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November 12, 1986

# federal register

**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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## 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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**CFR PARTS AFFECTED IN THIS ISSUE**

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# Presidential Documents

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Proclamation 5566 of November 7, 1986

The President

Centennial of the Birth of David Ben-Gurion

By the President of the United States of America

## A Proclamation

David Ben-Gurion, first Prime Minister of Israel, was born one hundred years ago, on October 16, 1886. From his boyhood, an independent Israel was his dream. He never wavered in pursuit of that dream; he worked all his life long to establish the State of Israel and to build and strengthen it. He succeeded.

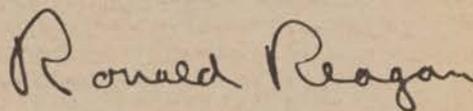
Every quality we associate with statesmanship was David Ben-Gurion's—wisdom, tremendous ability, great resourcefulness—but none more so than the vision and the determination that propelled him decade after decade. Israel's existence is a true testament to the spirit and the deeds of David Ben-Gurion. He would have wanted no other legacy.

Among the many links between the United States and Israel are principles that were dear to David Ben-Gurion. The Declaration of Independence of the State of Israel, a milestone in the life of Ben-Gurion, echoes the American Declaration of Independence in its recognition of the equality of every human being.

In order to honor the celebration of the centennial of the birth of David Ben-Gurion and the values of freedom and democracy we share with Israel, the Congress, by Senate Joint Resolution 422, has authorized and requested the President to issue a proclamation designating 1986 as the centennial of the birth of David Ben-Gurion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim 1986 as the centennial of David Ben-Gurion's birth, and I urge all Americans to take note of this commemoration and join in the celebration of the birth of this great statesman. I also applaud the David Ben-Gurion Centennial Committee of the United States of America in its work promoting the year-long celebration of David Ben-Gurion and his achievements.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, 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.



Presidential Documents

The President

Confidential as to the Birth of David Greenglass

Washington, D.C., November 1, 1952

To the President of the United States of America

My dear Mr. President:

I have the honor to acknowledge the receipt of your letter of October 28, 1952, in which you request that I should cause to be made a search of the records of the Department of State for information concerning the birth of David Greenglass. I am sorry to be unable to comply with your request, but I am sure that you will understand the reasons therefor. The records of the Department of State are maintained in a highly confidential manner, and it is the policy of the Department to protect such records from unauthorized disclosure. The records of the Department of State are also subject to the provisions of the Espionage Laws, which prohibit the disclosure of information of a confidential nature to any unauthorized person. I am sure that you will understand the reasons therefor.

I am, Sir, very respectfully,  
 Your obedient servant,  
 [Signature]

*Richard B. Dean*

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## Presidential Documents

Proclamation 5567 of November 7, 1986

### National Hospice Month, 1986

By the President of the United States of America

#### A Proclamation

Hospice care is a humanitarian way for terminally ill people to approach the end of their lives in comfort with appropriate, competent, and compassionate care in an environment of personal individuality and dignity.

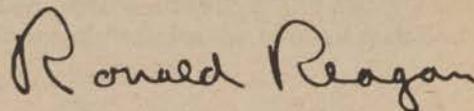
In a hospice, care is provided by an interdisciplinary team of physicians, nurses, social workers, pharmacists, psychological and spiritual counselors, and other community volunteers trained in the hospice concept of care. Physical, emotional, and spiritual needs of patient and family are treated, with special attention to their pain and grief.

Hospices are rapidly becoming full partners in the Nation's health care system. Medicare provides a hospice benefit, as do many private insurance carriers. But there remains a great need to increase public awareness about the benefits of hospice care.

The Congress, by Senate Joint Resolution 317, has designated the month of November 1986 as "National Hospice Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1986 as National Hospice Month. I urge all government agencies, the health care community, private organizations, and the people of the United States to observe that month with appropriate forums, programs, and activities designed to encourage national recognition of hospice care.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, 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.



[FR Doc. 86-2568C

Filed 11-10-86; 11:01 am]

Billing code 3195-01-M

Presidential Documents

Washington 207 of November 2, 1963

Historical Documents, 1963

Of the President of the United States of America

A Proclamation

Whereas it is the policy of the United States to support the people of the Republic of Cuba in their struggle to free themselves from the domination and control of the United States and to establish a free and independent government;

and whereas the United States has provided for the people of Cuba the most generous and effective economic, technical, and other assistance available to them in their struggle for freedom and independence;

and whereas the United States has provided for the people of Cuba the most generous and effective economic, technical, and other assistance available to them in their struggle for freedom and independence;

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and whereas the United States has provided for the people of Cuba the most generous and effective economic, technical, and other assistance available to them in their struggle for freedom and independence;

*John F. Kennedy*

## Presidential Documents

Proclamation 5568 of November 7, 1986

### National Arts Week, 1986

By the President of the United States of America

#### A Proclamation

Wherever Americans are, there are the arts. The arts are central to human expression. The arts enlighten us and please us. America has long loved the arts, and we study, practice, appreciate, and patronize them in our theatres, museums, galleries, schools, and communities.

We also generously support the arts and desire to make them as widely available as possible. A typically American consortium—informal and effective—of individuals, corporations, foundations, and taxpayers provides financial support to artists to augment revenues raised directly from patrons.

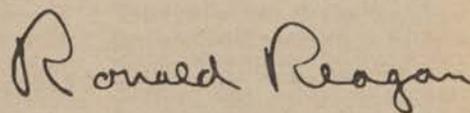
It is most fitting that we take time to celebrate the arts of our Nation, to honor our artists, and to express our appreciation to everyone who patronizes the arts. And as we celebrate the arts, we celebrate and give thanks for our freedom, the only atmosphere in which artists can truly create and in which art is truly the expression of the soul.

Let us join together during National Arts Week to celebrate the arts of our Nation and in pledging to continue this magnificent partnership of artist and patron so as to enrich the soul and the heart of our people forever.

The Congress, by Senate Joint Resolution 304, has designated the week of November 16 through November 22, 1986, as "National Arts Week" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 16 through November 22, 1986, as National Arts Week. I encourage the people of the United States to observe the week with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of November, 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.



[FR Doc. 86-25681]

Filed 11-10-86; 11:02 am]

Billing code 3195-01-M

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# Rules and Regulations

Federal Register

Vol. 51, No. 218

Wednesday, November 12, 1986

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

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 421

[Amdt. No. 1; Doc. No. 0101A]

#### Cotton Crop Insurance Regulations

##### Correction

In FR Doc. 86-24241 beginning on page 37890 in the issue of Monday, October 27, 1986, make the following corrections:

##### § 421.7 [Corrected]

1. On page 37891, in § 421.7(d) in the middle column, in paragraph a., in the second line, "planning" should read "planting".

2. In the same column, in paragraph 5.c., in the fifth line, "1988" should read "1986".

BILLING CODE 1505-01-M

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 225

[Regulation Y Docket No. R-0557]

#### Capital Guidelines; Perpetual Debt as Primary Capital and Limits on Perpetual Debt, Preferred Stock and Mandatory Convertible Securities

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rulemaking.

**SUMMARY:** Capital adequacy is one of the critical factors the Board of Governors of the Federal Reserve System is required to analyze in taking action on various types of applications, such as mergers and acquisitions by bank holding companies, and in the conduct of the Board's various supervisory activities related to the safety and soundness of individual banks, bank holding companies and the

banking system. To provide additional flexibility in the capital structure of the financial institutions it regulates, the Board proposed in November 1985 (50 FR 47754) to treat "perpetual debt" as a form of primary capital. The Board has decided to amend its Capital Adequacy Guidelines ("Guidelines") (12 CFR Part 225 Appendix A) to treat perpetual debt securities that meet certain criteria as primary capital for bank holding companies (but not state member banks). The Board also has decided to adopt, with modifications, its proposal to limit the combined amount of mandatory convertible instruments, perpetual preferred stock and perpetual debt that may qualify as primary capital.

**EFFECTIVE DATE:** These amendments to the Capital Guidelines are effective November 4, 1986. The Board has chosen to state its capital policies in the form of guidelines rather than as a formal regulation. Consequently, a delayed effective date is not required.

**FOR FURTHER INFORMATION CONTACT:** Anthony G. Cornyn, Assistant Director (202/452-3354), or Robert Marshak, Financial Analyst (202/452-3450), Division of Banking Supervision and Regulation, or James E. Scott, Senior Counsel (202/452-3513), or Conrad Bahlke, Attorney (202/452-3707), Legal Division, or for users of Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3244), Board of Governors of the Federal Reserve System, Washington, DC.

##### SUPPLEMENTARY INFORMATION:

#### 1. Background

##### Reasons for Revision of the Guidelines

*Perpetual Debt.* In announcing its revised Capital Adequacy Guidelines in April 1985, 50 FR 16057, 16064 (1985), the Board deferred for further study the issue of whether to treat perpetual debt securities as primary capital. Since that time there has been a continued interest in the issue. Banking organizations located in the United Kingdom have issued several billion dollars in perpetual debt notes that have qualified as primary capital under guidelines originally adopted by the Bank of England in 1985 and revised and formalized in March 1986. In addition, in June 1985, the Canadian Inspector General of Banks issued a statement that would permit debentures with a

minimum maturity of 99 years to qualify as "base" (primary) capital. Several Canadian banks have since issued qualifying perpetual debt. While no United States banking organizations have issued perpetual debt securities, several have expressed an interest in issuing such securities, particularly through subsidiaries located in those countries in which tax treatment is more certain.

The Board has decided to adopt, with some modifications, its proposal to permit perpetual debt securities issued by a bank holding company or its banking or nonbanking subsidiaries to qualify as primary capital on a consolidated basis for the bank holding company. The Board has concluded that perpetual debt securities, as defined in the revised Guidelines, can serve the purposes or perform the functions of primary capital.

In addition, perpetual debt provides bank holding companies with added flexibility in maintaining minimum and adequate levels of capital. Perpetual debt may also provide certain bank holding companies with a comparatively inexpensive alternative form of capital on a limited basis. Finally, primary capital treatment of perpetual debt will permit domestic bank holding companies and their overseas subsidiaries to compete more effectively with banking institutions domiciled or operating in those countries that treat perpetual debt as a form of capital.

While the advantages of primary capital treatment for perpetual debt would also apply to the capital structure of state member banks, the Board, in the interest of uniform treatment of all federally supervised banks, has declined to consider perpetual debt as primary capital for an issuing state chartered bank that is a member of the Federal Reserve System. Banks may issue perpetual debt securities, however; and the parent holding company of a member bank that issues such securities to a third party may treat such securities as primary capital on a consolidated basis within the limits of the Guidelines.

*Limits on Perpetual Preferred Stock.* The Board has adopted, with increased limits, its proposal to limit the amount of perpetual preferred stock, mandatory convertible notes and perpetual debt that may be counted as primary capital by a bank holding company. The Board continues to believe that excessive

reliance on these types of capital exposes a bank holding company to potential financial problems. For example, these types of instruments require predetermined, preferential, and often cumulative payments that could limit an organization's financial flexibility in the event it encounters serious and protracted weaknesses in earnings. In addition, excessive use of such instruments could place control of an organization in the hands of individuals with an extremely limited financial stake in that organization. These concerns, together with a belief that common equity should remain the dominant form of any banking organization's capital, have prompted the Board to limit reliance by bank holding companies on non-common-equity forms of primary capital. While the Board believes the same limits should be applied to state member banks, the Board is also concerned about maintaining uniform capital requirements for all federally regulated banks. Thus, the Board will continue to assess the level of the limited forms of primary capital—perpetual preferred stock, mandatory convertible securities, and perpetual debt—on a case-by-case basis for state member banks.

#### *Summary of the Amendments to the Capital Guidelines*

**Perpetual Debt.** The Board has revised its Capital Adequacy Guidelines to permit perpetual debt instruments to qualify as primary capital, subject to the following conditions and limitations:

1. The instrument must be unsecured and, if issued by a bank, the instrument must also be subordinated to the claims of depositors.
2. The instrument may not provide the noteholder with any right to demand repayment of the principal (even if non-payment of interest occurs) except in the event of bankruptcy, insolvency, or reorganization.
3. The issuer shall not voluntarily redeem the securities without the approval of the Federal Reserve, except that the issuer may redeem the securities if the securities are simultaneously replaced by a like amount of common or perpetual preferred stock of the issuer or the issuer's parent company.
4. The instrument must contain a provision that allows the issuer to defer (it may also allow the issuer to eliminate or reduce) interest payments on perpetual debt in the event, and at the same time, that dividends on all outstanding common and preferred stock of the issuer (or in the case of a guarantee by the parent company, the dividends of the parent company's common and preferred stock) have been eliminated.
5. If the instrument is issued by a bank holding company or subsidiary with substantial operations, then the instrument must convert automatically to common or perpetual preferred stock of the issuer in the

event that the issuer's retained earnings and surplus accounts become negative. (In the case in which the perpetual debt issued by a bank or a subsidiary with substantial operations is guaranteed by a parent, conversion may be deferred until a guarantor's retained earnings and surplus accounts become negative.) If issued by a company without substantial operations that is a subsidiary of a bank holding company or bank, then the instrument must convert automatically to common or preferred stock of the issuer's parent in the event that the retained earnings and surplus accounts of the issuer's parent become negative.

6. The amount of perpetual debt that may qualify as primary capital is limited to a maximum of 20 percent of primary capital, depending on other limited forms of primary capital as set forth below.

**Limits on Perpetual Preferred Stock, Perpetual Debt and Mandatory Convertible Securities.** In consideration of the arguments advanced by many commenters, the Board has increased the proposed limits on the amount of perpetual preferred stock, perpetual debt and mandatory convertible securities that may be included as primary capital for bank holding companies. The combined amount of these three instruments that may qualify as primary capital is 33 1/3 percent of the total amount of all forms of primary capital (including these instruments). This figure, which equals 50 percent of primary capital on a net basis (i.e. total primary capital excluding these three forms of capital), represents an increase from the proposal, which would have permitted 33 1/3 percent of primary capital on a net basis, or 25 percent of all forms of primary capital on a gross basis.

In addition, the revised Guidelines will limit, for bank holding companies, perpetual debt and mandatory convertible securities to 20 percent of the total amount of all forms of primary capital (including such instruments). This figure, which equals 25 percent of primary capital on a net basis (excluding such instruments), represents an increase from the existing limit for bank holding companies on mandatory convertible securities of 20 percent of net primary capital. The Guidelines will retain, however, the requirement that equity commitment notes, a type of mandatory convertible security treated as primary capital for bank holding companies only, be permitted to qualify as primary capital in an amount not to exceed one-half of the amount of mandatory convertible securities that would qualify as primary capital under the revised Guidelines—that is in an amount not to exceed 10 percent of all forms of primary capital, including mandatory convertible securities.

No qualifying perpetual preferred stock issued, or in the process of being issued, on or before November 20, 1985, shall be ineligible for primary capital status solely by reason of the fact that, on the effective date of this amendment to the Guidelines, the amount of any of such preferred stock exceeds the limits imposed in the revised Guidelines.

#### **2. Comments Received**

The Board's proposal to allow perpetual debt to qualify as primary capital and to limit certain non-common equity forms of primary capital was announced on November 14, 1985. During the comment period, which ended January 17, 1986, the proposal drew comments from thirty-two commercial banking organizations, three bank trade associations, and the state banking departments of Pennsylvania and New Jersey. Eight of the regional Federal Reserve Banks also commented on the proposal.

The commenters generally limited their remarks to three specific questions: (1) Whether to afford primary capital treatment to perpetual debt; (2) whether the proposed conditions or criteria to ensure that perpetual debt securities meet the objectives of primary capital will serve that purpose without unduly restricting the marketability or increasing the cost to the issuer of the securities; and (3) whether the proposed limitations on the amount of preferred stock, perpetual debt and mandatory convertible securities that could qualify as primary capital are necessary and reasonable. Some commenters also addressed the issue whether there is sufficient interest in issuing perpetual debt.

#### *Perpetual Debt*

Virtually all commenters supported the treatment of perpetual debt as primary capital, noting that the proposed instrument contains key features of primary capital—subordination, permanence, and loss absorption capability—and that it permits banking organizations additional flexibility in their efforts to achieve and maintain adequate levels of capital. The two commenters opposing the treatment of perpetual debt as primary capital did so on the basis that the instruments would be more akin to debt than equity.

There were substantive comments on each of the proposed conditions or criteria to ensure that perpetual debt would retain the characteristics of primary capital. While the commenters generally supported the need for such conditions or constraints on perpetual

debt securities, there was significant opposition to several of the criteria viewed as having a materially adverse impact on the marketability of perpetual debt.

The first of the criteria that received significant adverse comment was the proposed requirement for Federal Reserve approval prior to redemption of perpetual debt securities. Several commenters pointed out that a bank holding company can redeem up to ten percent of its equity securities in a given year without prior regulatory approval and that such prior approval for redemption of debt securities would impair the speed and timing necessary for an effective redemption.

Some commenters also objected to the requirement that bank holding companies that issue perpetual debt must reserve the right to reduce, defer or eliminate interest on perpetual debt if common or preferred stock dividends are reduced or eliminated. (The issuing bank holding company would not be required to take such action, but only to reserve the right to take such action if it chose). Some commenters thought this condition would severely restrict the marketability of a perpetual debt instrument, while others maintained that it would encourage tax authorities to view perpetual debt as a form of equity and to treat the interest payments associated with these securities as nondeductible expenses.

The Board also received negative comments on the proposed requirement for actual conversion of perpetual debt to equity in the event that the retained earnings and surplus of the issuer or the issuer's parent become negative. Commenters suggested such conversion is a lengthy proceeding requiring adjustment of authorized shares to reflect fluctuations in value. They pointed out that the Bank of England does not require actual conversion in the case of insolvency, but, more simply, the treatment of perpetual debt noteholders as equity holders.

#### *Limit on Perpetual Preferred Stock*

The strongest opposition to the proposed amendments to the Guidelines was directed at the proposal to limit the combined amount of mandatory convertible securities, perpetual debt and perpetual preferred stock that may qualify as primary capital. Commenters focused on the proposal to include perpetual preferred stock within the blanket limit on non-common-equity capital, since perpetual preferred stock is the only one of the three instruments to have been previously treated as primary capital without limit as to amount. Commenters argued that

perpetual preferred stock possesses the basic characteristics of equity capital, including permanence, subordination and an ability to eliminate or defer dividends. Commenters suggested that, in many cases, fixed dividend schedules make preferred stock a cheaper form of capital than common stock with its fluctuating dividends. Commenters further suggested that neither state corporate law nor the accounting profession distinguishes between common and preferred stock as forms of equity.

Some commenters suggested that preferred stock provides a meaningful financing alternative for smaller institutions that lack access to the public equity market. Others suggested that preferred stock is a valuable estate planning tool for smaller institutions.

Some commenters suggested that the Board should address the issue of financial flexibility directly rather than by limiting preferred stock, and they suggested an absence of abuses to justify the restriction. Finally, many commenters suggested that the Board raise the blanket limit above the proposed level of 33 percent of primary capital net of these instruments or, in the alternative, that the Board remove the blanket limit and impose a limit on preferred stock apart from those limits on perpetual debt or mandatory convertible securities.

### **3. Resolution of Major Issues**

#### *Treatment of Perpetual Debt as Primary Capital*

The Board has adopted the proposed amendment to its Capital Guidelines that would treat as primary capital for a bank holding company perpetual debt securities issued by the holding company or an affiliate in accordance with certain specific conditions or criteria. The Board believes that, with the limitations and conditions imposed in the amended Guidelines, perpetual debt can meet the underlying objectives of primary capital, *i.e.*, to serve as a buffer for individual banking organizations in times of poor performance, to promote the safety of depositors' funds, and to support the reasonable growth of banking organizations.

The Board finds merit in the comments that suggest that perpetual debt possesses many of the characteristics of primary capital. Perpetual debt is permanent in that it cannot be redeemed by noteholders except in the extraordinary event of insolvency, bankruptcy or reorganization. It may not be retired by the issuer without the prior approval of

the Federal Reserve, except if converted to, exchanged for, or simultaneously replaced by common or perpetual preferred stock. It has the ability to absorb losses, since interest on the debt issue may be deferred and the holders of the debt treated as equity shareholders when serious difficulties arise. Finally, if issued by a bank, the claims of perpetual debt noteholders must be subordinated to the rights of depositors. Thus, the Board concludes that perpetual debt serves the basic purpose of capital by adding a measure of safety to an issuing institution.

While this reasoning is equally applicable to the treatment of perpetual debt as primary capital for banks, and while the Board proposed to permit both bank holding companies and state chartered banks that are members of the Federal Reserve System to treat perpetual debt as primary capital, the Board has decided to afford such treatment only to bank holding companies in order to preserve uniform capital treatment for all federally supervised banks, a primary goal of the 1985 revisions to the Guidelines. The Board will study the experience of bank holding companies in issuing perpetual debt, and it will defer any decision on the treatment of perpetual debt as capital for state member banks in an effort to coordinate its position with that of the Comptroller of the Currency and the Federal Deposit Insurance Corporation.

It should be noted that although perpetual debt issued by a state member bank will not count as primary capital of the bank, it will be considered on a consolidated basis as primary capital of the holding company if such debt is held by an unaffiliated third party. In other words, a state member bank subsidiary or a foreign bank subsidiary of a bank holding company located in the United States may issue perpetual debt that will be treated as capital of the holding company.

Since the primary capital status of perpetual debt is predicated upon these instruments providing the basic safety features of equity, the Board has adopted certain criteria to ensure that a perpetual debt issue achieves these benefits. A perpetual debt issue must meet these criteria in order to qualify as primary capital.

*Criterion 1—Unsecured and Subordinated.* To qualify as primary capital, perpetual debt instruments must be unsecured, and, if issued by a bank, the instrument must also be subordinated to the claims of depositors. This requirement is designed to be, at a minimum, as stringent as the

requirements for long-term, subordinated debt that may qualify as secondary capital. In order to provide the maximum protection for depositors and secured creditors, the holders of perpetual debt should not be permitted to encumber the assets of the issuer or its affiliates and should rank as general creditors of the issuer. The perpetual debt instrument should not create any priority or accelerated payment of interest or principal in the event that the issuer encounters financial difficulties. It should not place or attempt to place perpetual debt holders ahead of other general or subordinated creditors. This criterion, however, would not prohibit a parent company of the issuer from guaranteeing the debt, provided the debt remained subordinated.

*Criterion 2—Right to Repayment of Principal Limited to Bankruptcy, Insolvency or Reorganization.* To qualify as primary capital, the perpetual debt instrument must limit the right of the holder to repayment of the principal only in the case of insolvency, bankruptcy or a financial reorganization that would impair the rights of noteholders. In the case of the nonpayment of interest, the instrument should limit the noteholder's rights to repayment of the interest accrued and owing rather than acceleration of interest payments or repayment of the principal amount of the debt. Moreover, while a noteholder may also have recourse to the bankruptcy courts, the perpetual debt instrument must provide that failure to pay interest on the note shall not in and of itself trigger bankruptcy. Finally, the debt instrument may not contain cross-default clauses that provide that other obligations of the issuer become immediately due and owing in the event of any default in the payment of interest on the perpetual debt.

These provisions are designed to ensure that the proceeds of the perpetual debt issue remain available to the issuer while that entity remains a viable concern. In the event the issuer encounters financial difficulties short of insolvency that impair interest payments, the noteholders may not exacerbate those difficulties by accelerating repayment of the debt.

Moreover, the noteholders should not be permitted to gain a determination of bankruptcy or insolvency prematurely solely on the basis of a failure to pay interest on the perpetual debt in a timely fashion. The Board is concerned with the suggestion of certain commenters that restrictions on the repayment of the debt principal would encourage noteholders to seek a determination of

bankruptcy as a means of forcing repayment of the debt before it is converted to equity (criterion 5). The Board recognizes this problem, but it believes that the bankruptcy laws provide adequate protection from an unwarranted or premature finding of insolvency.

*Criterion 3—Voluntary Redemption Only With Federal Reserve Approval.* In order to ensure that the funds raised by a perpetual debt issue remain with the issuer to fulfill the purposes of capital, the debt instrument must require any voluntary redemption of the debt issue to be subject to prior approval by the Federal Reserve. The revised Guidelines provide for an exception to this prior approval requirement in the case in which the debt is converted to, exchanged for, or simultaneously replaced by perpetual preferred or common stock. The pledge of proceeds over time to redeem perpetual debt, as in the case of mandatory convertible securities, will not be an acceptable means of avoiding the requirement of prior Board approval. Nothing contained in this criterion shall preclude the debt instrument from providing for redemption of the debt in exchange for the common stock or perpetual preferred stock of the issuer at the option of the holder of the debt—even in the case in which such redemption is not accompanied by a general redemption of all such debt.

Several commenters argued that Federal Reserve approval should not be required because timing is critical in a redemption decision and delay for the purpose of regulatory approval could increase the cost of redemption or even eliminate the viability of the redemption. The Board considered this point, but decided to retain the prior approval requirement because the need to maintain the permanence of perpetual debt in order to serve the purposes of capital outweighs the concern for some additional flexibility for the issuer. In addition, the Board notes that prior approval is required for redemption of all mandatory convertible securities as well as for all capital instruments issued by state member banks. There is no strong evidence that the prior approval process in those cases has proved burdensome.

*Criterion 4—Deferred Interest Payments.* The revised Guidelines provide that an issuer of perpetual debt must reserve the right, at a minimum, to defer interest payments on perpetual debt in the event that dividend payments on all outstanding common and preferred stock of the issuer are eliminated. In the case in which the

issuing entity is a bank or other subsidiary with substantial operations (as opposed to a nonoperating subsidiary established for purposes of raising funds or issuing collateralized securities) and the perpetual debt issue is guaranteed by a parent of the issuer, the Guidelines permit deferral of interest to be triggered by elimination of stock dividends by the guarantor. In the case in which the issuing entity is a nonoperating company, the deferral of interest is always triggered by the elimination of stock dividends by the parent organization.

These requirements differ from the proposal that was put out for comment in two respects. First, the issuer must only reserve the right in the debt instrument to defer interest rather than to reduce or eliminate such interest altogether. (The debt agreement, of course, may impose such measures, although they are not required in order to gain primary capital treatment.) This modification will make perpetual debt more closely approximate cumulative preferred stock, more closely parallel the requirements of the Bank of England in its guidelines involving perpetual debt, and contribute to the marketability and reduce the cost to the issuer of the debt.

Deferral of interest payments provides the issuer with the ability to limit cash outflows related to perpetual debt in times of severe financial problems. The more severe measures of reduction or elimination of interest payments do not appear to be necessary to preserve perpetual debt as an instrument that provides the protection of capital at a time when the issuer is experiencing severe financial difficulties.

A second change from the proposed regulation involves the conditions under which the deferral of interest may be invoked by the issuer. The Board first proposed that the debt instrument permit the issuer to limit interest payments whenever dividends on common and preferred stock were reduced or eliminated. The revised Guidelines now require that the debt instrument provide the issuer with the right to defer dividends only when all common and preferred stock dividends are eliminated. The Board adopted this position in response to comments suggesting that perpetual debt would be more marketable and less costly if the contingencies that could trigger deferral of interest were more limited and less likely to occur. At the same time, retention of the deferral feature would help to ensure that perpetual debt would remain available in time of serious difficulty.

Several commenters argued that the Board should go even further and not require any type of contingency clause for deferral of interest. These commenters argued that such a clause would cause certain foreign tax authorities to treat interest payments as a nondeductible dividend distribution, thereby making these instruments less marketable overseas, where initially such debt is most likely to be issued. While the Board is interested in providing added flexibility in achieving and maintaining adequate primary capital by permitting bank holding companies to issue perpetual debt at a reasonable cost, the Board cannot permit primary capital treatment for instruments that do not provide a substantial measure of safety and soundness for the issuer. While limiting the scope of the interest payment remedies to deferral rather than elimination and also limiting the contingencies that trigger this remedy, the Board continues to believe that perpetual debt must offer equity-like safety features. One key feature is the ability of the issuer, in extreme circumstances, to reduce cash outflows related to perpetual debt. Thus, the Board rejected arguments for rescission of the interest deferral contingency clause.

*Criterion 5—Conversion to Equity.* The revised Guidelines require that a perpetual debt instrument must provide for automatic conversion of the debt to equity of the issuer or the issuer's parent in the event that the retained earnings and surplus of the issuer or the bank holding company parent become negative. Specifically, if the perpetual debt is issued directly by a bank holding company or by its subsidiary bank or other subsidiary with substantial operations, the perpetual debt must convert to common or perpetual preferred stock of the issuing entity when the surplus and retained earnings of the issuing entity become negative. If the parent of the issuer guarantees the perpetual debt of an operating subsidiary, the perpetual debt must convert to common or perpetual preferred stock of the operating subsidiary or of the parent as provided in the debt instrument. Moreover, such conversion must be triggered when the surplus and retained earnings of the issuing entity become negative or, if specifically provided in the perpetual debt instrument, conversion may instead be triggered when the surplus and retained earnings of the parent guarantor become negative.

If the perpetual debt is issued by a nonoperating subsidiary of a bank holding company or bank (that is, a

funding subsidiary or one formed to issue securities), the perpetual debt must convert to common or perpetual preferred stock of the nonoperating subsidiary's parent when the surplus and retained earnings of the parent become negative, regardless of whether the parent guarantees the issue.

In effect, these provisions broaden the equity base of an issuing entity and reduce financial risk to that entity, as they permit the issuing entity to absorb losses and to possibly remain a viable concern at a time when it faces severe financial problems. Concerns about the continued viability of an entity may be lessened when a parent has guaranteed the perpetual debt of a nonoperating subsidiary; thus, the revised Guidelines do not require that the perpetual debt of an operating subsidiary immediately convert to the equity of the issuing subsidiary at the time the subsidiary experiences difficulties. At that time, the parent may take action to assume the obligations of the issuing subsidiary and it is then the parent's condition that would trigger conversion.

Several commenters urged the Board not to require actual conversion of perpetual debt to equity, but merely to require, as does the Bank of England, that the debt instrument treat noteholders as shareholders in cases in which an issuer's or parent's surplus and earnings become negative. These commenters noted that the Board's proposed requirement of actual conversion was more stringent than the standard of the Bank of England, and that actual conversion may trigger additional expenses and raise additional issues such as the need for regulatory filings due to a change in control and the need to authorize and adjust shares for conversion.

The Board acknowledges the practical difficulties involved in the actual conversion of perpetual debt to equity. However, the Board believes that actual conversion is necessary because it enables an organization to absorb losses, on a going concern basis, for the issuer (or parent) prior to actual bankruptcy.

