical data on eight composite samples collected from the settling pond. The 1.9 acre settling pond was divided into eight quadrants. Five core samples were collected and composited from each quadrant, resulting in eight composite samples. ACC claims that all samples collected are representative of any variation of the listed and non-listed constitutent concentrations in the waste. ACC further claims that the manufacturing processes used at the facility are operated in a consistent manner, and that the use of raw materials does not vary significantly over time.

Total constituent and EP toxicity analyses of the settling pond sludge for the listed and non-listed constituents revealed the maximum concentrations reported in Table 1.

TABLE 1.—MAXIMUM CONCENTRATIONS—SETTLING POND SLUDGE (ppm)

Listed constituents	Total constituent analyses	EP leachate analyses
Arsenic	1.0	<0.001
Barium	<10	<.1
Cadmium	<1.0	.0001
Chromium (total)	64,000	.80
Lead	<1	<.001
Mercury	.02	.0005
Nickel	270	.01
Selenium	<.1	<.001
Silver	<1	<.01
Cyanide [1]	1.0	.05

<: Denotes concentrations below the detection limit.
[1] Leachable cyanide tests were not required since cyanide is not used in the process and the total content was low. However, leachable cyanide was determined by assuming a theoretical leaching of 100 percent and a twenty-fold dilution (100 grams of solids diluted with 2.0 liters of water) of the maximum total constituent concentration of cyanide.

The maximum total oil and grease value reported for the settling pond sludge was 0.39 percent. The maximum total available sulfide level in the settling pond sludge was reported to be 8 ppm. ACC also submitted a list of all raw materials used in its manufacturing and wastewater treatment processes. This list indicated that no Appendix VIII hazardous constituents are used in the process and that formation of any of the constituents is highly unlikely. ACC claims that no organics are used in their chromic oxide process. ACC also provided test data indicating that the settling pond sludge is not ignitable, corrosive, or reactive. ACC also submitted ground water monitoring data characterizing constituent levels in the ground water beneath the waste disposal areas at its facility. ACC claims to generate 100–180 tons of chromic oxide solids per year and also reports that presently, the settling pond contains 2,240 tons of sludge.

B. Agency Analysis and Action

ACC has not demonstrated that its settling pond sludges are not hazardous. The Agency believes that the eight composite samples collected by ACC from the settling pond were non-biased and adequately represent any variations that may occur in the wastes. The Agency believes that since the samples were collected randomly throughout the pond, any stratification occurring vertically due to settling or horizontally as a function of waste discharge to the pond would be represented by the sampling scheme followed. The key factor that could vary toxicant concentrations in the waste would be the use of different raw materials due to changes in the product line being manufactured. ACC does not significantly vary their raw materials or product line. The Agency believes, therefore, that the settling pond samples are representative of the waste generated by ACC.

The Agency has evaluated the mobility of the listed and non-listed constituents from ACC's settling pond sludge using the vertical and horizontal spread (VHS) model.[39] The VHS model generated compliance point values using the reported volume of settling pond sludge and the maximum extract levels. These predicted compliance point concentrations are reported in Table 2. (When leachate concentrations were below the detection limits, the value of the detection was used).

TABLE 2.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm) Settling Pond Sludge

Listed constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.0001	0.05
Barium	.012	1.0
Cadmium	.00001	.01
Chromium (total)	.096	.05
Lead	.0001	.05
Mercury	.00006	.002

[39] See footnote 5.

[36] ACC's chromic oxide operations began in early 1982 upon receipt of their temporary exclusion. At that time, ACC had planned to commingle the chromic oxide wastewater with residue from their chrome extraction process prior to treatment. However, since mid-1982, ACC has treated these wastes separately and then discharged these wastes into various settling ponds. The Agency has evaluated the sludge contained in one settling pond while other on-site settling ponds have been closed.

[37] ACC also submitted test data on their wastewater prior to settling, but these data are not presented in this evaluation since this is not the listed waste.

[38] ACC has claimed their process description and waste generation and treatment processes as confidential. Subsequently, a description of these processes is not included in the public record.