#### *Limits on Perpetual Preferred Stock, Mandatory Convertible Securities and Perpetual Debt*

*Limits Imposed.* In response to a substantial number of adverse comments, the Board has eased the limits contained in its proposal. The revised Guidelines limit the combined amount of perpetual preferred stock, mandatory convertible securities and perpetual debt that may qualify as primary capital to 33½ percent of the gross amount of all forms of primary

capital, including these three types of instruments.<sup>1</sup> This limit is an increase over the November 1985 proposal of 25 percent of gross primary capital.<sup>2</sup>

In addition, the revised Guidelines also limit the amount of mandatory convertible securities and perpetual debt that may qualify as primary capital to 20 percent of the gross amount of all forms of primary capital, including these instruments. This amount represents an increase over the limit in the current Guidelines of 16½ percent of gross primary capital which is for mandatory convertible securities alone (stated as 20 percent of primary capital excluding mandatory convertible securities). This increase will permit even those bank holding companies that are at the present limit of qualifying mandatory convertible securities to have the opportunity to issue perpetual debt.

Finally, the Board has decided to retain the limit on equity commitment notes, a type of mandatory convertible security, that may be included as primary capital for bank holding companies. The Guidelines previously stated that limit as 10 percent of primary capital exclusive of mandatory convertible securities or one-half of the amount of all mandatory convertible notes that may be treated as primary capital. The revised Guidelines, for the purposes of clarity and consistency, continue to limit the amount of equity commitment notes to one-half of all types of mandatory convertible securities that may be treated as primary capital. The revised Guidelines, therefore, permit capital treatment for equity commitment notes up to 10 percent of the gross amount of all forms of primary capital of the bank holding company, including mandatory convertible securities.

*Reasons for the Limits.* The Board believes that common equity should remain the dominant form of capital because it provides the greatest measure of safety to the issuing institution. That safety is found in a number of factors. First, as a general rule common equity offers greater financial flexibility. The dividends on common equity generally

<sup>1</sup> In its proposal the Board stated the proposed limits in net form—i.e., excluding the instruments being limited. This became confusing as the Board proposed limits on different combinations of instruments, thereby requiring a different means of computing the net percentage in each case. Accordingly, the limits in the revised Guidelines are defined more simply in gross terms.

<sup>2</sup> Stated in net terms, the revised Guidelines would allow 50 percent of net primary capital, excluding these three instruments, to be treated as primary capital, an increase over the 33½ percent of net primary capital that the Board proposed to permit.

are voted by the directors who can assess the financial condition of the bank holding company—and are not predetermined by contract as are the interest and dividends on the three instruments subject to the limitation. Generally, therefore, the dividends on common stock may be eliminated more easily. In addition, dividends on common equity are not cumulative as the interest or dividends on the limited capital instruments are likely to be. Dividends on common stock are generally payable after the interest and dividends on the limited debt instruments and preferred stock are paid. In short, the Board continues to believe, as it stated in its Policy Statement on Payment of Cash Dividends, 72 Federal Reserve Bulletin 26 (1986): "Excessive reliance on preferred stock should be avoided, since reliance could limit an organization's flexibility in the event it encounters serious and protracted earnings weaknesses."

An additional safety feature is that reliance on common equity as the dominant form of capital will generally help to insure that the ownership of the bank holding company remains with those with the most significant investment in the company. The Board has had a longstanding policy with respect to applications under the Bank Holding Company Act of requiring those in control of a corporation to have a substantial investment so as to guard against absentee ownership or lack of prompt attention to the problems a company may encounter. Under the Board's Policy Statement on the Formation of Small One-Bank Holding Companies, Appendix B to Regulation Y, 12 CFR Part 225, for example, the Board has interpreted the minimum down payment requirement of 25 percent so that controlling shareholders rather than minority shareholders must meet the down payment. The limits on non-common-equity forms of primary capital are designed to address the same types of concerns.

The treatment of perpetual debt and mandatory convertible securities as primary capital, together with additional reliance in some cases on preferred stock, means there is a greater potential for placing voting control of an organization in the hands of individuals with a very limited financial stake in the organization. The Board has decided to formalize the procedure it has applied on a case-by-case basis of limiting reliance on preferred stock or other non-common-equity forms of capital. See *Croesus Partners I, Inc.*, 72 Federal Reserve Bulletin 45 (1986). While the

Board acknowledges that in a given case any limit may appear arbitrary, the Board emphasizes that the limits are being placed in Capital Guidelines rather than in regulations so that bank holding companies may rely upon objective standards while permitting individual companies to demonstrate the need in a particular case for the Board to apply a more flexible measure.

This concern for added flexibility has prompted the Board to raise the proposed limits on the non-common-equity forms of capital. The Board has also applied different limits for perpetual preferred stock and the debt forms of primary capital in recognition of the arguments of some commenters that preferred stock ought to be distinguished from the debt instruments since it possesses more of the characteristics of common equity capital and provides a greater measure of safety to the issuer than debt.

*Grandfathering Status of Previously-Issued Perpetual Preferred Securities.* The Board has adopted the grandfathering treatment of perpetual preferred securities embodied in the November proposal. Under this grandfathering clause, all qualifying perpetual preferred stock issued as of November 20, 1985, the date of the proposal's publication in the **Federal Register** will count as primary capital, even if such action would place the bank holding company above the limit in the amended Guidelines. Moreover, to the extent that a bank holding company issued perpetual preferred stock after the grandfathering date, but had taken meaningful steps to issue those securities before such date, including filing with an appropriate government agency or signing binding contracts, the Board will give consideration to conferring grandfather status upon those securities.

Several commenters urged the Board to move the grandfather date forward, either to the date of publication of the final rule or beyond. To do otherwise, they argued, would be unfair and would disrupt the capital planning process. The Board believes that the increase in the combined limits from 25 percent to 33 percent of primary capital on a gross basis together with the clear notice of the grandfather date in the proposal provides enough leeway to avoid any difficulties in the capital planning process. Moreover, to avoid disruption, the Board will consider grandfathering any issue in which meaningful steps to issue such securities had occurred before the cutoff date.

It should be noted that grandfathering merely means that, to the extent that

previously issued perpetual preferred stock, when considered together with properly issued mandatory convertible securities, exceeds the newly imposed limit on non-common-equity instruments, such preferred stock will continue to be treated as primary capital. Such preferred stock is not excluded, however, in computing the limits.

The Board believes that the revisions to the Capital Guidelines relating to limits on non-common-equity forms of capital in general, and preferred stock in particular, should be equally applicable to bank holding companies and banks. Nevertheless, the Board has not applied these changes to state member banks absent a parallel action by the Comptroller of the Currency and Federal Deposit Insurance Corporation with respect to other federally regulated banks. The Board will monitor the effects of these revisions on bank holding companies and, based on that experience, it will continue to discuss with the other federal banking agencies application of these revisions to banks on a uniform basis.

It should also be noted that the Board will carefully scrutinize the use of preferred stock by state member banks on a case-by-case basis. The Board also notes that the 20 percent limit on the treatment of mandatory convertible securities (on a net basis exclusive of such securities) by state member banks remains in the Guidelines.

*Regulatory Flexibility Analysis Act.* The Board certifies that the adoption of these proposals is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The amendment to the Capital Adequacy Guidelines will provide more flexibility in meeting the previously required minimum capital standards through the use of an additional capital instrument. The Board has grandfathered, for capital purposes, that perpetual preferred stock issued or in the process of being issued prior to the announcement of this proposal, and thus it has precluded any adverse impact on the capital position of small bank holding companies as a result of the limits imposed on the amount of perpetual preferred stock that may be considered primary capital. In addition, the Board has raised the limit on preferred stock over that proposed in November 1985, and it has declined to apply the limit through its Capital Guidelines to state member banks.

This amendment does not duplicate, overlap or conflict with any existing federal laws and regulations governing

state member banks and bank holding companies.

#### List of Subjects in 12 CFR Part 225

Banks, banking, Federal Reserve System, Holding companies, Capital adequacy, State member banks.

### PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority for Part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1843(c)(8), 1844(b), 3106, 3108, 3907, 3909.

2. The portion of Appendix A entitled "Definition of Capital to be used in Determining Capital Adequacy of Bank Holding Companies and State Member Banks" is amended by adding "perpetual debt" to the list of primary capital components, by removing footnote 3, and by adding a new subsection entitled "Limits on Non-common-Equity Forms of Primary Capital" to follow the list of primary capital components. The added and revised portions of Appendix A read as follows:

#### Appendix A—Capital Adequacy Guidelines for Bank Holding Companies and State Member Banks

##### Definition of Capital to be Used in Determining Capital Adequacy of Bank Holding Companies and State Member Banks

###### Primary capital components:

- The components of primary capital are:
- Common stock,
  - Perpetual preferred stock (preferred stock that does not have a stated maturity date and that may not be redeemed at the option of the holder),
  - Surplus (excluding surplus relating to limited-life preferred stock),
  - Undivided profits,
  - Contingency and other capital reserves,
  - Mandatory convertible instruments,<sup>2</sup>
  - Allowance for possible loan and lease losses (exclusive of allocated transfer risk reserves),
  - Minority interest in equity accounts of consolidated subsidiaries,
  - Perpetual debt instruments (for bank holding companies but not for state member banks).

###### Limits on Certain Forms of Primary Capital

**Bank Holding Companies.** The maximum composite amount of mandatory convertible securities, perpetual debt, and perpetual preferred stock that may be counted as primary capital for bank holding companies is limited to 33.3 percent of all primary capital, including these instruments. Perpetual preferred stock issued prior to

November 20, 1985 (or determined by the Federal Reserve to be in the process of being issued prior to that date), shall continue to be included as primary capital.

The maximum composite amount of mandatory convertible securities and perpetual debt that may be counted as primary capital for bank holding companies is limited to 20 percent of all primary capital, including these instruments. The maximum amount of equity commitment notes (a form of mandatory convertible securities) that may be counted as primary capital for a bank holding company is limited to 10 percent of all primary capital, including mandatory convertible securities. Amounts outstanding in excess of these limitations may be counted as secondary capital provided they meet the requirements of secondary capital instruments.

**State Member Banks.** The composite limitations on the amount of mandatory convertible securities and perpetual preferred stock (perpetual debt is not primary capital for state member banks) that may serve as primary capital for bank holding companies shall not be applied formally to state member banks, although the Board shall determine appropriate limits for these forms of primary capital on a case-by-case basis.

The maximum amount of mandatory convertible securities that may be counted as primary capital for state member banks is limited to 16% percent of all primary capital, including mandatory convertible securities. Equity commitment notes, one form of mandatory convertible securities, shall not be included as primary capital for state member banks, except that notes issued by state member banks prior to May 15, 1985, will continue to be included in primary capital. Amounts of mandatory convertible securities in excess of these limitations may be counted as secondary capital if they meet the requirements of secondary capital instruments.

3. That portion of Appendix A entitled "Criteria Applicable to Both Types of Mandatory Convertible Securities" is amended by removing paragraph (b) and footnote 4 and redesignating paragraphs (c) through (f) as paragraphs (b) through (e). Footnotes 5 and 6 are redesignated as footnotes 3 and 4.

4. That portion of Appendix A entitled "Additional Criteria Applicable to Equity Commitment Notes" is amended by deleting paragraph (d) and by redesignating footnotes 7 and 8 as footnotes 5 and 6.

5. Appendix A is amended by adding the following paragraphs at the end of the Appendix.

##### Criteria for Determining the Primary Capital Status of Perpetual Debt Instruments of Bank Holding Companies

1. The instrument must be unsecured and, if issued by a bank, must be subordinated to the claims of depositors.
2. The instrument may not provide the noteholder with the right to demand repayment of principal except in the event of

bankruptcy, insolvency, or reorganization. The instrument must provide that nonpayment of interest shall not trigger repayment of the principal of the perpetual debt note or any other obligation of the issuer, nor shall it constitute prima facie evidence of insolvency or bankruptcy.

3. The issuer shall not voluntarily redeem the debt issue without prior approval of the Federal Reserve, except when the debt is converted to, exchanged for, or simultaneously replaced in like amount by an issue of common or perpetual preferred stock of the issuer or the issuer's parent company.

4. If issued by a bank holding company, a bank subsidiary, or a subsidiary with substantial operations, the instrument must contain a provision that allows the issuer to defer interest payments on the perpetual debt in the event of, and at the same time as the elimination of dividends on all outstanding common or preferred stock of the issuer (or in the case of a guarantee by a parent company at the same time as the elimination of the dividends of the parent company's common and preferred stock). In the case of a nonoperating subsidiary (a funding subsidiary or one formed to issue securities), the deferral of interest payments must be triggered by elimination of dividends by the parent company.

5. If issued by a bank holding company or a subsidiary with substantial operations, the instrument must convert automatically to common or perpetual preferred stock of the issuer when the issuer's retained earnings and surplus accounts become negative. If an operating subsidiary's perpetual debt is guaranteed by its parent, the debt may convert to the shares of the issuer or guarantor and such conversion may be triggered when the issuer's or parent's retained earnings and surplus accounts become negative. If issued by a nonoperating subsidiary of a bank holding company or bank, the instrument must convert automatically to common or preferred stock of the issuer's parent when the retained earnings and surplus accounts of the issuer's parent become negative.

By order of the Board of Governors of the Federal Reserve System, November 3, 1986.

William W. Wiles,

Secretary of the Board.

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-NM-156-AD; Amdt. 39-5466]

#### Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

<sup>2</sup> See the definitional section below that lists the criteria for mandatory convertible instruments to qualify as primary capital.

**SUMMARY:** This amendment amends an existing airworthiness directive (AD) which requires inspection of trailing edge flap tracks for cracking on certain Boeing Model 747 airplanes. This amendment incorporates a decrease in the inspection intervals from 1,000 landings to 300 landings for the fourth fastener from the forward end of the flap track. This action is prompted by eight recent reports of cracking adjacent to the fourth fastener hole prior to the current 1,000 landing inspection interval. This recent service experience has shown that the present 1,000 landing inspection interval is inadequate. Cracking could lead to failure of the flap track and separation of the flap, which could result in partial loss of controllability of the airplane.

**DATE:** Effective December 18, 1986.

**ADDRESSES:** The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

**FOR FURTHER INFORMATION CONTACT:** Mr. Owen E. Schrader, Airframe Branch, ANM-120S; telephone (206) 431-1923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to amend Airworthiness Directive AD 84-19-02 to require inspection for cracking of the fourth fastener hole from the forward end of the trailing edge flap track at intervals of 300 landings, and subsequent repair, if necessary, was published in the *Federal Register* on August 4, 1986 (51 FR 27874). The comment period for the proposal closed on September 25, 1986.

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

On behalf of its members, the Air Transport Association (ATA) of America stated that it had no objection to the proposed rule change.

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

It is estimated that 101 airplanes of U.S. Registry will be affected by this AD, that it will take approximately 40

manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be \$161,000 for the initial inspection cycle.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under 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 rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations 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 AD 84-19-02, Amendment 39-4917 (49 FR 36819; September 20, 1984), as amended by Amendment 39-5314 (51 FR 18308; May 19, 1986), by revising paragraph A. to read as follows:

"A. Within 300 landings after the effective date of this Amendment, unless accomplished within the last 300 landings, and at intervals thereafter not to exceed 300 landings, visually inspect the flap track lower flanges and vertical webs at the front end for cracks adjacent to bolts number 1 through 4 in accordance with Boeing Alert Service Bulletin 747-57A2229, Revision 2, dated June 6, 1986, or later FAA-approved revisions. Cracked parts must be replaced prior to further flight.

**Note.**—These bolts pass through both the flap track and the front end of the fail-safe bar. Inspection of the flap track may be performed by borescope through access holes in the flap track fairing adjacent to the front of the track. The proper location and diameter for the access holes is provided in the service bulletin."

All persons affected by this rule who have not already received the service

bulletin from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective December 18, 1986.

Issued in Seattle, Washington, on November 4, 1986.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 86-25419 Filed 11-10-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 86-ANM-29]

#### Alteration of Redmond, OR, Transition Area

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action is necessary to alter the Redmond, Oregon, Transition Area prompted by a recent change to the description of a Federal airway in the vicinity of Portland, Oregon.

**EFFECTIVE DATE:** 0901, UTC, December 18, 1986.

**FOR FURTHER INFORMATION CONTACT:** Robert L. Brown, ANM-534, Federal Aviation Administration, Docket No. 86-ANM-29, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Telephone: (206) 431-2534

#### SUPPLEMENTARY INFORMATION:

#### The Rule

This amendment to Part 71.181 of the Federal Aviation Regulations amends the Redmond, Oregon, Transition Area by changing that airspace described as bounded by "east on V-121N" to "east on V-269." This change is necessary as a result of Airspace Docket No. 86-ANM-15 which renumbered V-121N to V-269. In addition, an editorial change is necessary to change the Juniper, Washington, MOA to the Juniper, Oregon, MOA. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. 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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore; (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of The Amendment

#### Part 71—[Amended]

Accordingly, pursuant to the authority delegated to me, Part 71 of 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.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

#### Redmond, Oregon—[Amended]

That airspace extending upward from 700 feet above the surface within 2 miles north and 13.5 miles south of the Redmond VORTAC 059° radial to 33 miles east of the VORTAC; within 2 miles each side of a 230° bearing from the center of the 5-mile radius circle centered on Roberts Field Airport extending from the radius of the 5-mile circle to 10 miles southwest of the airport; within 2 miles each side of Redmond VORTAC 162° radial extending from the VORTAC to 5 miles south of the VORTAC; within 2 miles each side of the Redmond VORTAC 281° radial extending from the VORTAC to 5 miles west of the VORTAC; and within 4 miles each side of the Redmond VORTAC 014° radial, extending from 15 miles north of the VORTAC to 35 miles north; that airspace extending upward from 1,200 feet above the surface within a 37-mile radius of the VORTAC between the 006° and 048° radials; within a 31-mile radius of the VORTAC between the 48° radial and a line 6 miles west of and parallel to the 189° radial; that airspace extending upward from 1,700 feet above the surface within a line beginning at Redmond, Oregon, VORTAC, extending north on V-25 to The Dalles, Oregon, VORTAC, east on V-112 to Pendleton, Oregon,

VORTAC, southeast on V-4 to Baker, Oregon, VORTAC, southwest on V-357 to Lakeview, Oregon, VORTAC, west on V-122 to Klamath Falls, Oregon, VORTAC, northwest on V-452 to Eugene, Oregon, VORTAC, east on V-269 to Redmond, Oregon, VORTAC, excluding that airspace within Federal airways, the Juniper, Oregon, MOA; the Lakeview Additional Control Area; the Baker, Oregon; Klamath Falls, Oregon; Pendleton, Oregon; The Dalles, Oregon; and Burns, Oregon, Transition Areas.

Issued in Seattle, Washington, on November 4, 1986.

William E. O'Neill,

Acting Manager, Air Traffic Division  
Northwest Mountain Region.

[FR Doc. 86-25417 Filed 11-10-86; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 97

[Docket No. 25118; Amdt. No. 1333]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

**Incorporation by reference**—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591.

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

#### For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

#### By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald K. Funai, Flight Procedures Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National

Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment 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 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC on October 31, 1986.

John S. Kern,

Director of Flight Standards.

#### Adoption of the Amendment

#### PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures,

effective at 0901 G.m.t. on the dates specified, as follows:

1. The authority citation for Part 97 continues to read as follows:

**Authority:** 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983; and 14 CFR 11.49(b) (2)).

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

... Effective December 18, 1986

Melbourne, FL—Melbourne Regional, VOR RWY 9R, Amdt. 18  
 Melbourne, FL—Melbourne Regional, VOR RWY 27L, Amdt. 11  
 Melbourne, FL—Melbourne Regional, LOC BC RWY 27L, Amdt. 8  
 Melbourne, FL—Melbourne Regional, NDB RWY 9R, Amdt. 13  
 Melbourne, FL—Melbourne Regional, ILS RWY 9R, Amdt. 8  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, VOR RWY 14, Amdt. 15  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, VOR RWY 22, Amdt. 9  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, VOR RWY 32, Amdt. 6  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, NDB RWY 32, Amdt. 4  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, ILS RWY 32, Amdt. 2  
 Sarasota/Bradenton, FL—Sarasota-Bradenton, ILS RWY 32, Amdt. 3  
 Rockford, IL—Greater Rockford, VOR RWY 12, Amdt. 2  
 Rockford, IL—Greater Rockford, LOC BC RWY 18, Amdt. 13  
 Rockford, IL—Greater Rockford, NDB RWY 36, Amdt. 23  
 Rockford, IL—Greater Rockford, ILS RWY 36, Amdt. 26  
 Rockford, IL—Greater Rockford, RADAR-1, Amdt. 5  
 Covington/Cincinnati, OH, KY—Greater Cincinnati Intl, ILS RWY 36, Amdt. 32  
 Baltimore, MD—Baltimore Washington Intl, ILS RWY 10 Amdt. 12  
 Baltimore, MD—Baltimore Washington Intl, ILS RWY 33L, Amdt. 4  
 Caro, MI—Caro Muni, VOR/DME-A, Amdt. 3  
 Warroad, MN—Warroad Intl-Swede Carlson Field, NDB RWY 31, Amdt. 4  
 Akron, OH—Akron-Canton Regional, VOR RWY 23, Amdt. 6  
 Akron, OH—Akron-Canton Regional, ILS RWY 1, Amdt. 33  
 Akron, OH—Akron-Canton Regional, ILS RWY 19, Amdt. 3  
 Akron, OH—Akron-Canton Regional, ILS RWY 23, Amdt. 6  
 Akron, OH—Akron-Canton Regional, RADAR-1, Amdt. 17

... Effective October 28, 1986

Obyan, N Mariana Islands—Saipan Intl, NDB RWY 7, Amdt. 4

Obyan, N Mariana Islands—Saipan Intl, NDB/DME RWY 7, Amdt. 2  
 Obyan, N Mariana Islands—Saipan Intl, NDB/DME RWY 25, Amdt. 2  
 Obyan, N Mariana Islands—Saipan Intl, ILS/DME RWY 7, Amdt. 3

... Effective October 23, 1986

Tuscaloosa, AL—Tuscaloosa Muni, VOR RWY 22, Amdt. 11  
 Tuscaloosa, AL—Tuscaloosa Muni, NDB RWY 4, Amdt. 8  
 Tuscaloosa, AL—Tuscaloosa Muni, ILS RWY 4, Amdt. 10  
 Big Lake, AK—Big Lake, VOR RWY 6, Amdt. 5  
 Rangeley, ME—Rangeley Muni, NDB-A, Amdt. 1  
 Corvallis, OR—Corvallis Muni, ILS RWY 17, Amdt. 1

... Effective October 22, 1986

North Myrtle Beach, SC—Grand Strand, VOR RWY 5, Amdt. 17  
 North Myrtle Beach, SC—Grand Strand, VOR/DME or TACAN RWY 5, Amdt. 3  
 North Myrtle Beach, SC—Grand Strand, VOR RWY 23, Amdt. 16  
 North Myrtle Beach, SC—Grand Strand, VOR/DME or TACAN RWY 23, Amdt. 2  
 North Myrtle Beach, SC—Grand Strand, NDB RWY 23, Amdt. 8  
 North Myrtle Beach, SC—Grand Strand, ILS RWY 23, Amdt. 7

[FR Doc. 86-25420 Filed 11-10-86; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 270

[Docket No. RM86-3-000]

#### Ceiling Prices, Old Gas Price Structure; Suspension of Effectiveness of Good Faith Negotiation Procedures Under Order No. 451

Issued: October 31, 1986.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Partial Suspension of Final Rule.

**SUMMARY:** On June 6, 1986, the Commission issued Order No. 451 establishing an alternative maximum lawful ceiling price for old gas. Order No. 451 also established a "good faith negotiation rule" with which first sellers must comply before collecting a higher price under any contract in effect on July 18, 1986, absent voluntary renegotiation of the contract to permit collection of a higher price. Order No. 451 became effective July 18, 1986. However, no producer was permitted to make a

nomination request under the good faith negotiation rule until November 1, 1986.

In order to assure that no party is required to renegotiate a contract under the good faith negotiation rule before the Commission has resolved the issues raised on rehearing, the Commission is suspending until December 18, 1986, the effectiveness of the provision under which a producer is permitted to make a nomination request until December 18, 1986.

**DATES:** This order was effective October 31, 1986; § 270.201(b)(1)(i) is suspended as of October 31, 1986.

**FOR FURTHER INFORMATION CONTACT:** Richard Howe, Jr., Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (202) 357-8303.

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve; Order postponing effectiveness of good faith negotiation procedures under Order No. 451.

On June 6, 1986, the Commission issued Order No. 451<sup>1</sup> establishing an alternative maximum lawful ceiling price for old gas. Order No. 451 also established a "good faith negotiation rule" with which first sellers must comply before collecting a higher price under any contract in effect on July 18, 1986, absent voluntary renegotiation of the contract to permit collection of a higher price.<sup>2</sup> Order No. 451 became effective July 18, 1986. However, no producer was permitted to make a nomination request under the good faith negotiation rule until November 1, 1986.<sup>3</sup>

On July 3 and 7, 1986, the Commission received sixty timely requests for rehearing of Order No. 451. Among other matters, rehearing applicants challenge the legality of various aspects of the good faith negotiation rule and request numerous clarifications concerning its operation. The Commission cannot give full and reasoned consideration to all the issues raised on rehearing by November 1, 1986. In order to assure that no party is required to renegotiate a contract under the good faith negotiation rule before the Commission has resolved the issues raised on rehearing, the Commission is postponing the date on which a producer is permitted to make a nomination request until December 18, 1986. All other aspects of Order No. 451 remain in effect. Our action today does not constitute, and is not intended to be,

an expression of the Commission's position on any of the issues raised in the petitions on rehearing.

*The Commission orders:*

The effectiveness of the date on which a producer is permitted to make a nomination request under the good faith negotiation rule in Order No. 451 (18 CFR 270.201) is hereby postponed until December 18, 1986.

By the Commission, Commissioner Trabandt concurred with a separate statement attached.

**Kenneth F. Plumb,**  
*Secretary.*

Therefore, in 18 CFR Part 270, § 270.201(b)(1)(i) is suspended until December 18, 1986.

**Ceiling Prices; Old Gas Pricing Structure**

Docket No. RM86-3-000

(Issued October 31, 1986)

*Concurring Opinion of Commissioner Charles A. Trabandt*

I would note that the sole legal effect of this order is simply to delay the earliest date upon which a producer may initiate the good faith negotiation (GFN) procedures in Order No. 451 from November 1, 1986, until December 18, 1986. The concept of GFN procedures was proposed originally by Secretary of Energy Herrington in his November 18, 1985, Notice of Proposed Rulemaking to eliminate vintage pricing of old gas. The concept was subsequently adopted by the Commission with certain modifications in Order No. 451, providing for initiation of the procedures at any time after October 31, 1986. I am persuaded that a brief delay is a responsible action if rehearing will not be complete by November 1.

The order on rehearing must address, *inter alia*, numerous requests for modification and clarification of the GFN procedures, including the technical procedural steps, and aspects of the rights and obligations of parties subject to GFN. Consequently, I agree that it is prudent to provide here for a modest pause while we complete action on rehearing, in order that all parties will have advance notice of our decisions prior to the actual initiation of any GFN.

I would emphasize, however, that my support for this order is based on my belief that our action here constitutes nothing more than a brief delay in the initiation of GFN. I am satisfied that the Commission recognizes and appreciates fully the need to provide as early as possible certainty and predictability for all parties subject to GFN, in order to allow them to proceed in a timely manner with required planning of business operations and regulatory activities under Order No. 451. Consequently, I would anticipate that the Commission will proceed promptly to complete rehearing of Order No. 451.

Further, I also am satisfied that our action here is not intended and should not be construed as any abandonment of or departure from the commitment to the fundamental objectives and principles of

Order No. 451, including the GFN concept. I would not be able to support this order if I had any doubt about the intent of the order or its impact on that commitment. I also would not support the order if I believed there was any risk that the GFN procedures, which are the heart of Order No. 451, would become a virtual hostage to any lengthy, extended delay in completing rehearing. Rather, as noted above, I am confident the Commission will complete rehearing in the near future.

Finally, it has been almost a year since Secretary Herrington first proposed the GFN concept to eliminate vintage-based pricing of old gas. I have strongly supported Commission action on the Secretary's initiative since it was first proposed. I believe it is appropriate at this time to make a final decision on that proposal. The modest pause in implementing GFN resulting from this order should not and must not impede our progress in achieving that objective.

For the above reasons, I concur in this order.

**Charles A. Trabandt,**  
*Commissioner.*

[FR Doc. 86-25076 Filed 11-10-86; 8:45 am]

BILLING CODE 6717-01-M

**18 CFR Part 271**

[Docket No. RM80-53]

**National Gas Ceiling Prices; Maximum Lawful Prices and Inflation**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order of the director, OPRP.

**SUMMARY:** Pursuant to the authority delegated by 18 CFR 375.307(k), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November, and December, 1986 and January, 1987. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

**EFFECTIVE DATE:** November, 1, 1986.

**FOR FURTHER INFORMATION CONTACT:** Raymond A. Beirne, Acting Director, OPRP (202) 357-8500.

Issued: October 24, 1986.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(k) of the Commission's

<sup>1</sup> 51 FR 22,168 (June 18, 1986).

<sup>2</sup> 18 CFR 270.201.

<sup>3</sup> 18 CFR 270.201(b)(1)(i).

regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November, and December, 1986 and January, 1987, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1)(2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table

II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to November, 1986 are found in the tables in §§ 271.101 and 271.102.

#### List of Subjects in 18 CFR Part 271

Natural gas.  
Raymond A. Beirne,  
Acting Director, Office of Pipeline and  
Producer Regulation.

#### PART 271—[AMENDED]

1. The authority citation for Part 271 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 et seq.; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

#### § 271.101 [Amended]

2. Section 271.101(a) is amended by inserting the maximum lawful prices for November, and December 1986 and January, 1987 in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Maximum lawful price per MMBtu for deliveries in—					
Subpart of part 271	NGPA section	Category of gas	Nov. 1986	Dec. 1986	Jan. 1987
B.....	102.....	New Natural Gas, Certain OCS Gas <sup>1</sup> .....	\$4.403	\$4.431	\$4.459
C.....	103(b)(1).....	New Onshore Production Wells <sup>2</sup> .....	3.141	3.151	3.161
	103(b)(2).....	New Onshore Production Wells <sup>2</sup> .....	3.772	3.791	3.810
E.....	105(b)(3).....	Intrastate Existing Contracts.....	4.330	4.354	4.378
F.....	106(b)(1)(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas <sup>3</sup> .....	1.796	1.802	1.808
G.....	107(c)(5).....	Gas Produced from Tight Formations <sup>4</sup> .....	6.282	6.302	6.322
H.....	108.....	Stripper Gas.....	4.716	4.746	4.776
I.....	109.....	Not Otherwise covered.....	2.601	2.609	2.617

<sup>1</sup> Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

<sup>2</sup> The maximum lawful price for tight formation gas is the lesser of the negotiated contract price of 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

<sup>3</sup> Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

<sup>4</sup> Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§104 and 106(A)

[Subpart D, Part 271]

Maximum lawful price per MMBtu for deliveries made in—			
Category of natural gas and type of sale or contract	Nov. 1986	Dec. 1986	Jan. 1987
Post-1974 gas: <sup>2</sup> All producers.....	\$2.601	\$2.609	\$2.617
1973-1974 Biennium gas:			
Small producer.....	2.199	2.206	2.213
Large producer.....	1.680	1.685	1.690
Interstate Rollover gas. All producers.....	.967	.970	.973
Replacement contract gas or completion gas:			
Small producer.....	1.233	1.237	1.241
Large producer.....	.948	.951	.954
Flowing gas:			
Small producer.....	.625	.627	.629
Large producer.....	.525	.527	.529
Certain Permian Basin gas:			
Small producer.....	.735	.737	.739
Large producer.....	.651	.653	.655
Certain Rocky Mountain gas:			
Small producer.....	.735	.737	.739
Large producer.....	.625	.627	.629
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69.....	.594	.596	.598
Other contracts.....	.549	.551	.553
Minimum rate gas: <sup>1</sup> All producers.....	.326	.327	.328

<sup>1</sup> Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.

<sup>2</sup> This price may also be applicable to other categories of gas. (See § 271.402, 271.602.)

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of November, and December 1986, and January, 1987 in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor <sup>1</sup>
1986:	
November.....	1.00311
December.....	1.00311
1987:	
January.....	1.00311

<sup>1</sup> By which price in preceding month is multiplied.

[FR Doc. 86-25479 Filed 11-10-86; 8:45 am]

BILLING CODE 6717-01-M

**OFFICE OF PERSONNEL  
MANAGEMENT****5 CFR Part 874****Assignment of Federal Employees'  
Group Life Insurance by Federal  
Judges***Correction*

In FR Doc. 86-24256 beginning on page 39361 in the issue of Tuesday, October 28, 1986 make the following correction:

**874.301 [Corrected]**

On page 39364, in § 874.301, in the first column, in the last line, "October" should read "November".

BILLING CODE 1505-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY****40 CFR Part 52**

[A-6-FRL-3107-3]

**Approval and Promulgation of  
Implementation Plans, Arkansas;  
Permit Fees**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** This notice proposes to approve a revision to the Arkansas State Implementation Plan (SIP) which: (1) gives the Arkansas Department of Pollution Control and Ecology (ADPC&E) the legal authority to establish and collect fees for environmental permits; and (2) implements a fee system for air permits issued by the ADPC&E. This action is in response to section 110(a)(2)(K) of the Clean Air Act which requires States to include a permit fee system in their SIPs.

The Governor of Arkansas submitted the SIP revision to EPA on December 16, 1985. Review of the revision indicates that Arkansas has met the requirements of section 110(a)(2)(K) of the Clean Air Act.

**EFFECTIVE DATE:** This action will be effective on January 12, 1987, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

**ADDRESSES:** Written comments on this action should be addressed to Thomas Diggs at the EPA Region 6 Air Programs Branch, SIP/NSR Section (address below). Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-AN), 1201 Elm Street, Dallas, Texas 75270

Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460  
The Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC

Arkansas Department of Pollution Control and Ecology, Division of Air Pollution Control, 8001 National Drive, Little Rock, Arkansas 72209.

**FOR FURTHER INFORMATION CONTACT:**

Bill Deese, Air Programs Branch, EPA Region 6, 1201 Elm Street, Dallas, Texas 75270, telephone (214) 767-9832 or (FTS) 729-9832. Reference Docket File Number AR-86-2.

**SUPPLEMENTARY INFORMATION:** Section 110(a)(2)(K) of the Clean Air Act requires the States to include a permit fee system in their SIPs. The States are required to collect fees from owners or operators of major stationary sources for permits issued pursuant to the Clean Air Act. The fees should be sufficient to cover the reasonable costs of reviewing and acting upon any application for such a permit and the cost of implementing and enforcing the terms and conditions of any such permit (excluding court costs and other costs associated with any enforcement action).

The Environmental Protection Agency (EPA) in 1981 developed a "Permit Fee Guideline" to assist States with the preparation of revisions to their SIPs which address the permit fee requirement. The guideline includes a review of the Clean Air Act requirements for permit fees; legislative history and relevant court cases; costs to be considered; basic program implementation considerations; and examples of fee systems in effect around the country. According to the guideline document, the states are given considerable flexibility in selecting the types of fees they could use to recover permit-related expenses. The guideline states on page 3 that, "[a]t a minimum, fees should be collected, for permits required under the Act, from major stationary sources as defined in section 302(j) of the Act, and as further defined under section 169(l) for prevention of significant deterioration, and section 169A(g)(7) for visibility protection."

The Arkansas 74th General Assembly passed Act 817 of 1983. Act 817 of 1983 added sections 82-1916 thru 82-1921 to the Arkansas Statutes to give the ADPC&E the legal authority to establish and collect fees for environmental permits. The Arkansas Commission on Pollution Control and

Ecology adopted ADPC&E Regulation No. 9 (Regulations for Development and Implementation of a Permit Fee System for Environmental Permits Issued by the Department of Pollution Control and Ecology) on November 16, 1984, after public notice and hearing. ADPC&E Regulation No. 9 fulfills a requirement of Arkansas Act 817 of 1983 by implementing a fee system for environmental permits issued by the ADPC&E.

The Governor of Arkansas on December 16, 1985, submitted Act 817 of 1983 and ADPC&E Regulation No. 9 to Region 6 EPA as a revision to the Arkansas SIP. Only those parts of ADPC&E Regulation No. 9 related to air permits are to be included in the SIP. Region 6 EPA has reviewed the SIP revision and found it, along with the existing Arkansas SIP, to satisfy all the requirements of section 110(a)(2)(K) of the Clean Air Act.

**Final Action**

By this notice, EPA is approving Arkansas Act 817 of 1983 and the portions of ADPC&E Regulation No. 9 relating to air permits as meeting the requirements of section 110(a)(2)(K) of the Clean Air Act.

EPA has reviewed this revision to the Arkansas SIP and is approving it as submitted. This action is taken without prior proposal because the change is non-controversial and EPA anticipates no adverse comments on it. The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice. However, if notice is received within 30 days of publication that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice will be published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 12, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the

requirements of section 3 of Executive Order 12291.

#### List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Incorporation by reference.

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

Dated: October 17, 1986.

Lee M. Thomas,  
Administrator.

#### PART 52—[AMENDED]

Part 52 of Chapter 1, Title 40

40 CFR Part 52 is amended as follows:

##### Subpart E—Arkansas

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.170 is amended by adding paragraph (c)(24) as follows:

##### § 52.170 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(24) A revision to the Arkansas Plan of Implementation for Air Pollution Control was submitted by the Governor on December 16, 1985.

(i) *Incorporation by reference.* (A) Act 817 of 1983 (permit fees) adopted March 25, 1983. Act 817 of 1983 added sections 82-1916 thru 82-1921 to the Arkansas Statutes. (B) Arkansas Department of Pollution Control and Ecology Regulation No. 9 (Regulations for Development and Implementation of a Permit Fee System for Environmental Permits) adopted by the Arkansas Commission on Pollution Control and Ecology on November 16, 1984. Only those portions of Regulation No. 9 related to air permits are incorporated.

[FR Doc. 86-25340 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[MM Docket No. 86-13; RM-5063; RM-4962]

##### Radio Broadcasting Services; Ringgold, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 270A to Ringgold, Georgia, as a first FM service, at the request of Bedros D. Daghlian. Additionally, a conflicting petition to allot Channel 270A to Dawnville, Georgia, as a first FM service at the request of Maria Teresa Spina, has been denied. Both petitioners and Marshall M. Brady, Jr. filed comments in the proceeding. Under our priorities for evaluating conflicting proposals, Ringgold should be favored as the more populous community. The transmitter site for Channel 270A at Ringgold is restricted to at least 7.8 kilometers (4.9 miles) east of the city. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 8, 1986; The window period for filing applications will open on December 9, 1986, and close on January 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-13, adopted October 15, 1986, and released October 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transportation Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

##### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

##### § 73.202 [Amended]

2. In § 73.202(b), the table of allotments, the entry for Ringgold, Georgia is amended to add Channel 270A.

Federal Communications Commission.

Charles Schott,  
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-25442 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

##### 47 CFR Part 73

[MM Docket No. 86-77; RM-4935]

##### Radio Broadcasting Services; Mattoon, IL

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 267A to Mattoon, Illinois, as a second FM service, at the request of Randall J. and Cathleen R. Miller.

With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 8, 1986; the window period for filing applications will open on December 9, 1986, and close on January 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, (202) 634-6530, Mass Media Bureau.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-77, adopted October 6, 1986, and released October 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

##### List of Subjects in 47 CFR Part 73

Radio broadcasting.

##### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

##### § 73.202 [Amended]

2. In § 73.202(b), the table of allotments, in the entry for Mattoon, Illinois, Channel 267A is added.

Federal Communications Commission.

Charles Schott,  
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-25443 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

##### 47 CFR Part 73

[MM Docket No. 86-50, RM-5140]

##### Radio Broadcasting Services; McCook, NE

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allocates Channels 230C2 and 253C2 to McCook, Nebraska, as the community's third and fourth local FM services, at the request of Donna Goad and Jerry Kautz. Channel 230C2 does not require the imposition of any site restriction. Channel 253C2 requires a site restriction of 8.0 kilometers (5.0 miles) north to avoid a short-spacing to the proposed allocation of Channel 250 to Colby, Kansas. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 8, 1986. The period for filing applications will open on December 9, 1986, and close on January 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-50, adopted October 7, 1986, and released October 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202(b) [Amended]**

1. In § 73.202(b), the table of allotments is amended by revising the entry for McCook, Nebraska, by adding Channels 230C2 and 253C2.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-25444 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 85-254, RM-4990]

**Radio Broadcasting Services; Aiken, SC**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document substitutes Channel 258C2 for Channel 257A at Aiken, South Carolina, and modifies the license of Station WNEZ(FM), Aiken, to specify the higher powered channel, at the request of Aiken Radio, Inc. The substitution of channels could provide expanded radio service to the Aiken area. Channel 258C2 at Aiken requires a site restriction of 22.8 kilometers (14.2 miles) northwest. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 8, 1986.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 85-254, adopted October 9, 1986, and released October 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio Broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. In § 73.202(b), the table of allotments is amended, in the entry for Aiken, South Carolina, by deleting Channel 257A and adding Channel 258C2.

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-25445 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 86-150; RM-5232, 5474]

**Radio Broadcasting Services; Loudon and Oliver Springs, TN**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 256A to Loudon, Tennessee, and Channel 254A to Oliver Springs,

Tennessee, at the request of Loudon Broadcasters, Inc., and Oliver Springs Broadcasting Company, respectively. A second FM service could be provided to Loudon and a first FM service at Oliver Springs. A site restriction of 3.5 kilometers (2.1 miles) northeast of Loudon is required. A site restriction of 9.9 kilometers (6.2 miles) northwest of Oliver Springs is required. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 8, 1986; The window period for filing applications will open on December 9, 1986, and close on January 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-150, adopted October 15, 1986, and released October 31, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202(b) [Amended]**

2. Section 73.202(b), the table of allotments, in the entries for Loudon, Tennessee, Channel 256A is added and Oliver Springs, Tennessee, Channel 254A is added.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86-25446 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

**DEPARTMENT OF DEFENSE****Department of the Air Force****48 CFR Part 5350****Department of the Air Force Federal Acquisition Regulation Supplement (AFFARS); Extraordinary Contractual Actions**

**AGENCY:** Department of the Air Force, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** FAR Subpart 50.4 is being supplemented by the Air Force to prescribe specific requirements for requesting indemnification and to iterate the criteria used for evaluating these requests.

**EFFECTIVE DATE:** August 21, 1986.

**FOR FURTHER INFORMATION CONTACT:** Major Tom Holubik, HQ USAF/RDCS, Pentagon, Washington, DC 20330-5040, (202) 697-6400.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

AFFARS Subpart 5350.4 implements Air Force policy on Pub. L. 85-804, E.O. 10789 as amended, and FAR Subpart 50.4, by listing the specific criteria for making, evaluating and approving requests for indemnification.

**B. Public Comments**

On December 4, 1985, a notice of the proposed rule was published in the *Federal Register* (50 FR 49708) requesting Government agencies, private firms, associations and the general public to submit comments to be considered in the formulation of the final rule. As a result of the notice, 3 comments were received and considered.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this final rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501, et. seq.

**D. Regulatory Flexibility Act**

The addition of AFFARS Subpart 5350.4 will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1985 (5 U.S.C. 601, et. seq.) because historically no small entity has been indemnified under Pub. L. 85-804 by the Air Force. Indemnification under Pub. L. 85-804 for nuclear or unusually hazardous risks has, in the past, been granted to large aerospace contractors for major weapon systems.

**List of Subjects in 48 CFR Part 5350**

Government procurement.

Therefore, Title 48 of the Code of Federal Regulations is amended by establishing Chapter 53 and Part 5350 as set forth below:

**CHAPTER 53—DEPARTMENT OF THE AIR FORCE FEDERAL ACQUISITION REGULATION SUPPLEMENT**

**Subchapter G—Contract Management**

**PART 5350—EXTRAORDINARY CONTRACTUAL ACTIONS**

**Subpart 5350.4—Residual Powers**

Sec.

- 5350.401 Standards for use.
- 5350.401-90 Indemnification under Pub. L. 85-804.
- 5350.403 Special procedures for unusually hazardous or nuclear risks.
- 5350.403-1 Indemnification requests.
- 5350.403-2 Action on indemnification requests.
- 5350.403-90 Analysis for indemnification requests.

Authority: 5 U.S.C. 301 and FAR 1.301.

**Subpart 5350.4—Residual Powers**

**5350.401 Standards for use.**

**5350.401-90 Indemnification under Public Law 85-804.**

(a) Only the Secretary can grant indemnification under Pub. L. 85-804 and E.O. 10789 as amended.

(b) The Air Force will consider indemnifying contractors under this authority when the risk arises out of an instrumentality or activity which is unusually hazardous or nuclear in nature with risk of loss so potentially great that the contractor's financial and productive capabilities would be severely impaired or disrupted. The indemnified risk shall be precisely defined and directly related to the intrinsically hazardous or nuclear nature of the instrumentality or activity, or to the potentially catastrophic loss. Indemnification may extend beyond the period of contract performance only when the potential for devastating financial loss may result from normal use of the product. Indemnification shall not be provided for other forms of "product liability" beyond that resulting from the unusually hazardous or nuclear risks initially defined in the contract.

(c) In addition to (b) above, the Air Force will consider indemnifying contractors against unusually hazardous or nuclear risks with a potential for catastrophic loss for the purpose of furthering programmatic aims in the interest of the national defense. Providing indemnification to further programmatic aims will be considered for only exceptional compelling circumstances. Programmatic aims include, but are not limited to, assuring or obtaining competition, avoiding prohibitive insurance costs or where obtaining insurance is precluded by the release of classified information.

Reducing or eliminating the insurance costs charged directly to a program does not in itself establish that insurance costs are prohibitive. Any request for indemnification for programmatic aims must clearly identify the programmatic purposes to be served and how indemnification will serve those purposes.

**5350.403 Special procedures for unusually hazardous or nuclear risks.**

**5350.403-1 Indemnification requests.**

Contractor requests for indemnification shall also include the following information:

(a) The risks for which indemnification is sought must be precisely defined and directly related to the intrinsically hazardous or nuclear nature of the instrumentality or activity or to the potentially catastrophic loss. Requests shall focus on only those risks for which insurance is not reasonably available at a reasonable cost or for which indemnification is necessary to further programmatic purposes.

(b) The risks must be related to a specific time-frame for which indemnification is required, and must indicate whether the time-frame extends beyond contract performance.

(c) The purposes to be served by indemnifications must be clearly identified and the needs for indemnification substantiated so that the scope and nature of the request may be fully evaluated.

**5350.403-2 Action on indemnification requests.**

(a)(1) Prior to recommending indemnification, contracting officers shall ascertain that the contractor maintains financial protection in the form of liability insurance in amounts considered to be prudent in the ordinary course of business within the industry. In addition, the contractor shall submit evidence, such as a certificate of insurance or other customary proof of insurance, that such insurance is either in force or is available and will be in force during the indemnified period. A copy of the latest report on the contractor's insurance issued by the cognizant Government reviewing activity (i.e., AFPRO, DCAS, etc.) shall be submitted with the request for indemnification. The fact that insurance will be a direct cost to the program will not in itself be cause for a determination that financial protection is not reasonably available, although the cost of such insurance over and above the contractor's usual and customary cost for insurance will be considered.

(2) Notwithstanding (1) above, there may be cases in which the Air Force will determine to indemnify the contractor only against losses in excess of an identified dollar amount.

(3) Whether certain risks are unusually hazardous or nuclear in nature requires a reasoned judgement based on the facts and circumstances of each case. Considerations which will assist in making that determination include—

(i) Understanding the nature of the risk for which indemnification is being requested and its relation to the product or activity;

(ii) Assuring there is a clear, precise definition of the unusually hazardous or nuclear risk;

(iii) Ascertaining the time-frame for indemnification;

(iv) Identifying the programmatic objectives for providing the indemnification requested such as assuring competition, avoiding prohibitive insurance costs, assuring contractor performance of essential services, or assuring protection of contractors from catastrophic loss where, for security reasons, adequate information cannot be disclosed to insuring activities to establish insurance coverage; and

(v) Determining that the indemnification provided serves the identified programmatic purposes.

(4) Contracting officers shall also assure that the contractor has an adequate, existing, and on-going industrial safety program prior to recommending indemnification. If indemnification is to extend into the period of use of the supplies or equipment, the contracting officer shall assure that the contractor has and maintains adequate system design, production engineering, and quality control procedures and systems. A copy of the current safety report issued by the cognizant Government reviewing activity (i.e., AFPRO, DCAS, etc.) shall be submitted with the request for indemnification.

(5) Requests for indemnification shall be considered on a case-by-case basis and must be supported by all of the data required by FAR 50.403 and this Supplement.

(6) Requests that are based on programmatic objectives shall be submitted over the signature of the Commander or not lower than the Vice Commander of the MAJCOM.

(7) Requests for indemnification authority shall be submitted through channels to HQ USAF/RDC.

(b) Upon receipt of authority to indemnify the agreed upon risk, and prior to inclusion of the appropriate

indemnification clause in the contract, the contractor shall provide the PCO with a copy of the certificate of insurance, the policy or other binder evidencing that the insurance coverage required is current and in effect.

#### 5350.403-90 Analysis for indemnification requests.

The following information and analysis shall be included to supplement the information required by FAR 50.403-2:

(a) A clear, precise definition of the risk in establishing the relationship of the system/equipment to the intrinsically hazardous or nuclear nature of the instrumentality or activity.

(b) For risks arising from instrumentalities or activities which are unusually hazardous or nuclear in nature, elaborate on the "unusually" hazardous versus hazardous nature. Many private sector activities are hazardous and a clear distinction must be shown.

(c) Dates or measurable activities (e.g., delivery of the last unit) when indemnification will start and stop.

(d) Define the programmatic objectives that cannot be otherwise accomplished and identify the programmatic consequences if indemnification is not granted.

(e) Discuss any deductibles and apportionment of loss provisions in applicable insurance coverages.

(f) When indemnification is to extend beyond acceptance and into the period of use, requests shall include a determination that the contractor has adequate system design, production engineering, and quality control procedures and systems.

(g) A determination by the Commander of the buying activity that indemnification is required to satisfy the programmatic objectives.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 86-25422 Filed 11-10-86; 8:45 am]

BILLING CODE 3910-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 86-02; Notice 2]

### Federal Motor Vehicle Safety Standards for Lamps, Reflective Devices, and Associated Equipment

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

**ACTION:** Final rule.

**SUMMARY:** This notice adopts amendments to Safety Standard No. 108 to allow motor vehicles including motorcycles to be equipped with Type A and Type E headlamps with a simplified mounting system intended to improve the incidence of correct headlamp aim. The headlamps are designated Type G and Type H. The retaining ring and mounting ring assembly used to hold the headlamp in place are eliminated. The new mounting system incorporates integral mounting/aiming tabs on the body of the headlamp and permits the headlamp to attach directly to the aiming screws, and thus the car body.

**EFFECTIVE DATE:** November 12, 1986.

**ADDRESS:** Petitions for reconsideration should refer to the docket number and notice number and be submitted to: Administrator, NHTSA, 400 Seventh Street SW., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Jere Medlin, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, DC 20590 (202-366-5281).

**SUPPLEMENTARY INFORMATION:** On December 20, 1984, Chrysler Corporation petitioned the National Highway Traffic Safety Administration for rulemaking to amend 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* to allow the use of a new mounting system it had developed for plastic headlamps. According to Chrysler, its new system reduces vehicle weight, is less costly, and simplifies headlamp aim and replacement. The headlamps and their mounting system continue to meet all applicable performance requirements of Standard No. 108, including vibration, corrosion, and photometrics. The agency granted Chrysler's petition, and on March 25, 1986, published a notice of proposed rulemaking (51 FR 10237).

Until 1983, headlamp systems specified by Standard No. 108, consisted of sealed beam headlamps, rings for mounting and aiming purposes, and rings for retaining the headlamps. At that time Standards No. 108 was amended to permit the replaceable bulb headlamp in which the size and shape are left to the manufacturer's design and thereby vary significantly from that of traditional sealed beam lamps. Attendant with this styling freedom was the freedom to mount the lamps in whatever manner the designer chose though continuing to meet aim performance requirements. The method that has evolved is the placement of

mounting tabs and ball joints on the rear of the reflector area. These integral mounting tabs attach to the screws and pivots which are the headlamp's aim adjustment mechanism, and the traditional metal mounting and retaining rings are eliminated.

Chrysler's petition expands the use of such integral mounting/aiming systems from replaceable bulb headlamps to two types of sealed beam headlamps. As the Notice of Proposed Rulemaking observed, the new mounting system, which Chrysler calls the "Integral Mount Sealed Beam Headlamp System" eliminates the traditional metal retaining ring and metal mounting ring assembly used to hold a sealed beam headlamp in the vehicle. This simplified mounting system incorporates integral mounting/aiming tabs on the body of the sealed beam headlamp and permits the headlamp to attach directly to the aiming screws, and thus the car body. Chrysler wishes to introduce this integral mounting system on headlamps which are physically and functionally similar to the Type A, the four lamp, small rectangular, headlamp system, and the Type E, the two lamp, small rectangular headlamp system. Because the mounting system would be an integral part of the headlamp, the headlamps so manufactured would not be interchangeable with Type A or Type E sealed beam headlamps. Therefore, Type A and Type E headlamp systems incorporating such an integral mount would be considered a "new" system and would need a designation to differentiate them from standard Type A and Type E systems. Accordingly, Chrysler suggested Type G and Type H as the new designations.

The two major changes to the standard desired by Chrysler deal with the dimensional aspects of sealed beam headlamp design related to interchangeability features and the lamp system nomenclature. Chrysler suggested permitting vehicles to be equipped with two Type 1G1 and two Type 2G1, or two Type 2H1 headlamps, designed to conform to the dimensional requirements and the applicable performance requirements normally required of existing sealed beam headlamps and headlamp systems.

Chrysler attributed the following benefits to the simplified mounting system:

- Weight savings of one half pound per headlamp over existing plastic sealed beam headlamp systems. This will enhance fuel economy.

- Simplified headlamp replacement; only two screws (instead of four) required to remove the lamp and install its replacement.

- Lamp reaim upon replacement is unnecessary if the aiming screws are not disturbed. Chrysler claims that, because it has specified a certain close relationship between the aiming pads and the mounting tabs/mounting ball, lamp aim will be unaffected by replacement.

- Simplified aiming process because fewer adjustments are necessary for proper aim than current aiming systems. Chrysler also claims that headlamp aiming, when re-aiming is necessary, will be performed better, faster and more willingly.

In support of some of those claims, Chrysler provided pertinent data. For example, to demonstrate the improvement in aimability, Chrysler performed an aim deviation test where integral mount lamp assemblies were exercised through the full range of aim adjustment, vertically or horizontally. Chrysler found that the mean vertical aim deviation with the integral mount system was 32 percent of that of the standard Chrysler headlamp mounting system and 14 percent of the mean deviation in the horizontal axis.

Chrysler specified a close relationship in the aiming and mounting planes so that replacement lamps will achieve essentially the same aim as the originals. The petitioner offered data which show the variability in aim when standard sealed beam lamps are replaced, and when integral mount sealed beam lamps are replaced. The standard lamps had a mean aim deviation of 1.262 inches horizontal and 3.374 inches vertical. The integral mount lamps had a mean aim deviation of 0.799 inch horizontal and 0.879 inch vertical. This shows a replacement aim error improvement of 31 percent horizontal and 74 percent vertical for the samples tested. Based on the results, Chrysler argued that the new system can be replaced without reaim. This is in distinct contrast to most existing sealed beam lamps which often require reaim upon replacement.

To assure that proper interchangeability occurs with sealed beam headlamps incorporating the integral mounting system, Chrysler submitted drawings which prescribe the necessary interchangeability dimensions and features (proposed as Figures 17 and 18). These figures also require that the nearly-identical Type 2G1 and the 1G1, be designed with a different spacing on the mounting tabs to assure non-interchangeability since one is a lower beam lamp and the other is an upper.

Additionally, Chrysler stated that the new headlamp systems will be designed to conform to all applicable tests as met

by existing sealed beam lamps. This would include lamp retention, torque deflection, aim adjustment, inward force, connector tests, and photometry tests.

After review of the new mounting system, NHTSA tentatively concluded that it offers the potential for improved headlamp aim at the time of the vehicle's manufacture with the possibility of no further reaim during the life of the vehicle, even upon headlamp replacement. This would provide an enhancement of motor vehicle safety, though the benefits cannot be quantified. To achieve these benefits, when the lamp systems go into production, they must achieve the same level of aim performance that the prototypes achieved. If production tolerances closely approximate those of the prototypes, the system will be likely to remain properly aimed over the vehicle's life, and fulfill Chrysler's expectations for it.

Therefore, NHTSA proposed on March 25, 1986, amendments of the nature Chrysler requested, however, the system would be a modification of all Type A and Type E headlamps and not just those with plastic lenses. NHTSA also proposed that Type G and Type H be available for use on motorcycles, though benefits for that application are less clear.

Seven comments were received on the proposal. The new headlamps and mounting system were endorsed by Ford Motor Company, Chrysler, GE, and Volkswagen of America. Ford and Chrysler suggested a clarification of the torque deflection test to specify that a second reading on the thumb wheel shall be taken. The agency concurs, and the rule adopts this suggestion. General Electric stated that the consumer's best interests are not necessarily served by the action, because it is unlikely that retail automotive parts outlets will stock presumably low-demand Type G and Type H headlamps. While this may be true, the new headlamps should be available from the parts departments of all dealers who sell vehicles equipped with the new headlamps, and the consumer's search for a replacement lamp need not compromise safety. Corning also opposed the new system for the same reason. Stanley Electric Co., and Koito also raised the issue of proliferation. Both Koito Electric Co. and Stanley objected to the proposal because it covers a design of a proprietary nature, and that its use, at least in the United States should be on a royalty-free basis. After reviewing these comments, Chrysler filed a statement in the docket on June 10, 1986, that "all

manufacturers of motor vehicles, headlamps or headlamp components" wishing to manufacture or use the new system "will be granted royalty-free non-exclusive licenses to use the mounting system upon request, under U.S. patents and U.S. patent applications . . . to the extent that use of the mounting system is necessary to employ the proposed optional headlamp system on motor vehicles regulated by the U.S. Motor Vehicle Safety Standards." NHTSA has therefore decided to adopt the rule as proposed.

NHTSA has considered this rule and has determined that it is not major within the meaning of Executive Order 12291 "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures. The economic impact is expected to be minimal and therefore, a regulatory evaluation has not been prepared. Since use of the headlamps is optional, the rule will not impose additional requirements or costs but will permit manufacturers greater flexibility in use of headlighting systems.

NHTSA has analyzed this rule for the purposes of the National Environmental Policy Act. The rule may have a small positive effect on the human environment since the weight and quantity of materials used in the manufacture of headlamps will be reduced.

The agency has also considered the impacts of this rule in relation to the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rule are generally not small businesses within the meaning of the Regulatory Flexibility Act. Finally, small organizations and governmental jurisdictions will not be significantly affected since the price of new vehicles, headlamps, and aimers adjusters will be minimally impacted.

Because this amendment relieves a restriction and because of the necessity of vehicle, headlamp, and bulb

manufacturers to plan production and distribution on an orderly basis, the agency finds that an immediate effective date is in the public interest.

The engineer and lawyer primarily responsible for this rule are Jere Medlin and Taylor Vinson, respectively.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

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

**Authority:** 15 U.S.C. 1392, 1401, 1403, 1417; delegation of authority at 49 CFR 1.50.

#### § 571.108 [Amended]

In consideration of the foregoing, 49 CFR 571.108 Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* is amended as follows:

2. In paragraph S4.1.1.34 the following are added to the chart of headlighting types.

System	Headlamp type	Number of headlamps
7	Type 1G1 and Type 2G1	1 lamp each.
8	Type 2H1	1 lamp.

3. New paragraphs S4.1.1.47 and S4.1.1.48 are added to read:

S4.1.1.47 Instead of being equipped with a headlamp system specified in Table I and Table III, a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or after September 1, 1986, may be equipped with a Type G headlamp system consisting of two type 1G1 and two type 2G1 headlamps or a Type H headlamp system consisting of two type 2H1 headlamps that are designed to conform to the following requirements:

(a) The dimensions specified in Figures 21 and 22.

(b) The requirements of SAE Standard J579c, *Sealed Beam Headlamp Units for Motor Vehicles*, December 1978.

(c) The requirements of SAE Standard J580 AUG79, *Sealed Beam Headlamp Assembly*, with the following exceptions:

(1) Sections 2.2, 2.3, 4, 6.3 and 6.5  
(2) In place of Sections 6.3 and 6.5, the following requirements shall be met:

(i) *Retention Test.* The sealed beam unit shall remain held securely in its design position after 20 replacements.