TABLE 2.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (ppm) Settling Pond Sludge—Continued

Listed constituents	Compliance point concentrations	Regulatory standards
Nickel	.001	.35
Selenium	.0001	.01
Silver	.0012	.05
Cyanide [1]	.006	.2

The settling pond sludge exhibited arsenic, barium, cadmium, lead, mercury, selenium, and silver levels (at the compliance point) below their respective National Interim Primary Drinking Water Standards, cyanide levels below the U.S. Public Health Service's suggested drinking water standard;[40] and nickel levels below the Agency's interim health advisory.[41] The wastes' maximum sulfide and cyanide content are also low enough to not be of regulatory concern from an air contamination route. That is, the Agency believes these levels to be sufficiently low so as to preclude the generation of hazardous levels of toxic gases.[42] (The capability of a sulfide or cyanide-bearing waste to generate hazardous levels of toxic gases, vapors, or fumes is a property of the reactivity characteristic.) These constituents, therefore, are not of regulatory concern. The settling pond sludge, however, exhibited chromium levels (at the compliance point) that exceed the regulatory standard for chromium. Therefore, chromium levels in the settling pond sludge are of regulatory concern.

In addition, ACC provided ground-water monitoring data from wells located at their facility.[43] These data indicate that groundwater contamination has been suspected and investigated since 1962. During the period from 1962 to 1979, chromium contamination was identified at various locations, and the site's previous owner, Pittsburgh Plate Glass Company, installed interceptor wells to recover chromium contaminated ground water. In 1979, ACC assumed ownership of the facility and the waste disposal areas, and, in 1982, reached an agreement with the Texas Department of Water Resources to rectify the ground-water contamination problem. (ACC began their chromic oxide operations in early 1982.) In light of the history of waste management activities at the facility and the ground water contamination problem, it is not possible, with the information currently available, for the Agency to identify whether or not the petitioned waste has contributed to the ground-water contamination problem. However, due to the fact that ACC's settling pond sludge fails the VHS model evaluation for chromium, it is possible that ACC's waste could be contributing to the ground-water contamination.

The Agency believes that ACC has not demonstrated that the settling pond sludge is non-hazardous. Furthermore, analysis of the settling pond sludge using the VHS model indicates the potential for the waste to leach chromium and contaminate the ground water.[44] The Agency, therefore, proposes to deny American Chrome and Chemicals' petition for its settling pond sludge generated at its Corpus Christi, Texas facility and revoke its temporary exclusion.[45]

VI. Effective Date

The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. For the five petitioners who may have their temporary exclusions revoked and their final exclusions denied, however, this is not the case. These petitioners may be required to revert back to handling their wastes as they did before they were granted their temporary exclusions (*i.e.*, they must handle their waste as hazardous). These petitioners would need some time to come into compliance with the RCRA hazardous waste management system. Accordingly, the effective date of the revocation of these temporary exclusions would be six months after publication of the final rule in the **Federal Register.**

VII. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This proposal is not major even though it would revoke a total of five temporary exclusions and deny final exclusions to these facilities. The effect of this proposal would increase the overall costs for these five facilities which currently have a temporary exclusion. The actual cost to these companies, however, would not be significant. In particular, in calculating the amount of waste that is generated by these facilities and considering a disposal cost of $300/ton, the increased cost to these facilities is approximately $4 million, well under the $100 million level constituting a major regulation.

VIII. Regulatory Flexibility Act

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

This amendment will have the effect of increasing overall waste disposal costs. Some of the facilities being denied in this notice may be considered small entities, however, this rule only effects five facilities in different industrial segments. The overall economic impact, therefore, on small entities is small. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: October 24, 1986.

Jack W. McGraw,

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

[FR Doc. 86–24536 Filed 10–30–86; 12:25 pm]

BILLING CODE 6560-50-M

[40] See footnote 6.

[41] See footnote 7.

[42] See footnote 30.

[43] See the public docket for a complete summary of ground-water monitoring information, including an evaluation of chromium contamination of ground water.

[44] The Agency notes that although it is possible that ACC's waste is contributing to the ground-water contamination, the existing ground-water contamination was not used as a basis for denial in this decision.