(ii) *Torque Deflection Test.* The headlamp assembly to be tested shall be mounted in the designed vehicle position and set at nominal aim (0.0). A special adaptor (Figure 18) for the deflectometer of Figure 3 shall be clamped onto the headlamp assembly. A torque of 20 lb.-in. (2.25 N-m) shall be applied to the headlamp assembly through the deflectometer, and a reading on the thumb wheel shall be taken. The torque shall be removed and a second reading on the thumb wheel shall be taken. The difference between the two readings shall not exceed 0.30 degree.

S4.1.1.48 The lens of each headlamp designed to conform with paragraph S4.1.1.47 shall be marked with the symbol "DOT" (either horizontally or vertically) which shall constitute certification that the headlamp conforms to applicable Federal motor vehicle safety standards, and with one of the following designations as appropriate:

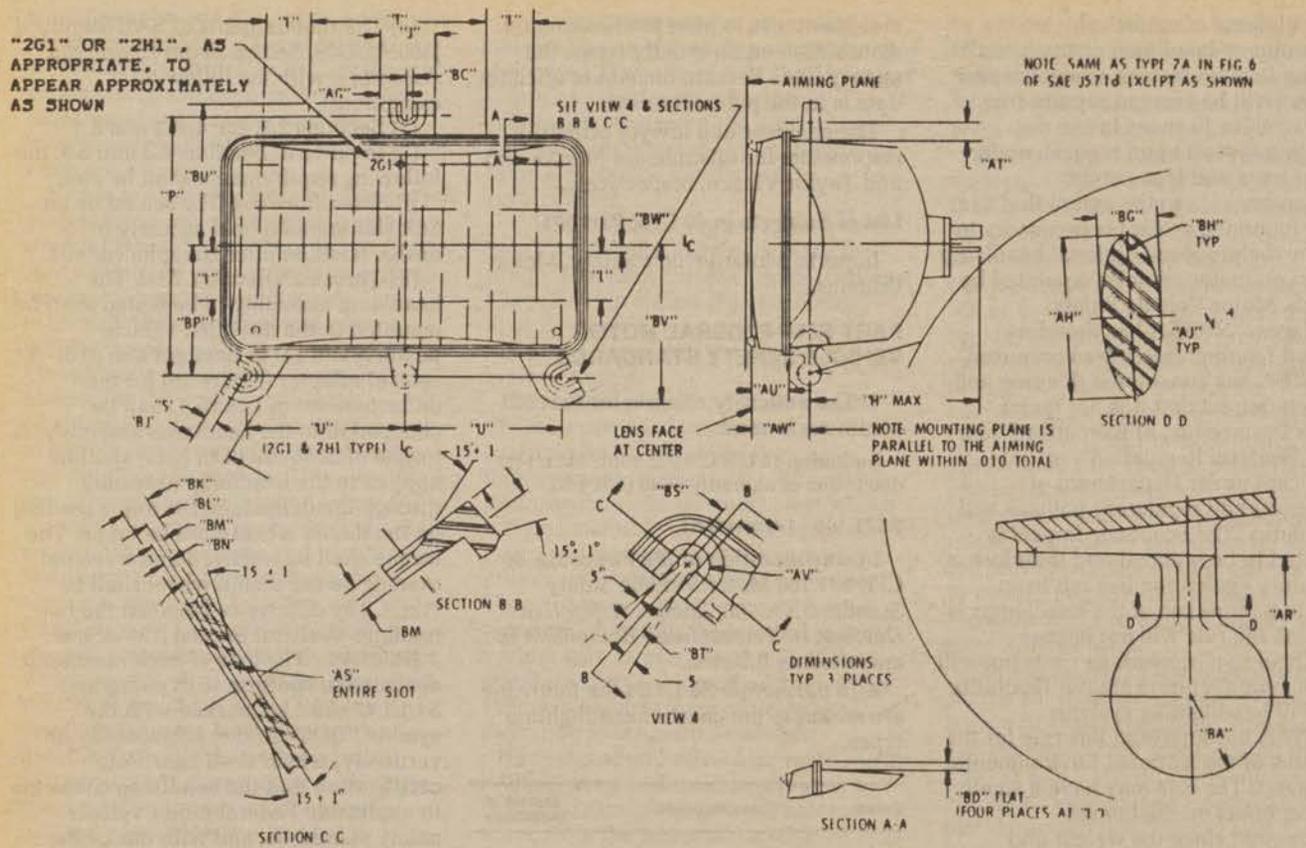
(a) A lens for a headlamp, nominal size 100 x 165 mm, incorporating an upper beam only and meeting the upper beam performance requirement of SAE J579c December 1978, Table 2, Upper Beam, shall be labeled 1G1.

(b) A lens for a headlamp, nominal size 100 x 165 mm, incorporating both an upper beam and a lower beam meeting the performance requirements of SAE J579c December 1978, Table 2 Upper Beam and Lower Beam shall be labelled 2G1.

(c) A lens for a headlamp, nominal size 100 x 165 mm, incorporating both an upper beam and a lower beam meeting the performance requirements of SAE J579c December 1978, Table 1 shall be labelled 2H1.

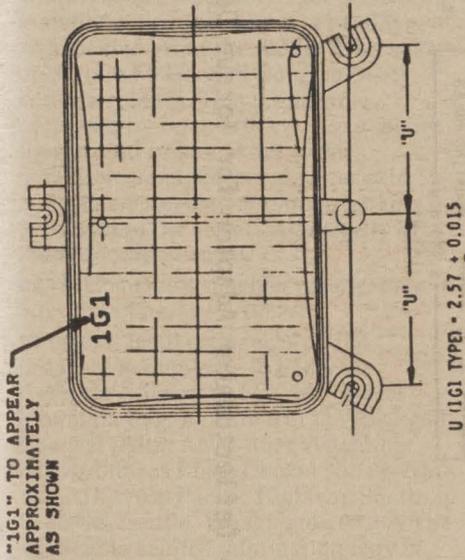
4. Figures 18, 21, and 22 are added as follows:

BILLING CODE 4910-59-M



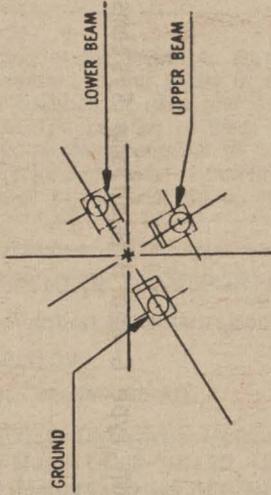
LETTER	IN	mm	LETTER	IN	mm
H MAX	3.499 ± 0.015	88.868 ± 0.381	BA	0.220 SPHER. R	5.59 SPHER. R
J	1.00 ± 0.015	25.40 ± 0.381	BC	0.197 ± 0.005	5.004 ± 0.127
L	1.25 MIN	31.75	BD	0.040 MIN	1.016 MIN
P	4.80 ± 0.026	121.92 ± 0.660	BG	0.150 ± 0.010	3.81 ± 0.254
S	0.250 ± 0.005	6.35 ± 0.127	BH	0.032R	0.813R
T	2.26 ± 0.01	57.40 ± 0.25	BJ	0.720 ± 0.015	18.288 ± 0.381
U	2.82 ± 0.015	71.63 ± 0.381	BK	0.125 ± 0.005	3.175 ± 0.127
AG	0.500 ± 0.01	12.70 ± 0.25	BL	0.062 ± 0.005	1.575 ± 0.127
AH	0.410 ± 0.010	10.414 ± 0.254	BM	0.064 ± 0.004	1.62 ± 0.102
AJ	0.42 ± 0.010	10.668 ± 0.254	BN	0.032 ± 0.004	0.813 ± 0.102
AR	0.37 MIN	9.40 MIN	BP	2.45 ± 0.015	62.23 ± 0.381
AS	0.03R ± 0.0, -0.03	0.76R ± 0.0, -0.76	BS	0.178, 0.181 DIA	4.521, 4.597 DIA
AT	0.230 MIN	5.84 MIN	BT	0.174, 0.176	4.420, 4.470
AU	0.66 ± 0.040	16.76 ± 1.02	BU	2.73 ± 0.015	69.342 ± 0.381
AV	0.20 ± 0.01R	5.08 ± 0.254	BV	2.980 ± 0.015	75.692 ± 0.381
AW	1.100 ± 0.040	27.94 ± 1.02	BW	0.160 ± 0.01	4.06 ± 0.25

Fig. 18 - Dimensional Specifications for Integral Mount Sealed Beam Headlamps, Types G and H



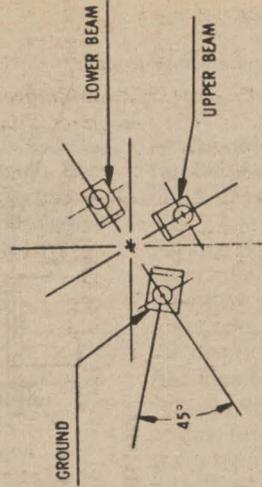
NOTE: FOR TERMINAL DIMENSIONS SEE FIG. 6 OF SAE J 571d.

TERMINAL ORIENTATION TYPE 2G1 HEADLAMPS



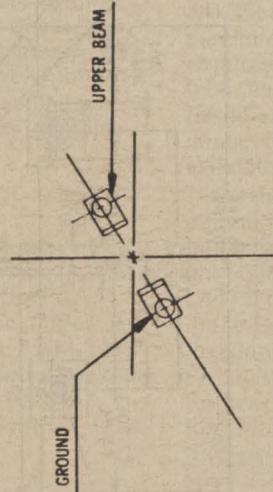
SAME ORIENTATION AS A TYPE 2A1.

TERMINAL ORIENTATION TYPE 2H1 HEADLAMPS



SAME ORIENTATION AS A TYPE 2E1.

TERMINAL ORIENTATION TYPE 1G1 HEADLAMPS



SAME ORIENTATION AS A TYPE 1A1.

Fig. 21 - Non-Interchangeability Configurations for Integral Mount Sealed Beam Headlamps, Types G and H

NOTES: SAME AS DEFLECTOMETER IN SAE J580 F103 EXCEPT AS SHOWN  
 WEIGHT OF EYE BOLT & HEIGHT ASSY. TO BE (3.4LBS.-11.36KG)

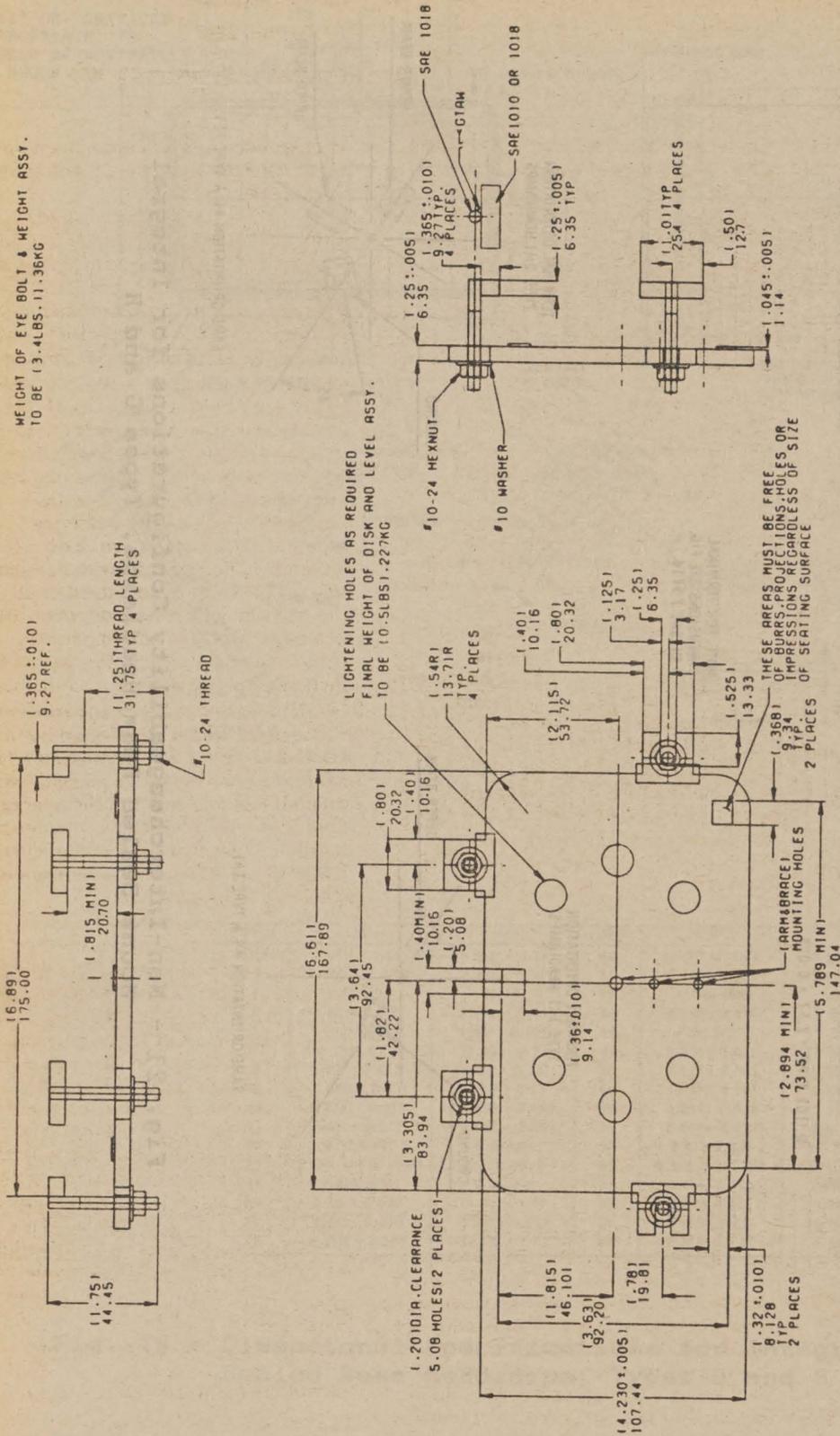


Fig 22 - Deflectometer Adaptor for Torque Deflection Tests on Type G and H Headlamp Systems

# Proposed Rules

Federal Register

Vol. 51, No. 218

Wednesday, November 12, 1986

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 86-NM-198-AD]

#### Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and C-9 (Military) Series Airplanes, Fuselage Numbers 1 through 619

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes a new airworthiness directive (AD) which would require inspections for cracks and installation of stiffeners on 11 rudder ribs located aft of the rudder front spar on certain McDonnell Douglas DC-9 series airplanes. This proposal is prompted by reports of cracks in the rib flanges and rudder skins. If this condition is not corrected, outer skin cracks may develop and progress to a point where the structural integrity of the rudder is affected.

**DATE:** Comments must be received no later than January 5, 1987.

**ADDRESS:** 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-198-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). 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 Michael N. Asahara, Sr., Aerospace

Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

#### 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-198-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

##### Discussion

Four operators have reported that X-ray inspections revealed cracks in the rudder rib flanges on McDonnell Douglas Model DC-9 series airplanes having logged as few as 5,000 hours. McDonnell Douglas' analyses and tests determined that the cracking resulted from acoustically induced vibration. If this condition is not corrected, outer skin cracks may develop and progress to a point where the structural integrity of the rudder would be jeopardized; this could result in the loss of rudder effectiveness. Installation of stiffeners

on the rudder ribs will strengthen the rudder and minimize the potential for crack development.

McDonnell Douglas has issued DC-9 Service Bulletin 55-23, Revision 4, dated September 8, 1986, which describes a repetitive inspection program to inspect for cracks, and describes procedures for the installation of stiffeners on 11 rudder ribs located aft of the rudder front spar.

Since this condition is likely to exist or develop on other airplanes of this same type design, an airworthiness directive (AD) is proposed which would require repetitive inspections and repair, if necessary, in accordance with McDonnell Douglas DC-9 Service Bulletin 55-23. Installation of rib stiffeners in accordance with Service Bulletin 55-23, or replacement of all affected ribs with new production .040-inch thick 2024-T42 aluminum ribs, would constitute terminating action for the repetitive inspections.

It is estimated that 619 airplanes of U.S. registry would be affected by this AD, that it would take approximately 85 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$2,104,600.

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 DC-9 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### The Proposed Amendment

#### PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator,

the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

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

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

2. By adding the following new airworthiness directive:

**McDonnell Douglas:** Applies to McDonnell Douglas Model DC-9-10, -20, -30, -40, and C-9 (Military) series airplanes, Fuselage Numbers 1 through 619, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent outer skin cracks of the rudder and subsequent damage to adjacent structure, within 1,800 landings, or 9 months, after the effective date of this AD, whichever occurs earlier, accomplish the following, unless already accomplished within the last 1,200 landings:

A. Radiographically inspect rudder ribs for cracks, in accordance with McDonnell Douglas DC-9 Service Bulletin 55-23, Revision 4, dated September 8, 1986, hereinafter referred to as S/B 55-23, or later FAA-approved revisions, and accomplish the following:

1. If no cracks are found, accomplish repetitive inspections at intervals not to exceed 3,000 landings, until such time as the requirements of paragraph A.3., below, are accomplished.

2. If cracks are found, accomplish one of the following, as applicable:

a. For cracks in rudder ribs only:

(1) If one rib is found cracked and the total length of crack does not exceed one-half the length of the cracked rib, perform repetitive inspections for rudder skin crack(s) in accordance with S/B 55-23, at intervals not to exceed 150 landings, until such time as the requirements of paragraph A.3., below, are accomplished.

(a) If the rib crack exceeds one half the length of the cracked rib, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If skin crack(s) are found, accomplish the requirements of paragraph A.2.b., below.

(2) If two adjacent ribs are found cracked and the total length of cracks for each rib does not exceed 6.0 inches, perform repetitive inspections for rudder skin cracks in accordance with S/B 55-23, at intervals not to exceed 150 landings, until such time as the requirements of paragraph A.3., below, are accomplished.

(a) If the rib crack exceeds 6.0 inches, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If a skin crack(s) is found, accomplish the requirements of paragraph A.2.b., below.

(3) If two alternate ribs are found cracked, and the total length of the cracks does not exceed 16.0 inches, perform repetitive inspections for rudder skin cracks in accordance with S/B 55-23, at intervals not to exceed 150 landings until such time as the requirements of paragraph A.3., below, are accomplished.

(a) If the rib cracks exceed 16.0 inches, accomplish the requirements of paragraph A.2.b.(1), below.

(b) If a skin crack is found, accomplish the requirements of paragraph A.2.b., below.

(4) If more than two ribs are found cracked, notwithstanding the crack lengths, accomplish the requirements of paragraph 2.b.(1), below.

b. For cracks found in the rudder skin, or rudder rib and skin, accomplish the following:

(1) Before further flight, accomplish repairs to cracked rib(s) in accordance with S/B 55-23, or later FAA-approved revisions.

(2) Upon completing repairs to cracked rib(s), accomplish skin repair in accordance with McDonnell Douglas DC-9 Structural Repair Manual, Section 55-03.

3. Installation of rib stiffeners in accordance with S/B 55-23, or replacement of all affected ribs with new production .040-inch thick 2024-T42 aluminum ribs, constitutes terminating actions for the repetitive inspections required by this AD.

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

C. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes with rudder rib cracks only (within the limits of this AD) to a base in order to comply with the requirements of this AD. For airplanes with rudder skin cracks, the rudder must be repaired or replaced prior to next flight.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). 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 November 4, 1986.

**Frederick M. Isaac,**

*Acting Director, Northwest Mountain Region.*

[FR Doc. 86-25418 Filed 11-10-86; 8:45 am]

BILLING CODE 4910-13-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 86

[AMS-FRL-3107-6]

#### Certification Program for Trading and/or Banking of Oxides of Nitrogen and Diesel Particulate Emission Credits for Heavy-Duty Engines; Public Workshop and Extension of Comment Period

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public workshop and extension of comment period.

**SUMMARY:** This notice announces the scheduling of a public workshop on the concept of a certification program for the trading and/or banking of oxides of nitrogen and diesel particulate emission credits for heavy-duty engines and extends the period for comments on EPA's staff report and economic analysis on this subject. These credits could be used by the manufacturers as part of their efforts to demonstrate compliance with the heavy-duty engine emission standards for these pollutants and would complement the emissions averaging program in place for these pollutants beginning in the 1991 model year. The notice of report availability and request for comments on these materials was first published on September 8, 1986 (51 FR 31959).

**DATES:** A public workshop on the issues raised in EPA's staff report and economic analysis will be held on January 22, 1987. The workshop will convene at 9:30 a.m., and will adjourn at such a time as is necessary to complete the testimony and discussions which will follow.

Those parties wishing to provide a prepared response to the issues raised in EPA's analysis should inform the person indicated under **FOR FURTHER INFORMATION CONTACT** not later than one week prior to the workshop. It is also requested that a copy of the prepared response be provided to the person indicated under **FOR FURTHER INFORMATION CONTACT** not later than a week prior to the workshop.

In order to insure full consideration in the Agency's analysis of comments on the trading and banking concepts, all comments on the staff report, economic analysis, and responses to issues raised in the public workshop should be submitted in writing by February 23, 1987.

**ADDRESSES:** The public workshop will be held in the Conference Room of the Environmental Protection Agency, Motor Vehicle Emission Laboratory,

2565 Plymouth Road, Ann Arbor, Michigan 48105.

Single copies of the staff paper and the economic analysis reports are still available and may be obtained by contacting: Ms. Jacqueline L. Whelchel, Emission Control Technology Division, U.S. EPA, 2565 Plymouth Road, Ann Arbor, MI 48105, 313-668-4423.

Those persons desiring to provide written comments on EPA's analyses and other issues raised at the workshop should submit those comments in duplicate directly to the person indicated under **FOR FURTHER INFORMATION CONTACT**. Commenters desiring to submit proprietary information should clearly distinguish such information from other comments to the greatest extent possible, and label it "Confidential Business Information."

Information covered by such a proprietary claim will be disclosed by EPA only to the extent and by means of the procedures set forth in the 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

**FOR FURTHER INFORMATION CONTACT:** Mr. Glenn W. Passavant, Emission Control Technology Division (SDSB-12), U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313-668-4408).

**SUPPLEMENTARY INFORMATION:** In the Federal Register notice announcing the availability of the trading and banking reports, EPA stated its intent to hold a public workshop on the trading and banking concepts following a review of public comments on EPA's reports. Subsequently, however, EPA has received a request from the Engine Manufacturers Association (EMA) seeking a 90-day extension to the comment period provided for the EPA reports. While EMA's rationale for seeking an extension to the comment period is reasonable, EPA does not desire that project development be delayed a full 90 days to accommodate EMA's request. Therefore, EPA has adjusted the scheduling of the workshop to address the concern about a delay in project development and yet also grant EMA's request.

The primary purpose for the workshop is to provide an opportunity for interested parties to publicly address the issues raised in the EPA reports in an open forum where follow-up discussion among all participants is possible. This follow-up discussion will cover issues raised in the EPA reports, and those raised by the participants in their prepared responses.

To facilitate discussions at the workshop each party making a prepared response should bring multiple copies of their testimony for use by the other participants.

To ensure a successful workshop, full participation by all interested parties is essential. EPA encourages a maximum level of participation both in the development and presentation of prepared responses and active participation in the follow-up discussion.

The full participation of heavy-duty engine manufacturers is critical to the success of the workshop, since they are likely to have substantial comment and suggestions on the issues and analysis described in the EPA reports, and in the long term would be the parties most affected by any trading/banking program which EPA may implement. Thus EPA requests that all heavy-duty engine manufacturers provide prepared responses for the workshop and participate fully in any follow-up discussions.

The previously mentioned September 8, 1986 Federal Register notice contains a summary of the major issues raised in the EPA reports. At a minimum EPA requests that all parties address these issues in their prepared responses, but comments on any issue are welcome.

Following the public workshop, the comment period on the EPA reports and issues raised at the workshop will be open for 30 days. Therefore the comment period is extended to February 23, 1987.

Dated: October 31, 1986.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 86-25346 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[PP 6E3347/P402; FRL-3106-3]

#### Pesticide Tolerance for O,O-Diethyl O-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes that a tolerance be established for residues of the insecticide O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate (referred to in the preamble of the document as "diazinon") in or on the raw agricultural commodity ginseng. The proposed regulation to establish a maximum

permissible level for residues of diazinon in or on ginseng was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

**DATE:** Comments, identified by the document control number [PP 6E3347/P402], should be received on or before December 12, 1986.

**ADDRESS:** By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

In person, bring comments to: Rm 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

#### FOR FURTHER INFORMATION CONTACT:

By mail: Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806).

**SUPPLEMENTARY INFORMATION:** The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 6E3347 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR-4 Project and the Agricultural Experiment Stations of Kentucky and Wisconsin.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the insecticide diazinon in or on the

raw agricultural commodity ginseng at 0.75 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance include:

1. A National Cancer Institute (NCI) bioassay, based on 2-year oncogenicity studies in rats and mice, which were negative for oncogenicity at all levels tested (400 and 800 ppm in rats, equivalent to 20 milligrams (mg)/kilogram (kg) and 40 mg/kg) and 100 and 200 ppm in mice, equivalent to 15 mg/kg and 30 mg/kg in mice.

2. A multigeneration rat reproduction study with a no-observed-effect level (NOEL) of 4 ppm (equivalent to 0.4 mg/kg/day).

3. A 106-week monkey feeding study with a cholinesterase (ChE) NOEL of 1.0 ppm (equivalent to 0.05 mg/kg/day).

4. A 90-day rat feeding study with a plasma ChE NOEL of 0.5 ppm (equivalent to 0.025 mg/kg/day).

5. A 90-day dog feeding study with a plasma ChE NOEL of 0.02 mg/kg/day.

6. A 2-year dog feeding study with a ChE NOEL not demonstrated at the lowest dose tested (160 ppm, equivalent to 4 mg/kg/day).

7. A 2-year rat feeding study with a ChE NOEL not demonstrated at the lowest dose tested (10 ppm, equivalent to 0.5 mg/kg/day).

8. A rat teratology study negative for teratogenic effects at 100 mg/kg.

9. A rabbit teratology study negative for teratogenic and fetotoxic effects at 100 mg/kg (highest dose tested) during days 6 to 18 of gestation.

10. A hen demyelination study which was negative at 200 ppm.

The acceptable daily intake (ADI), based on the 90-day dog feeding study (NOEL of 0.02 mg/kg/day for plasma cholinesterase inhibition) and using a 10-fold safety factor, is calculated to be 0.002 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.12 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.007012 mg/day; the current action will increase the TMRC by 0.0003375 mg/day (0.08 percent) and will utilize 0.28 percent of the ADL.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Volume II. No secondary residues in

meat, milk, poultry, or eggs are expected since ginseng is not considered a livestock feed commodity. There are presently no actions pending against the continued registration of this chemical.

On January 15, 1986, a Notice of Special Review and Preliminary Determination (51 FR 1842) to cancel registration and deny application for uses of diazinon on golf courses and turf farms was published. This action was based on a serious hazard to birds and a potential hazard to fish with the application of granular diazinon to large expanses of turf. Given the small size of ginseng sites, the high degree of disturbance caused by growers tending the crop by hand, and the shade structures over the plants, ginseng does not appear to offer very attractive wildlife habitat.

Based on the information and data considered, the Agency concludes that the tolerance will protect the public health. Therefore, it is proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the *Federal Register* that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [PP 6E3347/P402]. All written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recordkeeping and reporting requirements.

Dated: October 23, 1986.

James W. Akerman,  
Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.153 is amended by adding and alphabetically inserting the raw agricultural commodity ginseng to read as follows:

§ 180.153 O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate; tolerances for residues.

\* \* \* \* \*

	Commodities	Parts per million
Ginseng	.....	0.75

[FR Doc. 86-25107 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

#### 40 CFR Part 180

[OPP-300154; FRL-3107-9]

#### Raw Agricultural Commodities; Definitions and Interpretations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that 40 CFR 180.1 be amended by adding a definition for the term "tolerance with regional registration." This definition applies only to tolerances supported by residue data from specific growing regions on specific raw agricultural commodities.

DATES: Comments, identified by the document control number [OPP-300154], should be received on or before December 12, 1986.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St. SW., Washington, DC 20460

In person, bring comments to: Rm 236, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail:

Jack Housenger, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460

Office location and telephone number: Rm. 716B, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806)

**SUPPLEMENTARY INFORMATION:** This document proposes that 40 CFR 180.1 be amended by adding a definition for the term "tolerance with regional registration."

In the *Federal Register* of March 10, 1982 (47 FR 10211), EPA announced that it would consider for approval tolerances for minor uses, based on residue data from geographically limited areas. The Agency stated at that time that the development of residue data from all geographical regions where the crop is grown could delay efforts to obtain tolerances for minor uses. Regional registration restricts the use of the pesticide product to the geographical area for which sufficient residue data have been submitted and approved. In order to expand the usage, the registrant must submit residue data that are representative of the expanded use area. Additional information regarding data required to support tolerances for regional registration is provided in a policy statement published in the *Federal Register* of April 2, 1986 (51 FR 11341).

Since regional registrations are geographically restricted, as determined

by the residue data submitted in support of the pesticide tolerance, the Agency has decided that it will be useful to distinguish a tolerance for regional registration in a separate subsection of the tolerance rule. Any tolerance established for pesticide residues resulting from use pursuant to a regional registration will be listed in a separate subsection under 40 CFR 180.101 through 180.999, as appropriate, and will be therein designated "tolerance with regional registration." The subsection will identify any tolerance established for regional registration and will refer the reader to the definition for "tolerance with regional registration" in 40 CFR 180.1(n).

The language which EPA is proposing to add to 40 CFR 180.1 is as follows:

The term "tolerances with regional registration" means any tolerance which is established for pesticide residues resulting from the use of the pesticide pursuant to a regional registration. Such a tolerance is supported by residue data from specific growing regions for a raw agricultural commodity. Individual tolerances with regional registration are designated in separate subsections in 40 CFR 180.101 through 180.999, as appropriate. Additional residue data which are representative of the proposed use area are required to expand the geographical area of usage of a pesticide on a raw agricultural commodity having an established "tolerance with regional registration." Persons seeking geographically broader registration of a crop having a "tolerance with regional registration" should contact the appropriate EPA product manager concerning additional residue data required to expand the use area.

Any interested person may request within 30 days after publication of this notice in the *Federal Register* that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300154]. All written comments filed in response to this rule will be available in the Information Services Section at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and, therefore, does not require a regulatory impact analysis.

The Office of Management and Budget has reviewed this action and determined that the requirements of section 3 of

Executive Order 12291 have been satisfied.

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat 1165, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have an economic impact on a substantial number of small entities. Accordingly, I hereby certify that the proposed regulation does not require a regulatory flexibility analysis.

#### List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: October 31, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

#### PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1 is amended by adding paragraph (n) to read as follows:

#### § 180.1 Definitions and interpretations; tolerances for residues.

(n) The term "tolerance with regional registration" means any tolerance which is established for pesticide residues resulting from the use of the pesticide pursuant to a regional registration. Such a tolerance is supported by residue data from specific growing regions for a raw agricultural commodity. Individual tolerances with regional registration are designated in separate subsections in 40 CFR 180.101 through 180.999, as appropriate. Additional residue data which are representative of the proposed use area are required to expand the geographical area of usage of a pesticide on a raw agricultural commodity having an established "tolerance with regional registration." Persons seeking geographically broader registration of a crop having a "tolerance with regional registration" should contact the appropriate EPA product manager concerning additional residue data required to expand the use area.

[FR Doc. 86-25348 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS  
COMMISSION****47 CFR Part 69**

[CC Docket No. 85-93; FCC 86-416]

**Common Carrier Services;  
Investigation of Equal Access Rate  
Elements Filed Pursuant to Waivers****AGENCY:** Federal Communications  
Commission.**ACTION:** Order Designating Issues for  
Investigation.

**SUMMARY:** The Federal Communications Commission has issued an Order designating the issues for Investigation in CC Docket No. 85-93, a docket established by the Common Carrier Bureau to investigate tariff revisions filed by the local exchange carriers (LECs) to provide for a separate rate element for equal access cost recovery. The Common Carrier Bureau permitted those tariffs to become effective subject to future investigation and granted interim waivers of Part 69 of the Commission's Rules, 47 CFR Part 69, to permit the LECs to use separate equal access rate elements. In setting the issues for investigation, the Commission narrowed the scope of the investigation from that originally outlined by the Common Carrier Bureau in the Orders granting the waivers and permitting the tariffs to become effective. The Commission also concluded that because carriers' earnings for the time period after October 1, 1985 will be included in the CC Docket No. 84-800 comprehensive examination of the LECs' overall rate of return, it need not examine those earnings in this separate investigation. Therefore, in this investigation, the Commission has required that cost and revenue data be filed by only those LECs whose equal access cost recovery rate elements were in effect prior to October 1, 1985.

**DATES:** Direct cases are due on December 19, 1986 and oppositions to Direct cases or comments on Direct cases are due no later than January 16, 1987.

**ADDRESS:** Federal Communications  
Commission, Washington, DC 20554

**FOR FURTHER INFORMATION CONTACT:**  
Marjorie S. Bertman, Attorney, Common  
Carrier Bureau, (202) 632-6917.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order designating Issues in CC Docket No. 85-93, adopted October 6, 1986 and released October 21, 1986. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets

Branch (Room 230), 1919 M St., NW., Washington, DC. The Complete text of this decision may also be purchased from the Commission's copy contractors International Transcription Service, (202) 857-3800, 2100 M St., NW., Suite 140, Washington, DC 20037.

**Summary of Memorandum Opinion and  
Order**

CC Docket No. 85-93 was initiated by the Common Carrier Bureau of April 3, 1985 to investigate those tariffs filed pursuant to interim waivers of Part 69 of the Commission's Rules that permitted the local exchange carriers (LECs) to use separate rate elements to recover equal access costs. In establishing this Docket, the Bureau subjected the carriers to accounting orders and indicated that the specific issues to be investigated would be designated after the Commission's action on the Federal-State Joint Board's recommendation as to the appropriate jurisdictional separations factor for equal access costs. On January 7, 1986, the Commission adopted the Joint Board's recommendation that equal access be separated on the basis of the relative state and interstate minutes of use of equal access facilities provided by local exchange carriers (LECs), or "access minutes." In the instant Order, the Commission has designated the issues in the investigation.

The Commission concludes in this Order that a rulemaking proceeding should be instituted to determine whether a separate equal access element should be established as a permanent part of the Part 69 access rules, and indicates that it expects to adopt a Notice of Proposed Rulemaking dealing with that issue in a few months. Because of its decision to institute a rulemaking, the Commission narrowed the scope of the investigation from that originally outlined by the Bureau when it permitted the first separate rate elements to take effect and established this investigation. The investigation will focus on whether the revenues generated by the interim separate equal access rate elements permitted the carriers to earn a total return in excess of that authorized for the end office and transport rate elements.

The Commission indicates that in this investigation it will examine the rates of return for only those carriers with equal access rate elements in effect prior to October 1, 1985 since it will be examining the rate of return for any equal access rates in effect during the time period from October 1, 1985 through December 31, 1986 according to procedures established in CC Docket No. 84-800. In this investigation the Commission will determine whether the

carriers with equal access rate elements would have experienced a shortfall in combined revenues from the end office (Line Termination, Local Switching and Intercept) and transport elements during the relevant period in the absence of an additional charge for equal access. The Commission states that if such a shortfall would have existed, it will need to determine whether the revenues from the equal access elements exceeded the shortfall. The Commission has required carriers that had equal access rate elements in effect prior to October 1, 1986 to file cost and revenue data as specified in the Order. Direct cases are due on December 19, 1986 and Oppositions to Direct Cases or Comments on Direct Cases are due no later than January 16, 1987.

**Ordering Clauses**

It is therefore ordered that all parties subject to this investigation shall file their Direct Cases responding to the issues set forth in para. 12, *supra*, no later than December 19, 1986.

It is further ordered that the Petition for Suspension and Investigation filed by American Telephone and Telegraph Company against Bell Atlantic Telephone Companies Transmittal No. 43, Southern Bell Telephone and Telegraph Company Transmittal No. 1364, Illinois Bell Telephone Company Transmittal No. 800, Indiana Bell Telephone Company Transmittal No. 798, Michigan Bell Telephone Company Transmittal No. 582, New England Telephone and Telegraph Company Transmittal No. 792, Ohio Bell Telephone Company Transmittal No. 716, Pacific Bell Transmittal No. 1152, Southwestern Bell Telephone Company Transmittal No. 1350 and Wisconsin Bell, Inc., Transmittal No. 618 is denied.

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 86-25447 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Parts 74 and 78**

[MM Docket No. 86-405; FCC 86-453]

**Relaxing of Operational and Licensing  
Requirements; Notice of Inquiry****AGENCY:** Federal Communications  
Commission.**ACTION:** Notice of Inquiry.

**SUMMARY:** This action initiates a review of the operational and licensing requirements for auxiliary stations operated by broadcast and cable

entities. Specifically, it explores the feasibility of blanket frequency authorization for mobile or portable Broadcast Auxiliary Service (BAS) users. Such a relaxation would allow mobile or portable BAS users greater flexibility and would provide for more effective use of the increasingly limited BAS spectrum.

**DATE:** Comments are due by March 4, 1987. Reply comments are due by June 18, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

**SUPPLEMENTARY INFORMATION:**

**List of Subjects**

*47 CFR Part 74*

Radio broadcasting, Television broadcasting.

*47 CFR Part 78*

Cable television.

The Commission has proposed relaxing the operational and licensing requirements for remote pickup stations, aural broadcast auxiliary stations, television broadcast auxiliary stations (BAS), low power auxiliary stations, and cable television relay stations.

Noting the success of existing BAS frequent coordination programs, particularly in relation to mobile operations where real-time coordination is necessary, the FCC concluded that relaxing the rules would provide more flexible licensing procedures, thus, reducing the paperwork now required in the Broadcast Auxiliary Services' licensing process.

Comments are due by May 4, 1987. Reply comments are due by June 18, 1987.

Specifically, the FCC is considering blanket frequency authorizations for mobile or portable operation on any frequency in bands they are permitted to use, rather than being licensed for specific frequencies.

Action by the Commission October 16, 1986, by Notice of Inquiry (FCC 86-453). Commissioners Flower (Chairman), Quello, Dawson, Patrick and Dennis.

For further information contact Hank VanDeursen at (202) 632-9660.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-25448 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

# Notices

Federal Register

Vol. 51, No. 218

Wednesday, November 12, 1986

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

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-050-07-4322-14]

#### Las Vegas District Grazing Advisory Board Meeting; Nevada

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Las Vegas District Grazing Advisory Board will be held Thursday, December 11, 1986. The meeting will be in the Las Vegas BLM District Office conference room at 4765 West Vegas Drive and will begin at 10:00 a.m.

The agenda is as follows: 1. Election of advisory board officers; 2. Reading and approval of minutes from preceding meeting; 3. Range improvement program review and update; 4. CRMP process, program update; 5. Rangeland implementation program update; 6. Desert tortoise task force update; 7. BLM-USFS interchange update; 8. Grazing fee update; 9. Wild horse and burro program update; 10. Arrangements for next District Grazing Advisory Board meeting; 11. Public comments; 12. Other range and board business.

The meeting is open to the public. Interested persons may make oral comments to the board during the public comment period on the day of the meeting or they may file written statements for the board's consideration during the meeting. Anyone wishing to make an oral statement to the board must notify the District Manager, Bureau of Land Management, 4765 West Vegas Drive (P.O. Box 26559), Las Vegas, Nevada 89126, by December 6, 1986. Depending on the number of persons wishing to make an oral statement, the District Manager may establish a per-person time limit. Summary minutes of the board meeting will be maintained at the Las Vegas District Office. The minutes will be available for public inspection during regular office hours

(7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Dated: November 6, 1986.

Ben F. Collins,

District Manager.

[FR Doc. 86-25666 Filed 11-10-86; 10:38 am]

BILLING CODE 4310-HC-M

## DEPARTMENT OF AGRICULTURE

### Agricultural Stabilization and Conservation Service

#### National Poundage Quota Determination for 1986-Crop Peanuts

**AGENCY:** Agriculture Stabilization and Conservation Service, U.S. Department of Agriculture.

**ACTION:** Notice of determination.

**SUMMARY:** This notice affirms the determinations made with respect to the 1986-crop national poundage quota for peanuts, including the holding of, and results of the producer referendum on whether producers favor or disfavor poundage quotas, and the cancellation of certain determinations for peanuts published on November 15, 1985 (50 FR 47239).

**EFFECTIVE DATE:** The effective date of this affirmation is November 12, 1986.

**FOR FURTHER INFORMATION CONTACT:** Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5953. A final regulatory impact analysis describing the impact of implementing this determination is available on request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This notice of determination has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation No. 1512-1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, industries, Federal, State, or local governments or geographical regions, or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United

States-based enterprises to compete with foreign-based enterprises in domestic or export markets

The title and number of the Federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases; Number 10.051, as found in the Catalog of Federal Domestic Assistance.

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

This program/activity is not subject to the provisions of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The statutory deadline for proclaiming the national poundage quota and holding the poundage quota referendum was December 15, 1985. Because the determinations affirmed in this notice are derived from the Food Security Act of 1985 (Pub. L. 99-198) and that Act was not enacted until December 23, 1985, it was determined that public comment was not practicable with respect to the determinations affirmed in this notice.

The permanent provisions of section 358 of the Agricultural Adjustment Act of 1938 provide for the setting of a national marketing quota, a national acreage allotment and for announcement of individual farm allotments for peanuts for each respective crop year. The farm allotment and national marketing quota provisions of that subsection were suspended with respect to the 1982-85, crops by the provisions of the Agriculture and Food Act of 1981, Pub. L. 97-98. Since the 1981 amendments applied only to those crops, the permanent provisions of the 1938 Act would have, but for additional amendments to that Act, required the establishment of marketing quota and farm allotments for the 1986 crop. Accordingly, a notice was published in the *Federal Register* on November 15, 1985 (50 FR 47239) which, pursuant to section 358 set forth final determinations for a national marketing quota for the 1986 crop and a national acreage allotment for the 1986 crop. That same notice also set forth proposed

determinations regarding the method of apportioning national acreage allotments to states and individual farms, the setting of state acreage allotment reserves, the date and method of conducting a marketing quota referendum for the 1986-1988 crops of peanuts, and the price support level for the 1986 crop.

Because new legislation was pending, Congress provided, through an interim statute (Pub. L. 99-157), enacted on November 15, 1985, for a postponement of the marketing quota referendum for peanuts which had been scheduled to be conducted by mail ballot in a period from December 9, 1985, through December 13, 1985.

The Secretary of Agriculture December 6, 1985, announced in accordance with the interim legislation, a postponement of the marketing quota referendum. Therefore, on December 23, 1985, the Food Security Act of 1985 (Pub. L. 99-198) was enacted. That Act, like the 1981 Act, suspended the permanent provisions of the 1938 Act regarding marketing quotas and farm allotments. Rather, as with the 1982-1985 crops, the 1938 Act, as amended by the 1985 Act, provides for setting of "poundage" quotas as opposed to "marketing" quotas. Section 358(q) provides that a national poundage quota for each of the marketing years 1986-1990 shall be announced by the Secretary by December 15 of each such marketing year.

The marketing year for the 1986 crop, as is specified in section 359(m) of the 1938 Act, as amended, begins on August 1, 1986. The 1938 Act, as amended, also provided for the holding of a referendum by December 15, 1985, or whether producers are in favor of, or opposed to, poundage quotas. Pursuant to the 1985 amendments, on January 8, 1986, the Secretary announced a national poundage quotas of 1,355,500 short tons on a farmers stock basis. The Secretary also announced on that date that he had rescinded the national acreage allotment and the national marketing quota previously proclaimed for the 1986 crop. Further, the Secretary announced on January 8, 1986 that peanut growers would vote January 27-31, 1986, in a mail referendum to decide whether poundage quotas and price support would continue for peanut crop for the next five years. The referendum was thereafter conducted on those dates. Section 358(u) of the 1938 Act provides that the referendum shall be conducted among producers "engaged in the production of quota peanuts in the calendar year in which the referendum is held." The referendum was conducted

among those producers using, to the extent practicable, the voter eligibility standards set forth in 7 CFR Part 717. Of the 21,456 votes cast, 20,904 or 97.4 percent favored quotas and a loan program for the next five crop years. These determinations are affirmed in this notice.

1. Section 358(q)(1) of the 1938 Act as amended by the 1985 Act requires that the national poundage quota for any of the 1986 through 1990 marketing years shall be established at a level equal to the quantity of peanuts which the Secretary estimates will be devoted in the marketing year to domestic edible seed and related use except that the national poundage quota for any such marketing year may not be less than 1,100,000 tons. The 1986 quota was set at 1,355,500 tons based upon the following data:

ESTIMATED DOMESTIC EDIBLE USE FOR THE 1986-1987 MARKETING YEAR, MOST LIKELY U.S. WEATHER

Item	Tons
Domestic.....	1,121,000
Seed.....	99,000
Related use (crushing residual).....	135,500
Total.....	1,355,500

2. Section 358(u)(1) of the 1938 Act, as amended, provides that if as many as two-thirds of the producers voting in the referendum vote in favor of poundage quotas, no referendum shall be held with respect to quotas for the second, third and fifth years of the period. Since the 1985 Act was not enacted until December 23, 1985, the referendum required by the 1985 amendments was held as early as practicable and will be treated as having been held in calendar year 1985. Section 108B Agricultural Act of 1949, as amended by the 1985 Act, provides that notwithstanding any other provision of law, no price support may be made available by the Secretary for any crop of peanuts with respect to which poundage quotas have been disapproved by producers. As more than two-thirds of the producers voting in the referendum held January 27-31, 1986, were in favor of poundage quotas, poundage quotas and price support under the terms of the 1938 and 1949 Acts shall be in effect for the 1986-1990 crops. In addition, no further referendum will be held for the 1986-1990 period.

3. Since the 1985 amendments made the provisions of section 358(b) and related "permanent" provisions of the 1938 Act inapplicable to the 1986-1990 crops, the final and proposed determinations published by the

Secretary for peanuts on November 15, 1985, have been cancelled.

#### Determinations

##### A. Accordingly:

1. The national poundage quota for the 1986 crops of peanuts has been established at a level of 1,355,500 tons (farmers stock basis).

2. The referendum required by section 358(u) of the 1938 Act to be conducted with respect to the 1986-1990 crops of peanuts was held January 27-31 by mail ballot among producers engaged in the production of quota peanuts in calendar year 1985. As more than two-thirds of those voting favored quotas, poundage quotas and price support will be in effect for the 1986-1990 crops as provided in the Agricultural Adjustment Act of 1938, as amended, and Agricultural Act of 1949, as amended. No further referendum shall be held with respect to peanut poundage quotas for the 1986-1990 crops of peanuts.

3. The national marketing quota, and national acreage allotment established for the 1986 crop of peanuts as set forth in the determination published on November 15, 1986 (50 FR 47239) are cancelled.

B. The statutory authority for these determinations are: Sec. 358, 55 Stat. 88, as amended (U.S.C. 1358); Sec. 108B of the Agricultural Adjustment Act of 1949 as added by section 705 of the Food Security Act of 1985 (Pub. L. 99-198).

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

Milton J. Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-25506 Filed 11-10-86; 8:45 am]

BILLING CODE 3410-05-M

#### Commodity Credit Corporation

##### National Average Support Rates for 1986-Crop Peanuts Quota and Additional Peanuts: Sales Policy

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This notice affirms determinations with respect to: (1) the national average support rate for 1986-crop quota peanuts; (2) the national average support rate for 1986-crop additional peanuts; (3) the Commodity Credit Corporation (CCC) domestic edible, export, and domestic crushing sales policy for the 1986-1990 crops of peanuts; and, (4) the CCC minimum export edible sales price for 1986-crop additional peanuts. These

determinations were announced by the Secretary of Agriculture on February 14, 1986, March 5, 1986, and April 22, 1986.

These determinations are made pursuant to the Agricultural Act of 1949, as amended (hereinafter referred to as "the Act"), and the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act").

**EFFECTIVE DATE:** April 22, 1986.

**FOR FURTHER INFORMATION CONTACT:**

Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-5953. A final regulatory impact analysis describing the impact of implementing this determination is available on request from the above-named individual.

**SUPPLEMENTARY INFORMATION:** This notice of determination has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation 1512-1 and has been classified "not major". It has been determined that these program provisions will not result in: (1) an annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, industries, Federal, State, or local governments or geographical regions, or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program that this final rule applies to are: Title—Commodity Loans and Purchases: Number 10.051, as found in the Catalog of Federal Domestic Assistance.

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

Public comment was not practicable with respect to the price support determinations contained in this notice, nor for the 1986-crop sales policy determination which was announced early to permit industry planning. As to the sales policy for the 1987-90 crops, comment has been determined to be unnecessary. The policy for those crops is unchanged from previous years.

The 1985 amendments to the Act change the provisions governing

national average price support levels for the 1986 through 1990 crops of quota and additional peanuts by adding Section 108B to the Act.

A discussion of the determinations affirmed in this notice follows:

**A. National Average 1986-Crop Quota Support Rate**

Section 108B(1)(B)(i) of the Act requires that the average 1986 support rate for quota peanuts be the 1985 level (\$559 per ton) adjusted by any percentage increase in the index of prices paid by producers for commodities and services, interest, taxes and wage rates during the period beginning with calendar year 1981 and ending with calendar year 1985, as determined by the Secretary.

Section 108B(1)(E) of the Act requires the Secretary to announce the level of support for quota peanuts no later than February 15 preceding the marketing year for the crop for which the level of support is being determined.

The Department of Agriculture's Index of Prices Paid by Farmers for Commodities and Services, Interest, Taxes, and Farm Wage Rates is the major measure of changes in the prices of items used in production of crops and livestock and family living and was used to adjust the 1985 quota support level.

The monthly Indexes of Prices Paid (1977=100) average 163 for calendar year 1985 compared with an average of 150 for 1981, an increase of 8.67 percent. This percentage increase applied to the 1985 level of \$559 per ton equals \$48.47 per ton. That amount added to the 1985 quota support level brought the 1986 level to \$607.47 per ton.

**B. National Average 1986-Crop Additional Support Rate**

In accordance with section 108B(2)(A) of the Act, the following three factors were taken into consideration in determining the national average support rate for 1986-crop additional peanuts:

1. *Demand for peanut oil and meal.* The expected quantity of peanuts available for crushing in 1986/87 marketing year (August 1, 1986, through July 31, 1987), a residual of edible use was determined to be 431,000 thousand tons compared with 422,500 thousand tons for 1985/86 marketing year. Expected peanut oil and meal prices were determined to be an average of 25 cents per pound and \$151 per ton, respectively, for the 1986/87 marketing year.

2. *Expected Prices of Other Vegetable Oils and Meals.* In 1985/86, world production of oilseeds was estimated to total 214 million tons, 3 percent higher

than for 1984/85. The increase in U.S. soybean production is the biggest factor in the increase. Soybeans account for 48 percent of world oilseed production while peanuts account for only 11 percent. Because of soybean dominance, soybeans set the demand-supply-price pattern for oilseeds.

U.S. soybean production for 1985/86 increased 13 percent to 2,099 million bushels and it was determined that the higher production and carryover stocks would increase supply 18 percent, about 1 percent below the previous high. The estimated 1985/86 supply ranks as the third highest on record. The 10 percent projected increase in use will not offset increased supplies and carryout stocks will continue to rise.

It was further determined that soybean oil prices would likely drop in 1985/86 because of large supplies of vegetable oils relative to demand. Prices were estimated to range from 18 to 22 cents per pound, compared with 29.5 cents per pound for 1984/85. Soybean meal prices were estimated to range from \$125 to \$155 per ton for 1985/86, compared with \$125 per ton for 1985/85.

Soybean acreage may drop slightly in 1986 from 1985. It was determined that the estimated drop in production would not offset high carryin stock and total supply would continue to remain near the 1982 record. However, if the expected growth in demand is realized carryout stocks would be reduced.

For the 1986/87 marketing year, soybean oil prices were projected about 5 percent below 1985/86 and soybean meal prices are projected down slightly from the estimate for 1985/86. Total use of oil and meal was expected to be up 2 to 3 percent.

3. *Demand for Peanuts in Foreign Markets.* The demand for U.S. peanuts in foreign markets was expected to strengthen slightly. It was determined that the U.S. would be expected to supply 437,000 short tons to the export market in the 1986/87 marketing year compared with an estimated 430,000 tons for 1985/86.

Section 108B(2)(A) provides, further, that the support rate for additional peanuts must be established at a level estimated to ensure no loss to CCC from the sale or disposal of additional peanuts placed under loan. Peanuts are pooled by type and other factors and separate pools are maintained for quota and additional peanuts. Subject to the pool offset provisions of sections 108B(3)(B) and 108B(4), net gains from a pool are redistributed to producers, while net losses are absorbed by CCC.

The additional peanut support level was announced on February 14, 1986.

Section 108B(2)(B) required that the announcement be made by February 15. Based on the consideration of the market factors set forth above, it was determined that the estimated average crushing price for additional loan collateral peanuts from the 1986-crop would be \$209.34 per ton. Because of the possibility that all price supported additional peanuts would be sold for domestic crushing at competitive prices, and given estimated CCC's handling and related costs of \$59.59 per ton, the support level was set at \$149.75 per ton. That level, like the quota level, is an average. Under section 403 of the Act, adjustments can be made for quality and other factors. Such adjustments have been addressed in a separate notice. Also, other adjustments required or permitted by law may be made.

### C. CCC Sales Policy

1. *Domestic edible use.* Section 407 of the Act provides, generally, that CCC may sell peanuts owned or controlled by CCC at not less than 105 percent of the current support price, plus reasonable carrying charges.

Section 359(r)(1) of the 1938 Act provides, further, that support peanuts shall be made available for domestic edible use at prices not less than costs including inspection, warehousing and shrinkage, plus 100 percent of the quota loan rate if sold upon delivery by harvest and with written consent of the producer; plus 105 if sold after delivery but by December 31; and plus 107 percent if sold after December 31. Domestic edible use, as defined in the 1938 Act, includes all food uses (except crushing), all seed use, and all on-the-farm use.

Since the inception of the two-price program in 1978, quota peanuts have been sold by CCC for domestic edible use at no less than costs, plus 105 percent of the quota loan rate if sold by December 31, and 107 percent of the quota loan rate if sold after December 31. This policy has made sales of additional peanuts and quota peanuts consistent.

2. *Export.* Section 407 Act exempts exports sales of peanuts owned or controlled by CCC from minimum price restrictions. However, since 1974, in accordance with U.S. trade policy, no export sales have been made at less than the loan rate plus costs. Since 1978, quota peanuts have been sold for all export use at no less than the quota loan rate plus costs.

Additional peanuts for export edible use have been sold at no less than a fixed price established each year, ranging from \$400 to \$475 per ton. The minimum price was set to try to

maximize producer income from additional peanuts for export. For several years prior to 1982, contract prices for additional peanuts were near the minimum sales price for that use. However, for three out of the four years since 1982, the average contract price has been well below the minimum sales price and few were sold for export out of the price support inventory.

As announced in a February 14 press release and clarified in the March 5 press release, the original determination for the 1986-crop was that additional peanuts for the 1986-1990 crops would be sold by CCC for export edible use at no less than the lower of (1) \$400 per ton, or (2) 102 percent of the average contract price by type for "Segregation 1" additional peanuts delivered under contract, plus costs (including inspection, warehousing and shrinkage), for such marketing year, as determined by CCC. "Segregation 1" peanuts are peanuts meeting certain quality criteria.

However, after this policy was announced, early contracting of 1986-crop additional peanuts slowed. For that reason, on April 22, the policy changed to a minimum price of \$400 per ton. That price applies only to the 1986-crop. Prices for subsequent crops of additional peanuts for sales for export edible use will be announced later.

Consistent with export policy, quota and additional peanuts have been sold for export crushing at no less than the applicable loan rate, plus costs. That policy will be continued for the 1986-90 crops. Such peanuts must be fragmented prior to export to avoid entry into the edible market.

3. *Domestic crushing.* Section 407 of the Act also exempts domestic crushing sales from minimum sales price restrictions. Since 1976, sales for domestic crushing have been made annually by CCC at competitive bid prices.

Oil produced from CCC's domestic crushing sales has recently equaled 81 percent of domestic oil consumption. Since 1982 there has been no requirement that oil from CCC domestic crushing sales be used domestically.

Since the only purpose of this notice is to affirm the determinations announced by or on behalf of the Secretary on February 14, March 5, and April 22, 1986, with respect to the 1986 levels of support for quota and additional peanuts and the CCC sales policy, it has been determined that no further public rulemaking is required the following:

### Determinations

#### A. National Average 1986-Crop Quota Support Rate

The national average level of support for the 1986 crop of quota peanuts has been determined to be \$607.47 per ton. This level of support is applicable to eligible 1986 crop farmers stock peanuts in bulk or in bags, net weight basis.

#### B. National Average 1986-Crop Additional Support Rate

The national average level of support for the 1986 crop of additional peanuts has been determined to be \$149.75 per ton. This level of support is applicable to eligible 1986-crop farmers stock peanuts in bulk or in bags, net weight basis.

#### C. CCC Sales Policy

1. *Applicability.* Except as indicated this sales policy shall be applicable to 1986-90 crop farmers stock peanuts in bulk or in bags, net weight basis, which are: (1) owned by CCC, or (2) peanuts which are taken into inventory pursuant to section 108B of the Agricultural Act of 1949 by a producer association on behalf of its members as collateral for price-support loans made available by CCC.

2. *Sales of quota and additional peanuts for domestic edible use for the 1986-1990 crops.* Sales of peanuts for domestic edible use, including use as seed, will be made by CCC at prices not less than those required to cover all handling costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus, in the case of quota or additional peanuts, not less than 105 percent of the quota loan rate if sold after delivery by the producer but not later than December 31, or less than 107 percent of the quota loan rate if sold later than December 31. In the case of additional peanuts only, the price shall be all applicable handling costs plus 100 percent of the quota loan rate if the peanuts are sold and paid for during the harvest season upon delivery by and with written consent of the producer. Those sales referred to in the preceding sentence shall be permitted only in accordance with regulations in 7 CFR Part 1446 and 7 CFR Part 729.

3. *Sales of quota peanuts for export edible use and export crushing for the 1986-1990 crops.* Sales of quota peanuts for export edible and export crushing uses will be made by CCC at not less than all costs incurred with respect to such peanuts for such items as inspection, warehousing, shrinkage, and other expenses, plus 100 percent of the quota loan rate. Quota peanuts sold for export crushing shall be fragmented

prior to export in accordance with the CCC sales contract.

4. *Sales of 1986-crop additional peanuts for export edible use.* The minimum price for sales for export edible use of 1986-crop additional peanuts is \$400 per ton.

5. *Sales of additional peanuts for export crushing for the 1986-1990 crops.* Sales of additional peanuts for export crushing will be made by CCC at not less than all handling costs incurred with respect to such peanuts for such items as inspection, shrinkage, warehousing, and other expenses, plus 100 percent of the additional peanuts loan rate for the 1986-1990 crops of peanuts. Additional peanuts sold for export crushing shall be fragmented prior to export in accordance with the CCC sales contract.

6. *Sales of quota and additional peanuts for domestic crushing for the 1986-1990 crops.* Sales of quota and additional peanuts for domestic crushing will be made by CCC at competitive prices with unrestricted use of the oil produced from these peanuts, except that the oil may not be exported to a country involved in U.S. trade suspension.

Signed at Washington, DC, on October 29, 1986.

Milton J. Hertz,  
Acting Executive Vice President, Commodity  
Credit Corporation.

[FR Doc. 86-25507 Filed 11-10-86; 8:45 am]  
BILLING CODE 3410-05-M

#### Packers and Stockyards Administration

[P & S Docket No. 6783]

#### Victor L. Kent & Sons, Inc.; Notice of Complaint, Order of Suspension, and Hearing

Notice is hereby given that on November 5, 1986, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing", the contents of which are as follows:

By reason of a preliminary investigation conducted by the Packers and Stockyards Administration, this proceeding is instituted under the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*) (hereinafter "the Act").

#### I

(a) Victor L. Kent & Sons, Inc., hereinafter referred to as the respondent, is a corporation whose principal place of business is located at Route 430, Mayville-Sherman Road, Sherman, New York 14781.

(b) The respondent is, and at all times material herein was:

(1) Engaged in the business of conducting and operating the Victor L. Kent & Sons, Inc., stockyard, a posted stockyard subject to the Act;

(2) Engaged in the business of selling livestock in commerce on a commission basis at the stockyard and buying and selling livestock in commerce for its own account; and

(3) Registered with the Secretary of Agriculture as a market agency to sell livestock on a commission basis and as a dealer to buy and sell livestock for its own account.

#### II

On September 24, 1986, respondent posted Tariff No. 2 at its stockyard which set proposed changes in the stockyard rates to become effective on September 30, 1986. Among the changes proposed was the deletion of a selling charge to consignors of slaughter cattle and the addition of a "Buyer's Fee" of \$10.00 per animal to be assessed to buyers of slaughter cattle.