[45] The Agency notes that if ACC were to modify the treatment of their chromic oxide wastewater so that the solids could be settled and segregated from other wastes, then ACC could submit a new petition for the separated solids. The separated solids would be classified in EPA Hazardous Waste No. K006.

federal register

Monday
November 3, 1986

Part V

Department of the Treasury

Fiscal Service

31 CFR Parts 316, 332, 342, 351, and 352
U.S. Savings Bonds; Minimum Interest Yield and Maturity Periods; Final Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Parts 316, 332, 342, 351, and 352

[Department of the Treasury Circulars No. 653, 10th Revision; No. 905, 7th Revision; Public Debt Series No. 3-67, 2nd Revision; No. 1-80, 2nd Revision; and No. 2-80, 2nd Revision]

U.S. Savings Bonds; Minimum Investment Yield and Maturity Periods

AGENCY: Bureau of the Public Debt, Fiscal Service, Department of the Treasury.

ACTION: Final rule; changes in the minimum investment yield and maturity period of the United States Savings Bonds.

SUMMARY: This notice is being published to announce (i) reductions (a) in the minimum investment yield of newly-issued United States Savings Bonds, Series EE; (b) in the investment yield of newly-issued United States Savings Bonds, Series HH; and (c) in the minimum investment yield of outstanding United States Savings Bonds, Series E and H, and United States Savings Notes (Freedom Shares), entering into an authorized optional extension period; and (ii) a lengthening of the maturity period of newly-issued United States Savings Bonds, Series EE.

EFFECTIVE DATE: November 1, 1986.

FOR FURTHER INFORMATION CONTACT: Dean A. Adams, Assistant Chief Counsel, Bureau of the Public Debt, Parkersburg, WV, 26101-1328, (304) 420-6505.

SUPPLEMENTARY INFORMATION: The Secretary of the Treasury has announced that the minimum investment yield for Series EE savings bonds having an issue date on or after November 1, 1986, and held for five years or more, will be 6 percent per annum, compounded semiannually. The 6 percent yield will apply to all such Series EE bonds issued until the effective date of any subsequent revision in the minimum yield to reflect changes in the market interest rate. The minimum investment yield for Series EE bonds theretofore issued and held for five years or more had been last fixed at 7.5 percent per annum, compounded semiannually. The new minimum yield will also apply to any Series E and H savings bond or savings note that enters into an authorized extension period on or after November 1, 1986, but before the minimum yield is further revised.

Effective November 1, 1986, Series HH savings bonds issued in exchange for Series E/EE savings bonds and for savings notes, or issued upon the reinvestment of matured Series H savings bonds, will also have an investment yield of 6 percent per annum, compounded semiannually. This rate will apply to all Series HH bonds issued until the effective date of any subsequent revision in the investment yield. The investment yield was last set at 7.5 percent per annum, compounded semiannually.

In addition, effective November 1, 1986, the original maturity period for Series EE savings bonds bearing the issue date of November 1, 1986, or thereafter, will be lengthened from 10 years to 12 years. This will permit the issue prices of the bonds to remain unchanged and make their maturity values (calculated at the minimum investment yield) approximately twice the purchase price at issue.

The minimum investment yield is being reduced to reflect the general decline in interest rates that has occurred, to preserve the cost effectiveness of the Savings Bond Program, and to avoid excessive competition with other thrift instruments.

The market-based rate system and the basic features of Series E/EE bonds and savings notes remain unchanged, guaranteeing owners a competitive return under all market conditions. Bonds and notes held five years or longer receive the higher of (a) 85 percent of the average return on five-year Treasury marketable securities during the holding period, or (b) the applicable minimum investment yield. Series E/EE bonds and savings notes are exempt from State and local income taxes, and the Federal income tax may be deferred until the bonds or notes are redeemed, disposed of, or have reached final maturity.

Revised offering circulars for United States Savings Bonds, Series E, EE, H, HH, and for United States Savings Notes, reflecting the changes described in this notice, and containing new tables of redemption values or interest payments, will be published shortly.

Gerald Murphy,

Fiscal Assistant Secretary.

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

1. The authority for Part 316 continues to read as follows:

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21; 31 U.S.C. 757c and 5 U.S.C. 301.