#### III

There is reason to believe that the proposed changes in the rates charged constitute an unfair, unreasonable and unjustly discriminatory rate or charge in violation of sections 305 and 307(a) of the Act (7 U.S.C. 206, 208(a)).

#### IV

On October 1, 1986, the Administrator, Packers and Stockyards Administration, ordered that the effective date of the Proposed Tariff No. 2 be suspended and deferred for a period of thirty (30) days from its effective date.

#### V

It is hereby ordered pursuant to section 306 of the Act (7 U.S.C. 207) that the implementation of the practice described in paragraph II above is hereby suspended and deferred for an additional period not to exceed 30 days.

It is further ordered that for the purpose of determining whether in fact the practice described in paragraph II above does or will violate the Act, a hearing concerning the matters set forth herein will be held before an administrative law judge of the Department at a time and place to be specified at a later date, of which respondent will receive adequate notice. At such hearing, the respondent and all other interested parties will have the right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered that copies hereof shall be served upon the parties.

Any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice by filing a statement to that effect that the Hearing Clerk, United States Department of Agriculture, Washington, DC 20250, within 20 days of the date of the publication hereof in the **Federal Register**.

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

B.H. (Bill) Jones,  
Administrator, Packers and Stockyards  
Administration.

[FR Doc. 86-25508 Filed 11-10-86; 8:45 am]

BILLING CODE 3410-KD-M

## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

#### Financial Assistance Application Announcements; Massachusetts

**AGENCY:** Minority Business  
Development Agency, Commerce.

**ACTION:** Notice.

**SUMMARY.** The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first twelve months is estimated at \$217,700 for the project performance of March 1, 1987 to February 29, 1988. The MBDC will operate in the Boston, Mass. Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$217,700 in Federal funds and a minimum of \$38,418 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and

technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should be continued. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

**DATES:** Closing date: The closing date for applications is December 15, 1986. Applications must be postmarked on or before December 15, 1986.

**ADDRESS:** New York Regional Office, Minority Business Development Agency, 26 Federal Plaza, Room 3720, New York, New York 10278, Area Code/ Telephone Number, (212) 264-3262.

**FOR FURTHER INFORMATION CONTACT:** Gina A. Sanchez, Regional Director New York Regional Office.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11,800 Minority Business Development, Catalog of Federal Domestic Assistance)

Dated: November 5, 1986.

Gina A. Sanchez,  
Regional Director, New York Regional Office.

[FR Doc. 86-25474 Filed 11-10-86; 8:45 am]

BILLING CODE 3510-21-M

### National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 473]

#### Marine Mammals Permit Modification; Washington Department of Game (P250A)

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Permit No. 473 issued to the Washington Department of Game, Marine Mammal Investigations, 600 North Capitol Way, GJ-11, Olympia, Washington 98504-0091 on June 15, 1984 (49 FR 25892) is modified as follows:

Sections A.3-7 are added:

3. Sixty (60) harbor seals (*Phoca vitulina*) may be injected with isotopes of either oxygen-18 and tritium or deuterated water each year.

4. These seals may be held for approximately 3-hours on the haulout and blood sampled before being released.

5. After a minimum of 3 to 5 days these seals may be recaptured and blood sampled. At this time they would be reinjected with tritiated water followed by a final blood sample 3 hours later.

6. Forty (40) of the seals authorized in A.3 may have depth or dive recorders attached.

7. Captured seals may be administered an intermuscular injection of tetracycline at a dosage of 2-5 mg/lb body weight.

Section B.1 is deleted and replaced by:

1. This research shall be conducted in the areas and for the purposes set forth in the application and modification request.

Section B.7 is added:

7. The Holder shall submit a report on the preliminary study that is conducted to assess the feasibility of recapturing specific harbor seals which indicates that individuals can be recaptured with a minimum of harassment to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235. Based on this review the Assistant Administrator, in consultation with the Northwest Region, may authorize the use of doubly-labeled water and the applying of depth recorders.

This modification became effective November 4, 1986.

Documents submitted in connection with the above Permit and modification are available for review in the following offices:

Protected Species Division, National Marine Fisheries Service, 1825 Connecticut Avenue, NW., Room 805, Washington, DC; and

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: November 5, 1986.

James E. Douglas, Jr.,  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 86-25471 Filed 11-10-86; 8:45 am]

BILLING CODE 3510-22-M

[P20F]

#### Marine Mammals; Issuance of Permit to Dr. Kenneth S. Norris, Dr. Randall S. Wells, and Dr. William T. Doyle

On January 22, 1986, notice was

published in the Federal Register (51 FR 2936) that an application had been filed by Dr. Kenneth S. Norris, Dr. Randall S. Wells, and Dr. William T. Doyle, Institute of Marine Sciences, Long Marine Laboratory University of California, Santa Cruz, California 95064, to freeze-brand, roto-tag, blood sample, radio tag, and extract teeth from Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) for scientific research.

Notice is hereby given that on November 5, 1986 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

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

Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Room 805 Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: November 5, 1986.

James E. Douglas, Jr.,  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

[FR Doc. 86-25470 Filed 11-10-86; 8:45 am]

BILLING CODE 3510-22-M

### DEPARTMENT OF DEFENSE

#### Office of the Secretary

#### Defense Equal Opportunity Management Institute Board of Visitors; Advisory Committee Meeting

The Defense Equal Opportunity Management Institute (DEOMI) Board of Visitors will meet at Patrick Air Force Base, Florida, 11-12 December 1986.

The purposes of the meeting will be to update Board Members on curriculum and support matters at DEOMI, orient new members of the Board of Visitors, and to report on the status and progress of the Joint Service Occupational Survey project.

The meeting will convene at 8:00 a.m. on 11 December 1986 and adjourn on 12 December 1986 at 12:00 m. The meeting is open to the public. For further

information, contact the DEOMI Public Affairs Office at (305) 494-6096/6017. November 6, 1986.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FF Doc. 86-25509 Filed 11-10-86; 8:45 am]  
BILLING CODE 3810-01-M

### Defense Science Board Task Force on Computer Applications to Training and Wargaming; Meetings

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Computer Applications to Training and Wargaming will meet in closed session on December 12-13, 1986 at Eglin Air Force Base, Florida.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will study how to integrate anticipated advances in computer technology with ongoing simulation efforts, supporting training and wargaming for joint warfighting.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

November 6, 1986.

Patricia H. Means,  
OSD Federal Register Liaison Officer,  
Department of Defense.

[FR Doc. 86-22510 Filed 11-10-86; 8:45 am]  
BILLING CODE 3810-01-M

### Department of the Air Force

#### USAF Scientific Advisory Board; Meeting

November 4, 1986.

The USAF Scientific Advisory Board Directorate of Engineering and Services Advisory Group will meet at the Air Force Office of Scientific Research, Bolling AFB, Wash DC on December 2, 1986 from 9:00 a.m. to 11:30 a.m.; at Headquarters Air Force Systems Command, Andrews AFB, MD on December 2, 1986 from 1:30 p.m. to 4:30 p.m.; and at Headquarters Tactical Air Command, Langley AFB, VA on December 3, 1986 from 9:00 a.m. to 4:00 p.m.

The purpose of the meeting is for Airlift Panel to review, discuss and evaluate the mechanisms by which laboratory products are transitioned to the field. The meeting will include classified discussions on technology issues.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,  
Air Force Federal Register Liaison Officer.  
[FR Doc. 86-25424 Filed 11-10-86; 8:45 am]  
BILLING CODE 3910-01-M

#### USAF Scientific Advisory Board; Meeting

November 4, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Minuteman III Penetration Aids will meet at the Pentagon, Washington DC on December 10-11, 1986 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to review, discuss and evaluate the effectiveness of penetration aids proposed for the Minuteman III.

The meeting concerns matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,  
Air Force Federal Register Liaison Officer.  
[FR Doc. 86-25425 Filed 11-10-86; 8:45 am]  
BILLING CODE 3910-01-M

### DEPARTMENT OF EDUCATION

#### National Advisory Committee on Accreditation and Institutional Eligibility; Meeting

**AGENCY:** Department of Education.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a public meeting of the National Advisory Committee on Accreditation and Institutional Eligibility. It also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of

its opportunity to attend and to participate.

**DATES:** December 1, 1986, 8:00 a.m. until 5:30 p.m. and December 2, 8:00 a.m. until 5:30 p.m. local time. Requests for oral presentations before the Committee must be received on or before November 24, 1986. Written comments may be submitted at any time prior to the meeting and will be considered by the Advisory Committee.

**ADDRESS:** Georgetown Marbury Hotel, 3000 M Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Leslie W. Ross, Chief, Agency Evaluation Branch, 400 Maryland Avenue SW. (Room 3030, ROB-3), U.S. Department of Education, Washington, DC 20202 (202) 732-3486.

**SUPPLEMENTARY INFORMATION:** The National Advisory committee on Accreditation and Institutional Eligibility is authorized by section 1205 of the Higher Education Act as amended by Pub. L. 96-374 (20 U.S.C. 1145). The Committee advises the Secretary of Education regarding his responsibility to publish a list of nationally recognized accrediting agencies and associations; State agencies recognized for the approval of public postsecondary vocational education, and State agencies recognized for the approval of nurse education.

The Committee also advises the Secretary of Education regarding policy affecting both recognition of accrediting and approval bodies, and institutional eligibility for participation in Federal funding programs.

The meeting on December 1-2 will be open to the public. The Advisory Committee will review petitions and interim reports by the following accrediting agencies relative to continued recognition by the Secretary of Education. The Committee will also hear presentations by representatives of these petitioning agencies and interested third parties. Finally, Chairman Donald Stewart will present the recommendations of the NACAIE "Working Group" to strengthen the "Secretary's Recognition procedures for National Accreditation Bodies and State Agencies." The Agencies having petitions and interim reports pending before the Committee are:

#### Petitions for Recognition as Nationally Recognized Accrediting Agencies and Associations

A. *Petitions for Renewal of Recognition*  
Accrediting Council on Education in Journalism and Mass Communications  
American Association of Bible Colleges

American Association of Nurse Anesthetists  
 American Dietetic Association  
 American Medical Association, Committee on Allied Health Education and Accreditation, in cooperation with review committees for:  
 Diagnostic Medical Sonography  
 Electroencephalographic Technologist  
 Ophthalmic Medical Assistant  
 Perfusionist  
 Association for Clinical Pastoral Education  
 Council on Social Work Education  
 National Accreditation Council for Agencies Serving the Blind and Visually Handicapped  
 National Association of Schools of Dance  
 National Architectural Accrediting Board

#### B. Interim Reports

Accrediting Commission on Education for Health Services Administration  
 American Osteopathic Association Commission on Opticianry Accreditation  
 Council for Noncollegiate Continuing Education  
 National Association of Trade and Technical Schools  
 National Council for Accreditation of Teacher Education  
 Western Association of Schools and Colleges, Accrediting Commission for Schools

#### Petitions for Recognition as State Agencies for the Approval of Public Postsecondary Vocational Education

##### A. Petitions for Renewal of Recognition

Delaware State Board of Education  
 Office of the Superintendent of Public Instruction, State of Washington

##### B. Interim Reports

Missouri State Board of Education  
 New Jersey State Department of Education  
 Utah State Board for Vocational Education

#### Petition for Recognition as a State Agency for the Approval of Nurse Education

##### A. Interim Report

Maryland State Board of Examiners of Nurses  
 In addition to the review of the above petitions and interim reports, the Advisory Committee will review a request by the Department of the Army for a recommendation concerning authority of the Judge Advocate General's School to award the degree of Master of Laws (LL.M.)

Requests for oral presentations before the Committee should be submitted in writing to Leslie W. Ross (address above). Requests should include the names of all persons seeking an appearance, the organization they represent and the purpose for which the presentation is requested. Requests should be received on or before November 24, 1986. Time constraints may limit oral presentations. However, all written materials will be considered by the Advisory Committee.

A record will be made of the proceedings of the meeting and will be available for public inspection at the Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 3030, ROB-3), Washington, DC, from the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

Signed at Washington, DC, on November 6, 1986.

Dated: November 5, 1986.

C. Ronald Kimberling,  
 Assistant Secretary for Postsecondary Education.

[FR Doc. 86-25482 Filed 11-10-86; 8:45 am]  
 BILLING CODE 4000-01-M

#### National Advisory Board on International Education Programs; Meeting

**AGENCY:** National Advisory Board on International Education Programs.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

**DATES:** December 1, 2, 1986.

**ADDRESS:** Hyatt-Arlington Hotel, 1325 Wilson Boulevard, Arlington, Virginia 22209-9990.

**FOR FURTHER INFORMATION CONTACT:** Harry M. Gardner, Postsecondary Relations Staff, ROB-3, Room 4082, 400 Maryland Avenue, SW., Washington, DC 20202 (202-732-3547).

**SUPPLEMENTARY INFORMATION:** The National Advisory Board on International Education Programs is established under section 621 of the Higher Education Act of 1965, as amended, by the Education Amendments of 1980 (Pub. L. 96-374; 20 U.S.C. 1131). Its mandate is to advise the Secretary of Education on the conduct of the programs under this title.

This meeting of the National Advisory Board on International Education Programs is open to the public.

The agenda: The Board will examine the Title VI Sections of Pub. L. 99-498, The Higher Education Amendments of 1986, and the issues for which the Department is obliged to draft regulations. Also, general Board business for 1987 will be discussed.

The afternoon of December 2, the Board will conduct an on-site visit to the Foreign Service Institute, 1400 Key Boulevard, in Arlington.

Records are kept on the Board proceedings and are available for public inspection at the Office of Postsecondary Relations Staff, from 8:00 a.m. to 4:00 p.m., ROB-3, 7th & D Streets, SW., Room 3915, Washington, DC.

Signed at Washington, DC, on Nov. 5, 1986.

C. Ronald Kimberling,  
 Assistant Secretary for Postsecondary Education.

[FR Doc. 86-25483 Filed 11-10-86; 8:45 am]  
 BILLING CODE 4000-01-M

#### DEPARTMENT OF ENERGY

##### Economic Regulatory Administration

[Docket No. ERA-C&E-86-57; OFP Case No. 53146-3797-20-21-22]

#### Acceptance of Petition for Exemption and Availability of Certification by Virginia Electric and Power Co., Richmond, VA

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of acceptance.

**SUMMARY:** On September 25, 1986, Virginia Electric and Power Company (Virginia Power or the petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting two (2) permanent exemptions based on the "lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum" for 2 proposed 210 megawatt combined cycle gas turbine generating units to be built at Virginia Power's Chesterfield Power Station in Chesterfield County, Virginia, from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) ("FUA" or "the Act"). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning

for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type of exemption from the prohibitions of Title II of FUA are found in 10 CFR 503.37.

ERA has determined that the petition appears to include sufficient evidence to support an ERA determination on the exemption request and it is therefore accepted pursuant to 10 CFR 501.3. A review of the petition is provided in the "SUPPLEMENTARY INFORMATION" section below.

As provided for in sections 701 (c) and (d) of FUA and 10 CFR 501.31 and 501.33, interested persons are invited to submit written comments in regard to this petition and any interested person may submit a written request that ERA convene a public hearing.

The public file containing a copy of this Notice of Acceptance and Availability of Certification as well as other documents and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, from 9:00 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

ERA will issue a final order granting or denying the petition for exemption from the prohibitions of the Act within six months after the end of the period for public comment and hearing, unless ERA extends such period. Notice of any such extension, together with a statement of reasons therefor, would be published in the **Federal Register**.

**DATES:** Written comments are due on or before December 29, 1986. A request for a public hearing must be made within this same 45-day period.

**ADDRESSES:** Fifteen copies of written comments or a request for a public hearing shall be submitted to: Case Control Unit, Office of Fuels Programs, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Docket No. ERA-C&E-86-50 should be printed on the outside of the envelope and the document contained therein.

**FOR FURTHER INFORMATION CONTACT:**

Frank Duchaine, Coal & Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202)252-8233.

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6A-113, 1000 Independence Avenue, SW.,

Washington, DC 20585, Telephone (202)252-6947.

**SUPPLEMENTARY INFORMATION:** Virginia Power proposes to install a total of 2 (210 MW each) combined cycle gas turbine generators at its Chesterfield Power Station (units 7 & 8 respectively).

The first combined cycle unit will be constructed in two phases. The first phase will involve installation of one combustion turbine and related support equipment. For Unit 7, this phase will be completed in 1990. The second phase will involve the addition of a heat recovery steam generator (HRSG) and steam turbine to the combustion turbine. The second phase of construction for Unit 7 will be completed by 1991. The method of constructing Unit 8 has not yet been determined, but at this time the unit is scheduled for completion in 1992.

The combined cycle powerplant will burn natural gas as its primary fuel to drive a combustion turbine-generator. The exhaust will feed to a two-pressure HRSG. High pressure steam from the HRSG will drive a steam turbine-generator. Steam exhaust will be circulated to the reheater section of the HRSG and then piped to the intermediate and low pressure section of the steam turbine and then to the deaerating condenser.

Section 212(a)(1)(A)(ii) of the Act provides for a permanent exemption due to lack of an alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum. To qualify the petitioner must certify that:

(1) A good faith effort has been made to obtain an adequate and reliable supply of an alternate fuel for use as a primary energy source of the quality and quantity necessary to conform with the design and operational requirements of the proposed unit;

(2) The cost of using such a supply would substantially exceed the cost of using imported petroleum as a primary energy source during the useful life of the proposed unit as defined in § 503.6 (cost calculation) of the regulations;

(3) No alternate power supply exists, as required under § 503.8 of the regulations;

(4) Use of mixtures is not feasible, as required under § 503.9 of the regulations; and

(5) Alternative sites are not available, as required under § 503.11 of the regulations.

In accordance with the evidentiary requirements of § 503.32(b) (and in addition to the certifications discussed above), the petitioner has included as part of its petition:

1. Exhibits containing the basis for the certifications described above; and

2. An environmental impact analysis, as required under 10 CFR 503.13.

In processing this exemption request, ERA will comply with the requirements of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality's implementing regulations, 40 CFR Part 1500 *et seq.*; and DOE guidelines implementing those regulations, published at 45 FR 20694, March 28, 1980. NEPA compliance may involve the preparation of: (1) An Environmental Impact Statement (EIS); (2) an Environmental Assessment; or (3) a memorandum to the file finding that the grant of the requested exemption would not be considered a major Federal action significantly affecting the quality of the environment.

If an EIS is determined to be required, ERA will publish a Notice of Intent to prepare an EIS in the **Federal Register** as soon as practicable. No final action will be taken on the exemption petition until ERA's NEPA compliance has been completed.

The acceptance of the petition by ERA does not constitute a determination that Virginia Power is entitled to the exemption requested. That determination will be based on the entire record of this proceeding, including any comments received during the public comment period provided for in this notice.

Issued in Washington, DC, on November 3, 1986.

**Robert L. Davies,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 86-25464 Filed 11-10-86; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-C&E-86-54; OFP Case No. 67004-9032-21-24]

**Order Granting United States Borax & Chemical Corp. Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978**

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Order granting exemption.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that it has granted a permanent cogeneration exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* ("FUA" or the "Act"), to United States Borax & Chemical Corporation (U.S. Borax). The permanent cogeneration exemption permits the use of natural gas as the

primary energy source, for the proposed cogeneration facility to be located at Boron, California. The final exemption order and detailed information are provided in the "SUPPLEMENTARY INFORMATION" section below.

**DATES:** The order shall take effect on January 5, 1987.

The public file containing a copy of the order, other documents, and supporting materials on this proceeding is available upon request through DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:**

Myra L. Couch, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 252-6769

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Forrestal Building—Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 252-6749.

**SUPPLEMENTARY INFORMATION:** The facility for which U.S. Borax is requesting a permanent cogeneration exemption is a 45 MW combined cycle gas turbine in addition to its existing cogeneration facility in Boron, California, which will generate electrical power for sale to Southern California Edison and produce steam to be used in U.S. Borax Refinery. The system will consist of a gas turbine, heat recovery steam generator, and extracting/condensing steam turbine-generator. The facility will burn natural gas and will be capable of utilizing #2 oil as a back-up fuel.

**Procedural Requirements**

In accordance with the procedural requirements of section 701(c) of FUA and 10 CFR 501.3(b), ERA published its Notice of Acceptance of Petition and Availability of Certification in the *Federal Register* on September 16, 1986, (51 FR 32826), commencing a 45-day public comment period.

A copy of the petition was provided to the Environmental Protection Agency for comments as required by section 701(f) of the Act. During the comment period, interested persons were afforded an opportunity to request a public hearing.

The comment period closed on October 31, 1986; no comments were received and no hearing was requested.

**Order Granting Permanent Cogeneration Exemption**

Based upon the entire record of this proceeding, ERA has determined that U.S. Borax has satisfied the eligibility requirements for the requested permanent cogeneration exemption, as set forth in 10 CFR 503.37. Therefore, pursuant to section 212(c) of FUA, ERA hereby grants a permanent cogeneration exemption to U.S. Borax, to permit the use of natural gas as the primary energy source for its cogeneration facility.

Pursuant to section 702(c) of the Act of 10 CFR 501.69, any person aggrieved by this order may petition for judicial review thereof at any time before January 5, 1987.

Issued in Washington, DC, on November 3, 1986.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-25465 Filed 11-10-86; 8:45 am]

BILLING CODE 6450-01-M

**Office of Hearings and Appeals**

**Proposed Refund Procedures**

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of a total of \$1,797,191.59 (plus accrued interest) obtained from five crude oil resellers or producers: O.B. Mobley, Jr. (Case No. HEF-0499), Gulf Energy and Development Corp. (Case No. HEF-0568), Amcole Energy Corp. (Case No. HEF-0585), Texas Arkansas, Colorado and Oklahoma Oil Purchasing Corp. (Case No. KEF-0036) and Petroleum Supply, Inc. and Donald L. Ragland (Case No. KEF-0046). The OHA has tentatively determined that the funds will be distributed in accordance with the DOE's Statement of Modified Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986).

**DATE AND ADDRESS:** Comments must be filed in duplicate within 30 days from the date of publication of this notice in the *Federal Register* and should be addressed to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All comments should display a reference to the applicable case number.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director,

Office of Hearings and Appeals 1000 Independence Avenue SW., Washington, DC 20585 (202) 252-2860.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute monies obtained from five crude oil resellers or producers: O.B. Mobley, Jr., Gulf Energy and Development Corp., Amcole Energy Corp., Texas, Arkansas, Colorado and Oklahoma Oil Purchasing Corp., and Petroleum Supply, Inc. and Donald L. Ragland. These firms remitted monies to the DOE to settle possible pricing violations with respect to their sales of crude oil. The firms' payments are being held in an interest-bearing escrow account pending distribution by the DOE.

The DOE has tentatively decided that distribution of the monies received from the five consent order firms will be governed by the DOE's Statement of Modified Restitutionary Policy in Crude Oil Cases, 51 FR 27899 (August 4, 1986). That policy states that crude oil overcharge monies will be divided among the states, the federal government, and eligible purchasers of petroleum products.

Under the plan we are proposing, refunds to the states would be distributed in proportion to each state's consumption of petroleum products. Refunds to eligible purchasers would be based on the number of gallons of crude oil or refined products which they purchased and the extent to which they can demonstrate injury.

Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments must be submitted within 30 days of publication of this notice in the *Federal Register* and should be sent to the address set forth at the beginning of this notice. All comments received will be available for public inspection between the hours of 1:00 p.m. and 5:00 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Washington, DC 20585.

Dated: November 4, 1986.

George B Breznay,

Director, Office of Hearings and Appeals.

November 4, 1986.

### Proposed Decision and Order of the Department of Energy

#### Implementation of Special Refund Procedures

Names of Firms: O.B. Mobley, Jr.; Gulf Energy and Development Corp; Amcole Energy Corp.; Texas, Arkansas, Colorado and Oklahoma Oil Purchasing Corp.; and Petroleum Supply, Inc. and Donald L. Ragland.

Dates of Filings: April 5, 1984; March 7, 1985; May 31, 1985; May 6, 1986; and July 10, 1986.

Case Numbers: HEF-0499; HEF-0568; HEF-0585; KEF-0036; and KEF-0046.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special refund procedures. See 10 CFR Part 205, Subpart V. Such procedures enable the DOE to refund monies to those injured by alleged violations of the DOE pricing regulations.

This proceeding involves five Petitions for the Implementation of Special Refund Procedures which the ERA filed with the OHA with respect to funds obtained from O.B. Mobley, Jr. (Mobley), Gulf Energy and Development Corp. (Gulf Energy), Amcole Energy Corp. (Amcole), Texas, Arkansas, Colorado and Oklahoma Oil Purchasing Corp. (TACO), Petroleum Supply, Inc. and Donald L. Ragland Corp. (PSI).<sup>1</sup> TACO and PSI were "resellers" of crude oil; the other remaining three consent order firms were "producers" of crude oil. All were subject to the provisions of the DOE's Mandatory Petroleum Price Regulations. The consent orders which are the subject of these refund proceedings all involve alleged crude oil pricing violations. The combined amount of principal in escrow totals \$1,797,191.59. Pending distribution, these funds are being held in escrow by the DOE in an interest-bearing account administered by the Department of the Treasury.<sup>2</sup> This Decision and Order

proposes procedures by which the OHA will distribute these funds. Comments are solicited on these proposed procedures.

The general guidelines which the OHA may use to formulate and implement a plan to distribute funds are set forth in 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of alleged or adjudicated violations or to ascertain the amount of each person's injuries. For a more detailed discussion of Subpart V and the authority of the OHA to fashion procedures to distribute refunds, see *Office of Enforcement*, 9 DOE ¶ 82,508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

We have considered the ERA's requests to implement Subpart V procedures with respect to the monies received from the five consent order firms and have determined that such procedures are appropriate. Accordingly, we will grant the ERA's requests.

Since the monies which the consent order firms remitted to the DOE settle alleged crude oil regulatory violations, we propose that the funds be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges issued on July 28, 1986. 51 FR 27899 (August 4, 1986) (hereinafter referred to as "the DOE Policy"). Under that policy up to 20 percent of alleged crude oil violation amounts will be reserved to satisfy valid claims by eligible purchasers of crude oil and refined petroleum products. Remaining funds are to be disbursed to the state and federal governments for indirect restitution, in accordance with the provisions of the recently enacted Petroleum Overcharge Distribution and Restitution Act of 1986. See H.R. 5300, Title III, 99th Cong., 2d Sess., Cong. Rec. H11319-21 (daily ed. October 17, 1986). In the present case, we have decided to reserve the full 20 percent—\$359,438.32—of the alleged crude oil violation amounts for direct refunds to purchasers of refined petroleum products and crude oil who prove that they were injured by the alleged crude oil violations.<sup>3</sup> The process which the

OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used to evaluate claims based on alleged refined product overcharges pursuant to 10 CFR Part 205, Subpart V. See *Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986).

As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured by the alleged violations (i.e., that they did not pass on alleged overcharges to their own customers). The standards for showing injury which the OHA has developed in analyzing non-crude oil claims will also apply to claims based on alleged crude oil violations. See, e.g., *Dorchester Gas Corp.*, 14 DOE ¶ 85,240 (1986). Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the money available in each escrow subaccount by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). Appendix A shows the per gallon principal volumetric refund amount for each of these five consent order firms. The total of the principal volumetric amounts for these proceedings is \$0.000008893.<sup>4</sup> In addition, after all valid claims are paid, unclaimed funds from the 20 percent claims reserve will be divided equally between federal and state governments. The federal government's share of the unclaimed funds will ultimately be deposited into the general fund of the Treasury of the United States.

We propose that the remaining 80 percent of the funds—\$1,437,753.27—be immediately disbursed to the federal and state governments for indirect restitution. We propose to direct the DOE's Office of the Controller to segregate this amount and distribute \$359,438.32 plus appropriate interest to the States and \$1,078,314.95 plus appropriate interest to the federal government.<sup>5</sup> Refunds to the States will

portion of the Stripper Well Exemption Litigation funds generally must sign a waiver releasing their claims to a portion of the crude oil funds to be distributed by the OHA. Settlement Agreement, Part III.

<sup>4</sup> The volumetric refund amount will increase due to the accrual of interest on each fund. To assist claimants in calculating their potential refund, we set forth the volumetric refund amount including interest as of September 30, 1986 in Appendix A.

<sup>5</sup> The Stripper Well Exemption Litigation Settlement Agreement provides that for amounts transferred by OHA to the federal and state governments in excess of \$100 million, of the next \$400 million, the DOE shall receive 75 percent and the States shall receive 25 percent. Settlement

<sup>1</sup> The funds were obtained by the DOE in accordance with consent orders executed between the DOE and the firms on the following dates: Mobley—September 23, 1985; Gulf Energy—May 16, 1984; Amcole—September 24, 1984; TACO—September 23, 1983; and PSI—May 21, 1986.

<sup>2</sup> As of September 30, 1986, the total amount in escrow equals \$2,178,944.64, including interest.

<sup>3</sup> On July 7, 1986, the United States District Court for the District of Kansas approved the Settlement Agreement in *In Re: The Department of Energy Stripper Well Exemption Litigation*, MDL No. 378, 3 Fed. Energy Guidelines ¶ 26,563. That Settlement Agreement resolves a number of matters, including the distribution of funds collected by the Court and the distribution of alleged crude oil violation amounts collected by the DOE in other cases. Under the Settlement Agreement firms which apply for a

be in proportion to the consumption of petroleum products in each state during the period of price controls. Appendix B to this Decision lists the share (ratio) of the funds in the state account which each state will receive if these procedures are adopted.

Finally, we note that in an Order implementing the DOE Policy, the OHA solicited comments and objections regarding the proper application of the DOE Policy to all present and future

OHA refund proceedings involving alleged crude oil violations. 51 FR 29689 (August 20, 1986). Comments and objections on the DOE Policy were due by September 19, 1986. These comments are currently being considered.

It is therefore ordered that:

The refund amounts remitted pursuant to consent orders by the firms identified in Appendix A to this Decision and Order shall be distributed in accordance with the foregoing Decision.

## APPENDIX A

Firm and Consent Order No.	OHA Case No.	Principal in escrow	Principal volumetric	Volumetric as of Sept. 30, 1986
O.B. Mobley, Jr., 640C10000Z	HEF-0499	\$1,095,622.15	\$0.0000005421	\$0.0000006723
Gulf Energy and Development Corp. 610C00418Z	HEF-0568	316,695.15	.0000001567	.0000001899
Amcoke Energy Corp., 600C20060Z	HEF-0585	244,874.29	.0000001212	.0000001402
Texas, Arkansas, Colorado & Oklahoma Oil Purchasing Corp. 6A0X00258Z	KEF-0036	40,000.00	.0000000198	.0000000254
Petroleum Supply, Inc. and Donald L. Ragland 640X00334Z	KEF-0046	100,000.00	.0000000495	.0000000504
Total		\$1,797,191.59	\$0.0000008893	\$0.0000010782

Twenty Percent of Total Principal for Direct Refunds: \$359,438.32.  
Eighty Percent of Total Principal for Indirect Restitution: \$1,437,753.27.  
States' Share for Indirect Restitution: \$359,438.32.  
Federal Government's Share for Indirect Restitution: \$1,078,314.95.