2. In § 316.8, the introductory text of paragraph (b) and paragraphs (b)(1) and (b)(2)(i) have been revised to read as set forth below:

§ 316.8 [Amended]

* * * * *

(b) *Improved yield—Outstanding bonds.* The investment yield on all outstanding bonds, effective from the first semiannual interest accrual period commencing on or after November 1, 1986, will be determined as follows:

(1) *Bonds bearing issue dates prior to May 1, 1952. Bonds issued prior to May 1, 1952, will continue to provide an investment yield of at least 8.5 percent per annum, compounded semiannually, to their final maturity, which is 40 years after issue.*

(2) *Bonds bearing issue dates of May 1, 1952, through June 1, 1980*—(i) *Guaranteed minimum investment yield.* Except as provided in paragraphs (b)(2)(ii) and (iii), the investment yields on Series E bonds bearing issue dates of May 1, 1952, through June 1, 1980, shall be the guaranteed minimum investment yield heretofore prescribed for any remaining period to next extended maturity. Any such bond entering an extended maturity period on or after November 1, 1986, will provide a guaranteed minimum investment yield of 6 percent per annum, compounded semiannually, for any such future extended maturity period, unless such yield is changed prior to the beginning of such future extension period.

* * * * *

PART 332—OFFERING OF U.S. SAVINGS BONDS, SERIES H

3. The authority for Part 332 continues to read as follows:

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended, (31 U.S.C 757c) and (5 U.S.C. 301).

4. In § 332.8, paragraph (b)(4) has been revised to read as set forth below:

§ 332.8 [Amended]

* * * * *

(b) * * *

(4) *Other extensions.* The investment yield for any authorized extensions beginning November 1, 1982, through October 1, 1986, was at the rate of 7.5 percent per annum, compounded semiannually, and is 6 percent per annum, compounded semiannually for any further extended maturity period beginning on or after November 1, 1986, unless such latter yield is changed prior to the beginning of such period.

* * * * *

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

5. The authority for Part 342 continues to read as follows:

Authority: 80 Stat. 379; sec. 18, 40 Stat. 1309, as amended; sec. 20, 48 Stat. 343, as amended; 5 U.S.C. 301; 31 U.S.C. 753, 754b.

6. In § 342.2a(b), paragraph (b)(1) has been revised to read as follows:

§ 342.2a [Amended]

* * * * *

(b) * * *

(1) *Guaranteed minimum investment yield.* Savings notes issued May 1, 1967, through April 1, 1968, will provide a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining period to their next extended maturity date. Savings notes issued May 1, 1968, through October 1, 1970, will provide a guaranteed minimum investment yield of 7.5 percent per annum, compounded semiannually, for the remaining period to their next extended maturity date. If a savings note is held for the 11-year period from the first semiannual interest accrual period that began on or after January 1, 1980, its guaranteed minimum yield for such period will be increased by ½ of 1 percent per annum, compounded semiannually.

* * * * *

PART 351—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES EE

7. The authority for Part 351 continues to read as follows:

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); 5 U.S.C. 301.

§ 351.0 [Amended]

8. In § 351.0, delete "November 1, 1982" and replace with November 1, 1986."

§ 351.2 [Amended]

9. In § 351.2(c), add as the first entry on the chart the following: "November 1, 1986, and thereafter," under "Issue dates," and "12 years from issue date" under "Maturity dates," and show the present first entry below the foregoing to read:

"November 1, 1982—October 1, 1986." under "Issue dates."

10. In § 351.2, revise the introductory text of paragraph (e) and paragraph (e)(1) to read as set forth below:

(e) *Investment yield (interest)—bonds bearing issue dates of November 1, 1982, through October 1, 1986.* The investment yield of Series EE bond issued on November 1, 1982, through October 1, 1986, from its issue date to each interest accrual date occurring less than five years after issue, will be graduated, as shown in Table 1 in the appendix to this Circular. Its yield from issue date to each semiannual interest accrual date, occurring on or after 5 years up to maturity will be the greater of the guaranteed minimum investment yield or the market-based variable investment yield as described below:

(1) *Guaranteed minimum investment yield.* The guaranteed minimum investment yield on a bond from its issue date to each semiannual interest accrual date occurring on or after 5 years from issue up to maturity will be 7.5 percent per annum, compounded semiannually, for a bond bearing the issue date of November 1, 1982, through October 1, 1986, and 6 percent per annum, compounded semiannually, for a bond bearing an issue date of November 1, 1986, or thereafter.