## APPENDIX B

[Calculation of ratios for distribution to States and territories—M.D.L. 378]

State	Consumption	Ratio
Alabama	626,803,520	0.01534512450
Alaska	158,047,980	0.0386926023
American Samoa	7,275,000	0.0017810331
Arizona	418,994,930	0.1025764719
Arkansas	519,811,670	0.1272579770
California	3,739,318,300	0.9154432453
Colorado	439,201,380	0.1075233249
Connecticut	693,689,220	0.1698259040
Delaware	193,932,730	0.0474777469
District of Columbia	97,574,660	0.0238877935
Florida	1,887,260,600	0.4620307312
Georgia	909,619,880	0.2226890861
Guam	60,196,000	0.0147369165
Hawaii	280,655,260	0.0687087703
Idaho	167,643,790	0.0410418057
Illinois	1,876,159,080	0.4593129065
Indiana	1,006,156,560	0.2463227660
Iowa	532,229,530	0.1302980621
Kansas	457,905,310	0.1121023378
Kentucky	523,601,010	0.1281856663
Louisiana	971,591,210	0.2378606310
Maine	300,279,730	0.0735131456
Maryland	731,363,020	0.1790490359
Massachusetts	1,398,309,100	0.3423278036
Michigan	1,391,772,090	0.3407274419
Minnesota	708,814,590	0.1735288297
Mississippi	557,786,510	0.1365548081
Missouri	806,514,320	0.1974472423
Montana	184,882,510	0.0452621123
Nebraska	301,217,700	0.0737427752
Nevada	165,454,200	0.0405057600
New Hampshire	190,375,330	0.0466068401
New Jersey	1,507,862,710	0.3691482302
New Mexico	267,574,460	0.0655063871
New York	3,162,994,520	0.7743502253
No. Mariana Islands	3,763,000	0.0009212409
North Carolina	916,800,700	0.2244470625
North Dakota	149,717,090	0.0366530709
Ohio	1,534,904,170	0.3757684000
Oklahoma	504,488,400	0.1235066023
Oregon	404,894,790	0.0991245384
Pennsylvania	1,901,863,900	0.4659058461
Puerto Rico	389,132,000	0.0952655624

Agreement, Paragraph II.B.3.c.ii. On August 4, 1986, the OHA transferred \$104,061,950.81 to the state and

## APPENDIX B—Continued

State	Consumption	Ratio
Rhode Island	161,953,570	0.0396487514
South Carolina	486,978,850	0.1192199923
South Dakota	146,053,670	0.0357562087
Tennessee	660,920,850	0.1618036977
Texas	3,013,545,120	0.7377626991
Utah	240,978,330	0.0589952410
Vermont	97,762,860	0.0239338678
Virgin Islands	188,953,000	0.0462586316
Virginia	1,048,324,650	0.2566461699
Washington	623,786,920	0.1527127344
West Virginia	244,121,480	0.0597647330
Wisconsin	718,698,070	0.1759484593
Wyoming	166,569,650	0.0407788395
Totals	40,847,079,480	1.0000000000

[FR Doc. 86-25440 Filed 11-10-86; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[PF-472; FRL-3108-2]

## Petition for Pesticide Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of a pesticide petition proposing exemption from the requirement of a tolerance for the insect pheromone isomate-M (Z-8-dodecen-1-yl acetate; E-8-dodecen-1-yl acetate; Z-8-dodecen-1-

federal governments. *Stripper Well Exemption Litigation*, 14 DOE ¶ 85.382 (1986).

ol) in or on the agricultural commodities nectarines and peaches.

ADDRESS: By mail, submit comments identified by the document control number [PF-472] at the following address:

Information Services Section (TS-757C), (Attn: Product Manager (PM) 17), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to

Information Services Section (TS-757C), Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked confidential may be disclosed publicly by EPA without prior notice. Written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

## FOR FURTHER INFORMATION CONTACT:

By mail: Arturo Castillo, Product Manager (PM) 17, Registration Division (TS-767C), Environmental Protection Agency, Office of Pesticide Programs, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA received pesticide petition 6F3377 from Biocontrol Ltd., 148 Palermin St., Warwick, Queensland 4370, Australia. U.S. Agent: John W. Kennedy Consultants, Inc., American Bank Bldg., Suite 406, Laurel, MD 20707, proposing that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for residues of the insect pheromone isomate-M (Z-8-dodecen-1-yl acetate; E-8-dodecen-1-yl acetate; Z-8-dodecen-1-ol) in or on the agricultural commodities nectarines and peaches.

(21 U.S.C. 346a)

Dated: October 30, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-25349 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

[PF-473; FRL-3108-1]

### Pesticide Tolerance Petitions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of food and feed additive petitions proposing establishment of regulations permitting residues of certain pesticide chemicals in or on certain food and feed commodities.

**ADDRESS:** By mail, submit comments identified by the document control number [PF-473] at the following address:

Information Services Section (TS-757C), (Attn: Emergency Response and Minor Use Section), Program Management and Support Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to:

Information Services Section (TS-757C), Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. Written comments filed in response to this notice will be available for public inspection in the Information Services Section office at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

#### FOR FURTHER INFORMATION CONTACT:

By mail: Donald R. Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1806).

**SUPPLEMENTARY INFORMATION:** EPA has received food and feed additive (FAP) petitions as follows from the Interregional Research Project No. 4 (IR-4) National Director, Dr. R.H. Kupelian, New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, proposing the establishment of regulations permitting residues of certain pesticide chemicals in or on certain feed and food commodities in accordance with the Federal Food, Drug, and Cosmetic Act.

1. *FAP 6H5516.* Proposes amending 21 CFR 193.43 by establishing a regulation permitting the combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-N-methylcarbamate), its carbamate metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate and 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the food commodity dry hops at 1.0 part per million (ppm) (of which no more than 0.1 ppm are carbamates) resulting from application of the pesticide to the growing crop.

2. *FAP 6H5516.* Proposes amending 21 CFR 561.67 by establishing a regulation permitting the combined residues of carbofuran and its metabolites in or on the animal feed commodity spent hops at 1.0 ppm (of which no more than 0.1 ppm are carbamates) resulting from application of the pesticide to the growing crop.

3. *FAP 6H5504.* Proposes amending 21 CFR 193.253 by establishing a regulation permitting the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer 3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and its metabolite 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the food commodity dry ginseng at 4 ppm resulting from application of the pesticide to the growing crop.

4. *FAP 7H5517.* Proposes amending 21 CFR part 193 by establishing a regulation permitting the combined residues of the herbicide terbacil (3-tert-butyl-5-chloro-6-methyluracil) and its metabolites 3-tert-butyl-5-chloro-6-hydroxymethyluracil, 6-chloro-2,3-dihydro-7-hydroxymethyl-3,3-dimethyl-5H-oxazolo (3,2-a) pyrimidin-5-one, and 6-chloro-2,3-dihydro-3,3,7-trimethyl-5H-oxazolo (3,2-a) pyrimidin-5-one (calculated as terbacil) in or on the food

commodity prunes at 0.15 ppm resulting from application of the pesticide to the growing crop.

(21 U.S.C. 346a)

Dated: October 30, 1986.

James W. Akerman,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-25350 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66129A; FRL-3108-7]

### Carbon Tetrachloride; Intent To Cancel Registrations of Pesticide Products Containing Carbon Tetrachloride

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Intent to Cancel.

**SUMMARY:** Carbon tetrachloride is currently present as an active ingredient in pesticide products registered for use as fumigants on stored grain, in flour milling and grain processing plants, and on encased museum specimens not on public display. Carbon tetrachloride has been shown to pose significant risks to humans including both a risk of acute and subacute poisoning and an oncogenic risk. In addition, significant concentrations of carbon tetrachloride are present in the atmosphere, in part due to the use of the chemical as a pesticide, and may contribute to the breakdown of the atmosphere's ozone layer. Benefits of continued use of carbon tetrachloride as a pesticide are limited. There are alternatives available for most sites where it has been used. Based on these factors, the Environmental Protection Agency has determined that continued registration of pesticide products containing carbon tetrachloride as an active ingredient for use at any site, except for use on museum specimens, would cause an unreasonable adverse effect on the environment. Accordingly, the Agency is issuing this Notice of Intent to Cancel all registrations of pesticide products labelled for use on any site other than encased museum specimens.

**DATE:** A request for a hearing by a registrant or applicant must be received by December 12, 1986 or 30 days from receipt by mail of this Notice, whichever is the later applicable deadline. A request for a hearing from any other adversely affected person must be received by December 12, 1986.

**ADDRESS:** Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**

By mail: Douglas G. McKinney, Special Review Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 1006, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-5488).

**SUPPLEMENTARY INFORMATION:****I. Introduction**

Carbon tetrachloride (CCl<sub>4</sub>), also known as perchloromethane and tetrachloromethane, has been used in registered pesticides since 1948. Products containing CCl<sub>4</sub> are currently registered for use on museum specimens, and for use on grain and grain processing equipment. EPA issued a notice of rebuttable presumption against registration (RPAR) of all pesticide products containing carbon tetrachloride, which was published in the *Federal Register* of October 15, 1980 (45 FR 68534), because these pesticides met or exceeded two basic risk criteria set forth in 40 CFR 162.11(a)(3): Oncogenic effects in experimental mammalian species and chronic or delayed liver and kidney toxic effects in humans and experimental animals.

In this notice EPA is announcing its intent to cancel the registrations of all pesticide products containing carbon tetrachloride except a single product registered for use on encased museum specimens. This notice is divided into nine units. Unit I is this introduction. Unit II, entitled "Legal Background," provides a general discussion of the regulatory framework within which this action is taken. Units III and IV summarize the risk and benefit determinations, respectively, concerning the uses of carbon tetrachloride, except for use on museum specimens. Unit V discusses the encased museum specimen use site. Unit VI sets forth the regulatory actions initiated by this notice. Unit VII contains the comments of the Secretary of Agriculture and the Scientific Advisory Panel. Unit VIII, entitled "Procedural Matters," provides a brief discussion of the procedures to be followed in responding to this Notice. Unit IX contains a list of references.

**II. Legal and Regulatory Background**

In order to obtain a registration for a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), an applicant for registration must demonstrate that a pesticide satisfies the statutory standard for registration. For an unconditional registration, that standard requires, among other things,

that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment" (FIFRA section 3(c)(5)). The term "unreasonable adverse effects on the environment" is defined as "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide" (FIFRA section 2(bb)). This standard requires a finding that the benefits of each use of the pesticide justify the risks of use, when the pesticide is used in compliance with the terms and conditions of registration or in accordance with commonly recognized practices.

The burden of proving that a pesticide satisfies the statutory standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the Special Review process (formerly called the RPAR process) to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information about the risks and benefits of these uses.

EPA regulations in effect in 1980 provided that a Rebuttal Presumption Against Registration (now referred to as a Special Review) be initiated if a pesticide satisfies any of several risk criteria. (The regulations in force in 1980, 40 CFR 162.11, have since been revised and recodified in 40 CFR Part 154.) The Agency announces that a Special Review has been commenced by issuing a notice for publication in the *Federal Register*. Registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to show the Agency's initial determination of risk was in error, or to show that use of the pesticide is not likely to result in any significant risk to humans or the environment. In addition, commenters may submit evidence as to whether the economic, social and environmental benefits of the use of the pesticide outweigh the risks of use.

In determining whether the use of a pesticide poses unacceptable risks, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of use. If the Agency determines that such changes reduce risks to the level where

the benefits outweigh the risks, it may require that such changes be made in the terms and conditions of the registrations. Alternatively, the Agency may determine that no change in the terms and conditions of a registration will adequately assure that use of the pesticide will not cause an unreasonable adverse effect. In either case, the Agency will issue a Notice of Intent to Cancel existing registrations and a Notice of Denial of any pending applications for registrations of such products. Actual cancellation may be avoided by making the specified corrections to existing registrations as set forth in the Notice, if possible. Adversely affected persons may also request a hearing on the cancellation of a specified registration and use, and, if they do so in a legally effective manner, that registration and use will be maintained pending a decision at the close of an administrative hearing.

**III. Summary of Risk Determination**

The Agency has evaluated the available data regarding the risks of continued use of carbon tetrachloride. Detailed discussions of these risks are presented in the PD-1 and in the "Health Assessment Document for Carbon Tetrachloride" (Ref. 16). This unit summarizes the risk determinations for all uses of carbon tetrachloride, excluding the use for encased museum specimens.

**A. Chemical and Physical Properties**

Carbon tetrachloride is a chlorinated hydrocarbon compound with the molecular formula CCl<sub>4</sub>. It is a clear, colorless, nonflammable liquid with a moderately strong odor similar to that of chloroform. CCl<sub>4</sub> is slightly soluble in water, soluble in alcohol and acetone, and miscible in benzene, chloroform and ether (Ref. 13). Its density is 1.59 gm/l at 4°C which is greater than the density of water; therefore, under certain conditions, large amounts spilled into water may settle and not volatilize. CCl<sub>4</sub> is highly volatile with a vapor pressure of 115.2 mm Hg at 25°C.

Carbon tetrachloride is produced commercially from the chlorination of various chemicals including methane, propane, ethane, propylene, or carbon disulfide.

**B. Acute and Subchronic Toxicity**

Data indicate that CCl<sub>4</sub> is toxic to humans and animals following inhalation, ingestion, or dermal administration. The central nervous system, liver, and kidneys are primarily affected as a result of acute and subchronic exposure to CCl<sub>4</sub>. Also,

sporadic cases of ocular toxicity have occurred following subchronic exposure to  $\text{CCl}_4$  vapors.

Animals surviving acute doses of  $\text{CCl}_4$  showed liver damage and, in some cases, kidney damage. The effects were reported to be dose related. Further, subchronic studies and, as discussed in the next section, chronic studies of  $\text{CCl}_4$  exposure in rats, monkeys, rabbits, dogs, and guinea pigs demonstrated liver, kidney, sciatic nerve, optic nerve and ocular muscle damage. These animal studies provide dose/response data and identify a causal relationship between  $\text{CCl}_4$  exposure and the toxic response (Ref. 16).

The effects of human exposure to  $\text{CCl}_4$  have been documented in case reports.  $\text{CCl}_4$  causes damage to the liver, lungs, kidneys, and central nervous system in humans primarily as a result of high oral or inhalation exposures. Other effects, such as biochemical alterations, nausea, and headaches, result from lower exposures and can occur with other health hazards attributed to higher exposures (Ref. 16).

#### C. Oncogenic Effects

Carbon tetrachloride has long been known to be a potential human carcinogen. Carcinogenic response to exposure to  $\text{CCl}_4$  has been documented in rats, mice, and hamsters. Both the International Agency for Research on Cancer (IARC) and the National Cancer Institute (NCI) identified  $\text{CCl}_4$  as an animal carcinogen (Ref. 9). EPA has previously concluded that carbon tetrachloride is a "suspect human carcinogen" (Ref. 16). Although numerous studies have shown the oncogenic potential of  $\text{CCl}_4$ , the Agency has based its conclusions primarily on five of these studies.

The National Cancer Institute used  $\text{CCl}_4$  as a positive control in bioassays on chloroform, trichloroethane, and trichloroethylene, using B6C3F1 mice (Ref. 9). Male and female B6C3F1 mice were administered doses of 1250 or 2500 mg/kg  $\text{CCl}_4$  by gavage, 5 times per week for 78 weeks. Most male and female mice treated with  $\text{CCl}_4$  died before termination of the study. Hepatocellular carcinomas were found in practically all mice receiving  $\text{CCl}_4$ , including those dying before termination of the test. The first carcinomas were observed in low dose female mice at 16 weeks, in high dose female mice at 19 weeks, in low dose males at 48 weeks, in high dose males at 26 weeks; compared to 90 weeks for control females and 72 weeks for control males.

In performing bioassays in Osborne-Mandel rats for chloroform, trichloroethane and trichloroethylene, the

National Cancer Institute again used carbon tetrachloride as a positive control (Ref. 9). Carbon tetrachloride in these studies was administered five times a week by gavage at two dose levels (47 and 95 mg/kg in males; 80 and 159 mg/kg in females) to 50 animals of each sex and dose. The treatment resulted in some toxicity (cirrhosis, fatty liver) and death. The incidence of hepatocellular carcinomas was increased in animals exposed to carbon tetrachloride when compared to pooled controls. These results were statistically significant, however, only in the low dose females. However, it is likely that many animals apparently died before tumors could develop. Other studies have indicated the carcinogenic potential of carbon tetrachloride in rats exposed to subcutaneous injection (Ref. 11).

A bioassay in Syrian golden hamsters was conducted in which carbon tetrachloride dissolved in corn oil was administered by gavage for 30 weeks (Ref. 2). The study was part of a survey to gauge the response of hamsters to chemicals shown to be carcinogenic in other species. Accordingly, the test group exposed to carbon tetrachloride was relatively small (20 hamsters), but the historical control groups were relatively large (254 hamsters received no treatment, 80 hamsters were gavaged with corn oil alone). Some of the hamsters exposed to carbon tetrachloride died during the course of the experiment; the remainder were sacrificed at 55 weeks. The hamsters dying up to the 42nd week all showed signs of cirrhosis and hyperplastic nodules, but did not show carcinomas. The 10 hamsters, however, who survived past the 43rd week all had liver cell carcinomas; many of the animals has multiple carcinomas. Liver cell carcinomas were not observed in any of the 334 control animals.

Case reports of human carcinomas developing years after exposure to high levels of carbon tetrachloride are suggestive, but are not adequate to prove an association between human carcinogenic hazard and exposure to carbon tetrachloride (Ref. 16). A study investigating the effect of solvent vapors, including carbon tetrachloride, on a group of environmentally exposed people concluded there was a causal relationship between such exposure and the existence of an abnormal incidence of malignant lymphoma (Ref. 9). However, the results of the study are not conclusive regarding the carcinogenicity of carbon tetrachloride due to concomitant exposure to other chemicals and difficulty with study techniques. An epidemiology study of a

group occupationally exposed to carbon tetrachloride also revealed a slight excess of liver cancer, but does not adequately demonstrate the carcinogenic effect of carbon tetrachloride (Ref. 16).

In conclusion, there is evidence that carbon tetrachloride may be a human carcinogen based upon the following: (1) Positive findings in mice in the NIC bioassay in which carbon tetrachloride was used as the positive control (Ref. 9), (2) the hamster study by Della Porta et al. (Ref. 2), and (3) the rat studies by Reuber and Glover and NCI (Refs. 11 and 12). The overall weight of the evidence, considering both the animal and human studies, place carbon tetrachloride in the B2 category of EPA's classification scheme. Carbon tetrachloride, therefore, is regarded as a probable human carcinogen.

#### C. Exposure

Carbon tetrachloride has been used primarily as a liquid fumigant to control insects in stored grain.  $\text{CCl}_4$  is also used as a fumigant in grain and processing plants and in encased museum specimens in storage. Prior to suspension of  $\text{CCl}_4$  registrations under FIFRA section 3(c)(2)(B) for failure to provide data required to support continued registration, annual pesticidal usage was about 25 million pounds with nearly the entire amount being used to treat about 5 percent of the U.S. grain production.

There are two primary routes by which humans may be exposed to  $\text{CCl}_4$ . The general public may be exposed to  $\text{CCl}_4$  through ingestion of food fumigated with  $\text{CCl}_4$  and through the environment. Persons applying  $\text{CCl}_4$  may be exposed dermally and through inhalation.

For the general public, the EPA Health Assessment Document for Carbon Tetrachloride (Ref. 16) estimated exposure at 9 mg/yr; 4 mg/yr from dietary intake including food and water, and 5 mg/yr from the atmosphere.

For applicators using carbon tetrachloride, exposure largely depends on the type of protective clothing used and the number of days fumigation is done. For applicators using extensive protective clothing (e.g., impermeable gloves and respirators which remove organic vapors) exposure is low. For applicators without adequate protective clothing, exposure is expected to be substantial.

One study (Ref. 10) provides data to estimate  $\text{CCl}_4$  exposure. In this study a mixture of 80 percent carbon tetrachloride and 20 percent carbon disulfide was applied to grain by spray, and air samples were taken. Three

separate groups of workers were involved. The first group, the applicators who sprayed the fumigant, generally wore respirators. The second group was the personnel who tended the pump and barrels. The third group consisted of individuals who inspected the grain and corn after the fumigation process was completed. Members of the latter two groups did not usually wear respiratory protection.

The first set of air samples was taken during fumigation of the grain in cylindrical bins, quonset huts, and other storage buildings. Out of a total of 36 measurements from six sites, 14 ranged from 0 to 1,500 ppm  $\text{CCl}_4$ , 8 from 1,501 to 4,500 ppm, 9 from 4,501 to 15,000 ppm. 5 exceeded 15,000 ppm. The latter five values, taken during fumigation of 18-foot cylindrical bins, exceeded 6,000 ppm of  $\text{CS}_2$  for a total vapor concentration of over 20,000 ppm for  $\text{CS}_2$  and  $\text{CCl}_4$ . Vapor concentration in excess of 20,000 ppm organic vapor exceeds the capacity of the respirator canister to remove the vapors. These high exposures may be attributable to the tendency of heavy fumigant vapors to roll down the inside of the bin and collect at the bottom where the fumigators stood.

The second exposure area measured was the working area occupied by the fumigation crew members whose responsibility included tending the pumps, opening barrels, metering the fumigant, and performing related duties. Breathing zone samples for these individuals ranged from 0 to 19,000 ppm of  $\text{CCl}_4$ . Due to the nature of the work these men performed, great variations in both concentration and duration of exposure were experienced. This range, therefore, was arrived at by calculation of weighted exposures.

The third group of samples was taken after the grain fumigation in order to determine potential exposure of grain inspectors. Concentrations of  $\text{CCl}_4$  near or above the OSHA ceiling concentration value of 25 ppm were found after 7 days.  $\text{CCl}_4$  residues in air samples from bins were measured at 80 to 135 ppm after 2 days, 16 to 60 ppm after 7 days, and 16 to 19 ppm after 15 days. This wide range of concentrations of  $\text{CCl}_4$  vapors in the different bins probably resulted from the bins having different degrees of air tightness.

No data are available on the potential for dermal and inhalation exposure of workers in sites not directly related to the site of fumigation (e.g., warehouse employees and ship loading crews). However, exposure of such workers to  $\text{CCl}_4$  could reasonably be expected because of  $\text{CCl}_4$  residues remaining in the area.

Residues of carbon tetrachloride in or on grain and grain products resulting from commercial use of grain fumigant mixtures containing  $\text{CCl}_4$  (flour, mixes, pasta, corn meal, bran, germ, and middlings) showed that 89 percent of the samples had residues <150 ppb while 96 percent had residues <999 ppb. The level of  $\text{CCl}_4$  was reduced upon processing wheat grain by 66 percent for flour, 60 percent for bran, none for germ, and 57 percent for middlings. Residues in the ready-to-eat commodities were <10 ppb in 90 percent of the samples, <20 in 95 percent, <30 in 97 percent and <50 in 99 percent of those samples. It can be estimated that <2 percent of  $\text{CCl}_4$  used on commercially fumigated grains may be retained in or on ready-to-eat commodities.

Residues in raw grain (mostly wheat) ranged from <10 to 9,000 ppb with a median residue of 14 ppb. Eighty-nine percent of the samples had residues <999 ppb.

Carbon tetrachloride is a probable human carcinogen and use has been shown to cause other toxic effects, such as liver toxicity including necrosis and cirrhosis. It has also been shown to be a possible mutagen. Because continued registration has the potential to lead to the exposure of the general population to  $\text{CCl}_4$ , continued registration of  $\text{CCl}_4$  poses a risk of increased human cancer to the general population. Persons exposed to higher levels due to occupational exposure are subject to higher cancer risks as well as other toxic and mutagenic effects.

#### *E. Indirect Ecosystem Effects*

Possible indirect ecosystem effects of  $\text{CCl}_4$  may result from modification to stratospheric ozone. By preventing most potentially harmful ultraviolet radiation (UV-B radiation) from penetrating to the earth's surface, the ozone layer acts as an important shield to protect humans and the environment.

The possibility that the production, use, and release of the chlorofluorocarbons CFC11 and CFC12 could cause depletion of stratospheric ozone was first theorized in a 1974 article in "Nature" by Molina and Rowland (Ref. 14). They hypothesized that the stability of CFC11 and CFC12 ensured that they would decompose only when they reach the stratosphere and are photodissociated. The released chlorine atoms would enter into catalytic chains which destroy ozone molecules. In 1975 they stated that the stratospheric behavior of  $\text{CCl}_4$  should be similar to that of CFC11 and CFC12, and that it could potentially pose a similar hazard to stratospheric ozone.

If a net depletion of total-column ozone (i.e., the total quantity of ozone encountered by radiation penetrating from the top of the atmosphere to the earth's surface at any given location) occurred, more UV-B radiation would penetrate to the earth's surface.

Possible health and environmental effects of exposure to increased UV-B radiation could include: increases in melanoma and non-melanoma skin cancer, suppression of the human immune system, decreases in the productivity of commercially important crops and aquatic organisms, and accelerated degradation of polymeric materials.

The Agency announced its "Stratospheric Ozone Protection Plan" in the *Federal Register* of January 10, 1986 (51 FR 1257). The notice describes recent activities related to the protection of the stratospheric ozone layer and outlines EPA's program plan for future examination of the issue. The plan places considerable emphasis on the work of other Federal agencies including the National Aeronautics and Space Administration (NASA) and the National Institutes of Health (NIH); and complementary international efforts including the United Nations. For further information on the EPA program plan, consult the *Federal Register* notice.

#### **IV. Summary of Benefits**

Carbon tetrachloride is a liquid fumigant which is neither flammable nor explosive. It is used as a diluent to decrease the fire and/or explosive hazard associated with the use of carbon disulfide and ethylene dichloride as well as to increase the volatility and distribution of methyl bromide and chloropicrin.

Carbon tetrachloride's major pesticidal usage was for insect control in stored grain. This use comprised 99 percent of the estimated annual usage during the 1970's and early 1980's. The remaining minor uses included: fumigation in flour milling and grain and flour processing plants and fumigation of encased museum specimens. With the exception of the use of  $\text{CCl}_4$  in museums, all registrations for pesticide products containing  $\text{CCl}_4$  have been voluntarily cancelled or have been suspended pursuant to section 3(c)(2)(B) of FIFRA. The economic analysis identifies: The uses of  $\text{CCl}_4$ , quantities utilized, registered alternatives and their availability, the change in pesticide costs associated with the use of alternatives, and the regulatory impact upon crop production and retail prices where possible.

EPA reviewed all rebuttal comments for fundamental information needed to perform an economic impact analysis of CCl<sub>4</sub> on a site/pest basis. These data (e.g., quantity used, units treated, comparative efficacy of the use of the next best alternative) were often not reported or were reported in an unusable manner. In an attempt to clarify rebuttal comments from the PD-1 and to derive the data needed to quantify the benefits from CCl<sub>4</sub> use, EPA and USDA economists contacted various individuals in the pesticide industry, the USDA Cooperative Extension Services, State agriculture departments, county agricultural commissioners, and other sources.

This analysis relies upon biological data and information relative to pest species and their control as summarized by the USDA/State/EPA Carbon Tetrachloride Assessment Team. In addition, other data and information developed for previous studies involving sites of CCl<sub>4</sub> usage were also used. Estimates of the annual usage of CCl<sub>4</sub> and the costs of alternative treatment practices were based on a variety of government, industry and private sources as well as previous studies involving CCl<sub>4</sub>.

The general approach taken in this analysis was to evaluate impacts of shifting to alternatives at the user level (e.g., increased cost of pest control to individual users) in affected areas and then projecting impacts at the commodity and consumer levels. Economic impacts on users were estimated on a per unit treated basis as well as in the aggregate for a given geographic area. Social/community effects were not investigated in detail because either generally low levels of impacts upon users and consumers were indicated in the economic impact analyses or data necessary to conduct the analysis were not available.

The alternatives considered in this analysis were pesticides identified as the most likely to be adopted by users now treating with CCl<sub>4</sub>. All alternatives used for the site/pest combinations in the analysis are currently registered by EPA and are included in available pest control recommendations for the major CCl<sub>4</sub> use sites.

#### A. Grain Storage Uses

During the 1981-84 period, approximately 1.8 to 2.1 million gallons of CCl<sub>4</sub> liquid grain fumigants were used annually. This volume contained about 23.8 to 27.7 million pounds active ingredient of CCl<sub>4</sub> and treated about 745 to 870 million bushels of grain stored on and off farms. This quantity represents

approximately 3 to 6 percent of the grain produced during that period.

Without the use of CCl<sub>4</sub>-containing liquid grain fumigant, the major fumigants available will fall into two classes: solid formulations containing aluminum phosphide and magnesium phosphide, which produce phosphine gas; and, liquified gas formulations containing only methyl bromide or methyl bromide in combination with chloropicrin. Because of their acute toxicity, aluminum phosphide, magnesium phosphide, methyl bromide and chloropicrin are restricted for use only by or under the direct supervision of certified pesticide applicators.

Methyl bromide is an extensively used fumigant in many circumstances. Methyl bromide is not flammable, is active at relatively low temperatures, penetrates well, and kills all stages of insects. Its utilization to control pests of stored grain in on-farm situations is, however, quite limited. In part, this is because greater levels of expertise and care are required for its use than are for most other materials used to control insect pests of stored grain. Recirculation facilities should be used when large bulks of grain are to be treated. Methyl bromide also is not especially effective for grain storage in older, loosely built structures used for grain storage because the gas cannot be contained. Methyl Bromide is only used by itself for commodity fumigation; all other use formulations must contain 0.25 to 2 percent chloropicrin as a warning agent because of chloropicrin's disagreeable odor.

Chloropicrin is a liquid fumigant which was first used to control stored grain pests during World War I. It is slow acting, difficult to vaporize, disagreeable to handle, its vapors cling tenaciously, and it can adversely affect the ability of seed to germinate. It is not flammable and has remarkable powers of penetration. Currently, chloropicrin has limited use as a single active ingredient material, and probably finds its greatest utility as a warning agent added to other fumigants, methyl bromide in particular.