11. In the first sentence of § 351.2(h), delete the words "and thereafter" following the words "November 1, 1982," and substitute therefor the words "through October 1, 1986."

PART 352—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES HH

12. The authority for Part 352 continues to read as follows:

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); (5 U.S.C. 301).

§ 352.0 [Amended]

13. In § 352.0, delete "November 1, 1982," and replace with "November 1, 1986."

14. In § 352.2, paragraphs (e)(1)–(e)(4) are redesignated as paragraph (e)(2)–(e)(5), a new paragraph (e)(1) is added, and paragraph (e)(2) is revised, to read as set forth below:

§ 352.2 [Amended]

* * * * *

(e) * * *

(1) *Current offering.* Series HH bonds issued on or after November 1, 1986, will yield 6 percent per annum, compounded semiannually.

(2) *Bonds with issue dates of November 1, 1982, through October 1, 1986.* Series HH bonds with the issue date of November 1, 1982, through October 1, 1986, will yield 7.5 percent per annum, compounded semiannually. See Table 1 in the Appendix to this Circular.

* * * * *

[FR Doc. 86-24818 Filed 10-31-86; 9:36 am]
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Federal Register

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Monday, November 3, 1986

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LIST OF PUBLIC LAWS

Last List October 31, 1986

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H.R. 2032/Pub. L. 99-571

Government Securities Act of 1986. (Oct. 28, 1986; 18 pages) Price: $1.00

H.R. 2205/Pub. L. 99-572

To authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean war. (Oct. 28, 1986; 2 pages) Price: $1.00

H.R. 3578/Pub. L. 99-573

District of Columbia Judicial Efficiency and Improvement Act of 1986. (Oct. 28, 1986; 8 pages) Price: $1.00

H.R. 4354/Pub. L. 99-574

National Bureau of Standards Authorization Act for Fiscal Year 1987. (Oct. 28, 1986; 7 pages) Price: $1.00

H.R. 4873/Pub. L. 99-575

To authorize certain transfers affecting the Pueblo of Santa Ana in New Mexico, and for other purposes. (Oct. 28, 1986; 5 pages) Price: $1.00

H.R. 5299/Pub. L. 99-576

Veterans' Benefits Improvement and Health-Care Authorization Act of 1986. (Oct. 28, 1986; 56 pages) Price: $1.75

H.R. 5598/Pub. L. 99-577

To provide for the transfer of the Coast Guard cutter "Taney" to the city of Baltimore, Maryland, for use as a maritime museum and display. (Oct. 28, 1986; 1 page) Price: $1.00

S. 209/Pub. L. 99-578

To amend section 3718 of title 31, United States Code, to authorize contracts retaining private counsel to furnish legal services in the case of indebtedness owed the United States. (Oct. 28, 1986; 4 pages) Price: $1.00

S. 475/Pub. L. 99-579

Truth in Mileage Act of 1986. (Oct. 28, 1986; 3 pages) Price: $1.00

S.J. Res. 367/Pub. L. 99-580

To designate October 28, 1986, as "National Kidney Program Day." (Oct. 28, 1986; 1 page) Price: $1.00

CFR CHECKLIST

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An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[6] Jan. 1, 1986
4	11.00	Jan. 1, 1986
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[1] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[2] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[6] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

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November 4	November 19	December 4	December 19	January 5	February 2
November 5	November 20	December 5	December 22	January 5	February 3
November 6	November 21	December 8	December 22	January 5	February 4
November 7	November 24	December 8	December 22	January 6	February 5
November 10	November 25	December 10	December 26	January 9	February 9
November 12	November 28	December 12	December 29	January 12	February 10
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November 14	December 1	December 15	December 29	January 13	February 12
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November 24	December 9	December 24	January 8	January 23	February 23
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