Aluminum phosphide and magnesium phosphide are also very effective fumigants, and, in general, the use of phosphides and methyl bromide complement one another. Where short exposure periods are necessary and/or the moisture content of the grain is lower than 11 percent, methyl bromide will be the fumigant of choice. For bulk stored grain, aluminum phosphide is the material of choice. The efficiency and the ease of use are expected to result in

the continued expansion of use of aluminum and magnesium phosphide.

Aluminum and magnesium phosphide are active against all stages of insects, but are also highly acutely toxic to man and other animals. When brought into contact with high moisture air, or with water, they also can be highly explosive. With aluminum phosphide and magnesium phosphide formulations, effective fumigation of bulk grain requires the moisture content to be higher than 12 to 13 percent. For this reason, these formulations are especially useful for protecting corn, which is harvested and stored at a higher moisture level than wheat or other small grain. In general, rather long exposures to this gas are required for efficacy. The minimum time of treatment is usually 72 hours. Systems of application have been devised which permit the automated treatment of grains as they are being placed into bulk storage.

In addition to the usage of grain fumigants for remedial treatment of insect infestations, several grain protectants are available for preventive treatment of stored grains. Registered grain protectants include malathion, which has been the most widely used protectant, synthesized pyrethrins, silicon dioxide, diatomaceous earth, and *Bacillus thuringiensis*.

EPA recently registered two new grain protectants. In June 1985, chlorpyrifos-methyl (Reldan\*) was registered for use on wheat, oats, barley, and rice and in August 1986, pirimiphos-methyl (Actellic\*) was registered for use on corn and grain sorghum. Pirimiphos-methyl is also registered to treat certain grains for export to countries which have approved the import of these treated grains. These registrations are supported by the full complement of test data needed to satisfy current registration requirements under FIFRA. Chlorpyrifos-methyl and pirimiphos-methyl are applied to grain entering storage or transport containers, using mechanically assisted application methods. Under certain conditions, a single application of chlorpyrifos-methyl or pirimiphos-methyl is expected to provide extended residual protection from insect infestations for several months.

In addition to registered grain protectants and fumigants, a variety of other practices are available for insect control on stored grains. These include modified atmospheres in sealed bins or silos, such as using carbon dioxide, nitrogen, and combustion gases to displace atmospheric oxygen and kill insects. Non-chemical measures include

hermetic sealing of bins to limit penetration by insects and create an environment without sufficient oxygen to support insect life. Drying and heating or cooling of grains to temperatures high or low enough to suppress insect activity are other non-chemical measures. Many of these preventive and remedial non-chemical and chemical practices can be combined as appropriate in integrated pest management (IPM) strategies. Also, gamma radiation is approved for use on wheat and wheat flour and may find more extensive practical application in the future.

If  $CCl_4$  were cancelled for use as a component of liquid grain fumigants, current users of  $CCl_4$  on farms could choose to use alternatives or possibly not treat. As previously discussed, major alternatives include the phosphine-producing materials (aluminum phosphide and magnesium phosphide), methyl bromide, and grain protectants.

To evaluate the economic effects of the unavailability of  $CCl_4$ , it was assumed that  $CCl_4$  was cancelled and that rational economic behavior governed ensuing user behavior. Two likely use situations were developed to estimate a range of economic impacts. Situation I assumed that the majority of  $CCl_4$  users would treat their grain with available alternatives. Situation II assumed the majority of  $CCl_4$  users would not treat, but would accept the discounts at market due to insect damage and/or infestation. In Situation I, the cancellation of  $CCl_4$  would result in nationwide farm level costs of about \$250,000 to \$290,000 annually (\$2.2 to \$2.5 million saved in decreased treatment costs offset by \$2.7 to \$2.8 million in losses from discounted grain). Under Situation II, control costs would decline by \$9.8 to \$11.4 million annually but discounts of \$36.3 to \$38.0 million would leave a net loss of \$26.6 to \$31.0 million annually. Based on the information available and the recent market conditions, Situation I is believed to approximate most closely potential user behavior and the economic effects of a cancellation.

The economic impact on individual farmers is highly uncertain and dependent on a multitude of conditions and factors. Use of phosphine-producing material could result in changes in treatment costs ranging from an increase of \$0.62 per thousand bushels to a decrease of \$11.73 per thousand bushels depending on the amount and type of alternative used. The use of methyl bromide could result in increased costs ranging from \$0.74 to \$13.09 per 1,000

bushels treated, depending on the  $CCl_4$  formulation and application rate used.

In summary, the loss of  $CCl_4$ -based materials for use on grain stored on farms is not expected to have significant national, regional or local economic effects. Alternatives are registered and are currently being used at comparable or lower costs. Current users of  $CCl_4$  products may adopt pre-storage treatments with grain protectants and/or improve preliminary sanitation practices. Because no significant economic impacts are anticipated, it can be concluded that raw, processed and finished product prices would not change as a result of cancelling  $CCl_4$ .

#### *B. Grain Storage use Off Farms*

$CCl_4$  has been used to fumigate grain at elevators, warehouses, and port terminals. Precise data on the locations and quantities of use are unknown. An estimated 35 percent of annual usage of  $CCl_4$  (8.3 to 9.7 million pounds A.I.) is believed to have been used to fumigate 261 to 304 million bushels of grain annually at all off-farm locations.

If  $CCl_4$  is cancelled for use in fumigating grain stored at off-farm sites,  $CCl_4$  users would most likely utilize one of the phosphine-producing materials or impossibly methyl bromide. As previously discussed, these materials are widely available, efficacious and in current use.

The loss of  $CCl_4$ -containing liquid grain fumigants for use in off-farm locations is not expected to cause serious economic effects. Alternatives are efficacious, available and currently being used to treat grain. The cost of treatment with alternative methods will be comparable or lower than current  $CCl_4$  treatment costs. Because alternatives are available and efficacious, the quality and quantity of grain available in the market will not be affected by a cancellation of  $CCl_4$ . No impacts on consumers of grain-based products are expected as the result of cancelling  $CCl_4$  for use in off-farm storage.

#### *C. Grain Milling Uses*

$CCl_4$  is registered for use as a spot fumigant in grain mills to control stored grain insects in milling machinery. Currently, one product containing 30 percent  $CCl_4$  and 70 percent ethylene dichloride is registered for spot treatment of milling machinery. The estimated commercial usage of this product is less than 1,000 pounds. This product has not been widely used because the volume of liquid required per application can clog the machinery when the mills are restarted following fumigation. Historically, the preferred

product for spot-treatment was a combination of ethylene dibromide/methyl bromide. All EDB products, however, were cancelled from 1983 to 1984.

Alternative means of insect control in grain milling equipment include the use of other registered pesticides (i.e., methyl bromide and aluminum phosphide) and increased diligence in cleaning and sanitation of the mill machinery. The use of improved sanitation practices and available chemicals will probably increase labor requirements for insect control in mills.

If  $CCl_4$  is cancelled for use as a spot treatment of flour milling equipment, the milling industry will probably adopt the use of other registered products in combination with non-chemical insect control strategies. Because  $CCl_4$ -containing products have not been widely used as a spot fumigant to control insects in the grain milling industry, a cancellation of this use is not expected to have significant economic effects on users and consumers. Thus, the loss of  $CCl_4$ -based material for use on grain stored off-farm is not expected to have significant national, regional, or local economic effects.

#### *V. Encased Museum Specimens*

Carbon tetrachloride is registered for use on encased museum specimens in storage to prevent infestation of dermestid beetles and similar pests. If  $CCl_4$  is unavailable, the potential for more serious problems with these pests will exist.

Encased museum specimens are non-renewable public resources. Irreparable damage may potentially result from increased infestations if  $CCl_4$  is not available. The Agency has decided that the continued use of  $CCl_4$  has important benefits for use in museums. The Smithsonian Institution expressed a desire to continue the use of  $CCl_4$  for this purpose when it assisted the manufacturer in developing protective measures for museum applicators of carbon tetrachloride.

The alternatives currently registered for museum fumigation are: 2,2-dichlorovinyl dimethyl phosphate (DDVP), naphthalene (NAPH), methyl bromide (MB), and ethylene oxide (ETO). Only NAPH is specifically registered for use on encased museum specimens. ETO and MB may not be used in individual museum specimen cases, but may be applied to museum specimens within a fumigation chamber. DDVP is registered for use in public buildings and/or institutions which also includes museums. Of the pesticides considered as alternatives DDVP is the

most widely used for museum sites. The variable costs of application per museum case are lower for DDVP. However, it is not considered to be as effective as CCl<sub>4</sub>. Thus, it is possible that increased insect infestations would arise with reliance on DDVP in the absence of CCl<sub>4</sub>.

The label precautions for application of CCl<sub>4</sub> to encased museum specimens call for use of carbon-containing gas masks which effectively remove all respirable carbon tetrachloride. At the time of application, a gas monitor is used to indicate levels of carbon tetrachloride. Removal of the masks or subsequent use of museum cases is not allowed if the gas monitor shows levels of CCl<sub>4</sub> above 5 ppm. Additionally, the label instructions were revised in accordance with the Label Improvement Program for fumigants, PR 84-5 and PR 85-6.

The continued registration of CCl<sub>4</sub> as a fumigant for encased museum specimens will help ensure that potentially irreplaceable museum specimens are protected. The current label instructions are sufficient to reduce applicator exposure. The benefits from using this product are believed to outweigh the risks. Therefore, registration of products for this use will be allowed to continue.

#### VI. Initiation of Regulatory Action

Based on the information on risks and the information on benefits of the different uses of CCl<sub>4</sub> summarized in this document, EPA had determined that benefits of continued registration do not justify the risks associated with continued use of carbon tetrachloride for food uses and that the continued registration of pesticide products containing carbon tetrachloride for use on stored grain and grain processing and milling equipment pose unreasonable adverse effects on the environment, including man. The Agency has considered changes in the conditions of registration to limit the risks of these products. The risks attributable to continued use of CCl<sub>4</sub> are largely associated with the exposure to residues of this chemical in the diet. These residues cannot be eliminated by changes in the use pattern because any use of CCl<sub>4</sub> for treatment of raw agricultural, processed or finished products must result in some contamination of the treated product. Moreover, although protective clothing requirements can be specified for persons occupationally exposed to CCl<sub>4</sub>, these steps will not mitigate the dietary risks to the general public. Thus, the Agency has determined there is no modification of the terms and conditions

of registration which can justify continued registration of products containing carbon tetrachloride.

Accordingly, EPA is issuing this Notice of Intent to Cancel the registrations of all pesticide products containing carbon tetrachloride, except Vulcan Formula 72 (EPA Registration Number 5382-2) which is registered only for use on encased museum specimens. This use will be allowed to continue because the current label instructions are sufficient to reduce applicator exposure and the risks from using this product are outweighed by the benefits.

If no hearing is timely requested this Notice of Intent to Cancel will become an effective order of cancellation. It will then be unlawful for any person in the United States to distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver to any person any product whose registration is cancelled by this Notice.

#### VII. Comments of the Secretary of Agriculture, Scientific Advisory Panel and the Response of the Environmental Protection Agency

USDA had no objection to the cancellation of the grain uses of CCl<sub>4</sub>, since all uses had been voluntarily cancelled or suspended. The comments in their entirety are as follows: April 28, 1986.

Mr. Steven Schatzow  
Director, Office of Pesticide Programs, U.S.  
Environmental Protection Agency,  
Washington, DC 20460

Dear Mr. Schatzow: This is in response to your letter of April 10 concluding the special review for carbon tetrachloride.

Based upon the fact that all grain fumigant uses of this chemical have either been voluntarily cancelled or suspended, the Department offers no objection to the finalization of these cancellation actions.

Sincerely,  
Charles L. Smith,  
Coordinator, Pesticide and Pesticide  
Assessment.

The Scientific Advisory Panel waived its right to review the position document proposing cancellation of CCl<sub>4</sub> products.

No comments were received in response to the **Federal Register** Notice of April 23, 1986 (51 FR 15372).

#### VIII. Procedural Matters

This Notice announces the Agency's intent to cancel the registrations of pesticide products containing carbon tetrachloride. Registrants of the affected products and other adversely affected persons are entitled to request an administrative hearing to contest the Agency's decision to cancel registration. Unless a hearing is properly requested

with regard to a particular registration in accordance with the procedures specified in this Notice, the registrations will be cancelled. This unit of the notice explains how a hearing may be requested, the consequences of requesting or failing to request a hearing in accordance with the procedures specified in this Notice, and instructions regarding the use of existing stocks.

#### A. Procedure for Requesting a Hearing

To contest the regulatory actions (including the provisions governing existing stocks) set forth by this Notice, registrants of products affected by this Notice may request a hearing within 30 days of receipt of this Notice, or within 30 days from publication of this Notice in the **Federal Register**, whichever occurs later. Any other person adversely affected by the cancellation action described in this Notice, may request a hearing within 30 days of publication of this Notice in the **Federal Register**.

Any person who requests a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of practice Governing Hearings (40 CFR Part 164). These procedures require, among other things, that all requests must identify the specific registrations by registration numbers and the specific uses of the pesticide product for which a hearing is requested. All requests for a hearing must be received by the Hearing Clerk within the applicable 30-day period. Failure to comply with these requirements will result in denial of the request for a hearing. Requests for a hearing should also be accompanied by objections that are specific for each use of the pesticide product for which a hearing is requested.

Requests for a hearing must be submitted to: Hearing Clerk (A-110), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

#### B. Consequences of Filing or Failing to File a Hearing Request

##### 1. Consequences of Filing a Timely and Effective Hearing Request

If a hearing on any action initiated by this Notice is requested in a timely and effective manner, the hearing will be governed by the Agency's Rules of Practice for hearings under FIFRA section 6 (40 CFR Part 164). In the event that a hearing is properly requested and actively pursued, each cancellation action concerning the specific registered product(s) which is the subject of the hearing will not become effective except pursuant to an order of the Administrator at the conclusion of the

hearing. The hearing will be limited to the specific registrations or applications for which the hearing is requested.

## 2. Consequences of Failure to File in a Timely and Effective Manner

If a hearing concerning the cancellation of the registration of a specific pesticide product subject to this Notice is not requested by the end of the applicable 30-day period, registration of that product will be cancelled.

### C. Use of Existing Stocks

Registrations which this notice proposes to cancel have all been previously suspended under section 3(c)(2)(B) of FIFRA. Registrants of these products have received a suspension letter from the Agency which contains instructions regarding the use of existing stocks. Therefore, the Agency has decided that, for the purposes of this proposed action, the existing stocks provisions in the applicable suspension letters would be applied to the suspended products which the Agency now proposes to cancel.

### D. Separation of Functions

The Agency's rules of practice forbid anyone who may take part in deciding this case, at any stage of the proceeding (hereinafter "the judicial staff") from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives (40 CFR 167.7).

Accordingly, the following Agency offices, and the staffs thereof, are designated as the judicial staff to perform the judicial function of the Agency in any administrative hearing on this Notice of Intent to Cancel: the Administrator, the Deputy Administrator, the members of the immediate office of the Administrator and Deputy Administrator, the Office of the Administrative Law Judge, and the Office of the Judicial Officer.

## IX. References

- (1) American National Standards Institute (1967) American Standard Maximum Acceptable Concentration of Carbon Tetrachloride. New York 237.17.
- (2) Della Porta, G.; Terracini, B; Shulik, P. (1961) Induction with Carbon Tetrachloride of Liver Cell Carcinomas in Hamsters. JNCI 26:855-863.
- (3) Edwards, J. et al. (1942) Induction of the Carbon Tetrachloride Hepatoma In Strain L Mice. JNCI 3:297.
- (4) Eschenbrenner, A.B.; Oliller E. (1946) Liver Necrosis and the Induction of Carbon

Tetrachloride Hepatomas in Strain A Mice. JNCI 6:325-341.

(5) Federal Register (1980a) Carbon Tetrachloride, Pesticide Programs; Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products. October 15, 1980. p. 68534-68584.

(6) Fowler, J.S.L. (1969) Carbon Tetrachloride Metabolism in the Rabbit Br. J. Pharmacol. 37:733-737.

(7) National Academy of Sciences (1978) Panel on Low Molecular Weight Halogenated Hydrocarbons of the Coordinating Committee for Scientific and Technical Assessments of Environmental Pollutants. Chloroform, Carbon Tetrachloride, and Other Halomethanes: An Environmental Assessment. Washington, DC.

(8) National Academy of Sciences (1982) Cause and Effects of Stratospheric Ozone Reduction and Update. Washington, DC.

(9) National Cancer Institute (1976a) Report on the Carcinogenesis Bioassay of Chloroform. Carcinogenesis Program, Division of Cancer Cause and Prevention. March 1, 1976.

(10) Paulus, H.J.; Lippman, M. Cohen, A.E. (1957) Evaluation of potential health hazards in fumigation of shelled corn with a mixture of carbon disulfide and carbon tetrachloride. Am. Ind. Hygiene Assoc. Quar. 16:345-50.

(11) Reuber, M.D.; Glover E.L. (1967a) Hyperplastic and Early Neoplastic Lesions of the Liver in Buffalo Strain Rats of Various Ages Given subcutaneous Carbon Tetrachloride JNCI 38:891.

(12) Reuber, M.D.; Glover E.L. (1970) Cirrhosis and Carcinoma of the Liver in Male Rats Given Subcutaneous Carbon Tetrachloride. JNCI 44:419-427.

(13) Pesticide Chemical Use Polkin Profile for Carbon Tetrachloride. Tracor Jitco, Inc. EPA Contract 68-014988. March 1980.

(14) Weisburger, E.K. (1977) Carcinogenicity Studies on Halogenated Hydrocarbons. Environ. Health Perspect. 21:7-16

(15) U.S. Environmental Protection Agency (July 1985) Office of Air Quality Planning and Standards. (EPA-450/3-85-018)

(16) U.S. Environmental Protection Agency (September 1984) Research and Development Health Assessment Document for Carbon Tetrachloride. Final Report. (EPA 600/8-82-001F)

The references are part of the docket for this document, under OPP-66129A. They are available for inspection in Rm. 236, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia, from 8 a.m. to 4 p.m. Monday through Friday, excluding legal holidays.

Dated: November 3, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-25503 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30275; FRL-31078]

## Biocontrol LTD.; Application To Register a Pesticide Product

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** This notice announces receipt of an application to conditionally register the pesticide product "Isomate-M (Pheromone Dispensers)", containing active ingredients not included in any previously registered product pursuant to the provision of section 3(c)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended.

**DATE:** Comment by December 12, 1986.

**ADDRESS:** By mail submit comments identified by the document control number [OPP-30275] and the file symbol (53575-R) to:

Information Services Section (TS-757C), Program Management and Support Division, Attn: Product Manager (PM) 17, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 236, CM#2, Attn: PM 17, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for public inspection in Rm. 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Arturo Castillo, PM 17, (703-557-2690).

**SUPPLEMENTARY INFORMATION:** Biocontrol Ltd., 148 Palermin St., Warwick, Queensland 4370, Australia. U.S. Agent: John W. Kennedy Consultants, Inc., American Bank Bldg., Suite 406, Laurel, MD 20207, has submitted an application to EPA to conditionally register the pesticide product Isomate-M (Pheromone Dispensers), EPA File Symbol 53575-R, containing the active ingredients Z-8-dodecen-1-yl acetate; E-8-dodecen-1-yl

acetate; Z-8-dodecen-1-ol at 92.0, 5.3, and .8 percent respectively, pursuant to the provision of section 3(c)(4) of FIFRA. The application proposes that the product be classified for general use to control oriental fruit moths on nectarines and peaches. Notice of receipt of this application does not imply a decision by the Agency on the application.

Notice of approval or denial of an application to register a pesticide product will be announced in the **Federal Register**. The procedure for requesting data will be given in the **Federal Register** if an application is approved.

Comments received within the specified time period will be considered before a final decision is made; comments received after the time specified will be considered only to the extent possible without delaying processing of the application. Written comments filed pursuant to this notice, will be available in the program Management and Support Division (PMSD) office at the address provided from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. It is suggested that persons interested in reviewing the application file, telephone the PMSD office (703-557-3262), to ensure that the file is available on the date of intended visit.

(7 U.S.C. 136)

Dated: October 30, 1986.

**James W. Akerman,**

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 86-25351 Filed 11-10-86; 8:45 am]

BILLING CODE 5560-50-M

[OPTS-59792; FRL-3108-6]

#### Toxic and Hazardous Substances; Certain Chemical Premanufacture Notices

**AGENCY:** Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA

published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of five such PMNs and provides a summary of each.

**DATES:** Close of Review Period:

Y 87-14 and 87-15—November 13, 1986.

Y 87-16, 87-17 and 87-18—November 17, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**Y 87-14**

*Importer.* Confidential.

*Chemical.* (G) Polyester resin.

*Use/Production.* (G) Resin for photo copy or open, non-dispersive use. Import range: 100,000 to 500,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Inhalation.

*Environmental Release/Disposal.* Release to air.

**Y 87-15**

*Importer.* Confidential.

*Chemical.* (G) Polyester resin.

*Use/Import.* (G) Resin for photo copy or open, non-dispersive use. Import range: 100,000 to 500,000 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Inhalation.

*Environmental Release/Disposal.* Release to air.

**Y 87-16**

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyd.

*Use/Production.* (G) Coating. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**Y 87-17**

*Manufacturer.* Confidential.

*Chemical.* (G) Alkyd.

*Use/Production.* (G) Coating. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**Y 87-18**

*Importer.* Confidential.

*Chemical.* (G) Aromatic cycloaliphatic alkyl polyester.

*Use/Import.* (S) Resin for use in coating formulations. Import range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* No data submitted.

Dated: November 3, 1986.

**Denise Devoe,**

Acting Division Director, Information Management Division.

[FR Doc. 86-25504 Filed 11-10-86; 8:45 am]

BILLING CODE 5560-50-M

[POTS-51648; FRL-3108-5]

#### Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

**AGENCY:** Office of Pesticides and Toxic Substances, Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of forty-two such PMNs and provides a summary of each.

**DATES:** Close of Review Period:

P 87-106, 87-107 and 87-108—January 21, 1987.

P 87-109, 87-110, 87-111, 87-112, 87-113, 87-114, 87-115, 87-116, 87-117 and 87-118—January 24, 1987.

P 87-119, 87-120, 87-121, 87-122, 87-123, 87-124, 87-125, 87-126, 87-127, 87-128, 87-129, 87-130, 87-131, 87-132 and 87-133—January 25, 1987.

P 87-134, 87-135, 87-136, 87-137, 87-138, 87-139, 87-140, 87-141, 87-142, 87-143, 87-144, 87-145, 87-146 and 87-147—January 27, 1987.

Written comments by:

P 87-106, 87-107 and 87-108—December 22, 1986.

P 87-109, 87-110, 87-111, 87-112, 87-113, 87-114, 87-115, 87-116, 87-117 and 87-118—December 25, 1986.

P 87-119, 87-120, 87-121, 87-122, 87-123, 87-124, 87-125, 87-126, 87-127, 87-128, 87-129, 87-130, 87-131, 87-132 and 87-133—December 26, 1986.

P 87-134, 87-135, 87-136, 87-137, 87-138, 87-139, 87-140, 87-141, 87-142, 87-143, 87-144, 87-145, 87-146 and 87-147—December 28, 1986.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51648]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT:**

Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room NE-C004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**P 87-106**

*Importer.* Nchem, Inc.

*Chemical.* (S) A mixture of 2-(4-hydroxyphenyl)-2-(4-hydroxy-3-sulphophenyl) propane; 2,2-bis(4-hydroxy-3-sulphophenyl) propane; 2,2-bis(4-acetoxyphenyl) propane; 2-(4-acetoxyphenyl)-2-(4-acetoxy-3-sulphophenyl) propane; and 2,2-bis(4-acetoxy-3-sulphophenyl) propane.

*Use/Impact.* (S) Industrial additive for tin plating. Import range: 84,000 to 100,000 lbs/yr.

*Toxicity Data.* Irritation: Skin—Irritant, Eye—Severe irritant.

*Exposure.* Processing: Dermal, a total 1 worker per shift, 3 shifts/day.

*Environmental Release/Disposal.* No data submitted.

**P 87-107**

*Manufacturer.* Monsanto Co.

*Chemical.* (G) Oxazine resin solution.

*Use/Production.* (G) Paint additive. Prod. range: Confidential.

*Toxicity Data.* Acute oral: >5g/kg; Acute dermal: >5g/kg; Irritation: Skin—Non-irritant, Eye—Slight.

*Exposure.* Manufacture: Dermal.

*Environmental Release/Disposal.* No release. Disposal by incineration.

**P 87-108**

*Manufacturer.* Vista Chemical Co.

*Chemical.* (G) Boehmite alumina.

*Use/Production.* (G) Degree at containment: Contained uses; open, non-dispersive use; dispersive use; highly dispersive use. Prod. range: Confidential.

*Toxicity Data.* No data on PMN substance submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 87-109**

*Importer.* Confidential.

*Chemical.* (G) Perfluoroalkyl ester.

*Use/Import.* (G) Stabilizer. Import range: Confidential.

*Toxicity Data.* Acute oral: 42.984 g/kg; Ames test: Negative.

*Exposure.* No data submitted.

*Environmental Release/Disposal.* Minimal release.

**P 87-110**

*Importer.* Confidential.

*Chemical.* (G) Alicyclic derivative of a nitrogen heterocycle.

*Use/Production.* (G) Destructive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 87-111**

*Manufacturer.* Confidential.

*Chemical.* (G) Nitrogen heterocycle derivative.

*Use/Production.* (G) Destructive. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 87-112**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted tartaric acids, sodium salts.

*Use/Production.* (G) Component in consumer and commercial products. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 87-113**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted tartaric acids, calcium-sodium salts.

*Use/Production.* (S) Site limited and commercial isolated intermediate. Prod. range: Confidential.

*Toxicity Data.* Acute oral: <24.5 g/kg; Irritation: Eye—Non-irritant.

*Exposure.* Confidential.

*Environmental Release/Disposal.* No release.

**P 87-114**

*Manufacturer.* Confidential.

*Chemical.* (G) Substituted tertiary phosphine.

*Use/Production.* (G) Extractant of transuranic elements. Prod. range: Confidential.

*Toxicity Data.* Acute oral: 5,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Mild, Eye—Irritant.

*Exposure.* Confidential.

*Environmental Release/Disposal.* Confidential.

**P 87-115**

*Manufacturer.* H. B. Fuller Co.

*Chemical.* (S) Polymer of polypropylene glycol; diphenylmethanediisocyanate; and polymethylene polyphenyl isocyanate.

*Use/Production.* (S) Industrial adhesive, coating. Prod. range: Confidential.

*Toxicity Data.* No data on PMN substance submitted.

*Exposure.* Manufacture: A total of 6 workers, up to 1 hr/day, up to 18 days/yr.

*Environmental Release/Disposal.* 2 kg/batch released to land and 36 kg/batch to air. Disposal by Publicly Owned Treatment Work (POTW).

**P 87-116**

*Manufacturer.* Amspec Chemical Corporation.

*Chemical.* (G) Trialkanolamine zirconate.

*Use/Production.* (G) Crosslinker. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal.

*Environmental Release/Disposal.* No data submitted.

**P 87-117**

*Manufacturer.* Chattem Incorporated.

*Chemical.* (G) Modified trioxaluminum alkanoate.

*Use/Production.* (S) Industrial gelling agent for printing ink vehicles. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 4 workers, up to 1 hr/day, up to 5 days/yr.

*Environmental Release/Disposal.* Confidential. Disposal by POTW.

**P 87-118**

*Manufacturer.* Confidential.  
*Chemical.* (G) Saturated polyester resin.  
*Use/Production.* (G) General metals coil coating polyester. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No release.

**P 87-119**

*Importer.* Confidential.  
*Chemical.* (G) Sulfophenyl azo naphthyl dye.  
*Use/Import.* (S) Industrial colorant for paper. Import range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Processing: Dermal.  
*Environmental Release/Disposal.* No data submitted.

**P 87-120**

*Importer.* Confidential.  
*Chemical.* (G) Sulfo substituted phenyl azo naphthyl dye.  
*Use/Import.* (S) Industrial colorant for paper. Import range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Processing, dermal.  
*Environmental Release/Disposal.* No data submitted.

**P 87-121**

*Manufacturer.* NL Industries, Incorporated.  
*Chemical.* (G) Polyamide resin.  
*Use/Production.* (G) Open, non-dispersive manner. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No data submitted.

**P 87-122**

*Manufacturer.* NL Industries, Incorporated.  
*Chemical.* (G) Polyamide resin.  
*Use/Production.* (G) Open, non-dispersive manner. Prod. range: Confidential.  
*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* No data submitted.

**P 87-123**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyether modified carbodiimide.  
*Use/Production.* (G) Cross linking agent for carboxylated polymers. Prod. range: Confidential.  
*Toxicity Data.* No data on PMN substance submitted.

*Exposure.* Confidential.  
*Environmental Release/Disposal.* Confidential.

**P 87-124**

*Manufacturer.* Bedoukian Research, Inc.  
*Chemical.* (S) Bicyclo[2.2.1]heptane-2-methanol, 5,6-dimethyl-(1-methylethenyl).  
*Use/Production.* (S) Industrial fragrance, soap, and detergent component. Prod. range: 1,000 to 1,500 kg/yr.  
*Toxicity Data.* No data on PMN substance submitted.

*Exposure.* Manufacture: Dermal, a total 10 workers, up to .5 hr/day, up to 20 days/yr.

*Environmental Release/Disposal.* Minimal release to air.

**P 87-125**

*Manufacturer.* Bedoukian Research, Inc.  
*Chemical.* (S) Bicyclo[2.2.1]heptane-2-methanol, 5,6-dimethyl-(1-methylethenyl) acetate.

*Use/Production.* (S) Industrial fragrance, soap, and detergent component. Prod. range: 1,000 to 1,500 kg/yr.

*Toxicity Data.* No data on PMN substance submitted.  
*Exposure.* Manufacture: Dermal, a total 10 workers, up to .5 hr/day, up to 20 days/yr.

*Environmental Release/Disposal.* Minimal release to air.

**P 87-126**

*Importer.* Confidential.  
*Chemical.* (G) Methyl-methyleneimidazole derivative of copper phthalocyanine, compound with substituted propionic acid.

*Use/Import.* (S) Industrial colorant. Import range: Confidential.

*Toxicity Data.* No data on the PMN substance submitted.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-127**

*Importer.* Confidential.  
*Chemical.* (G) Sodium salt of a [(substituted heteromonocyclicamino-sulfonyl) azo]-[(substituted disulfocarbomonocyclic) azo]-substituted carbopolycyclic polysulfonic acid.

*Use/Import.* (S) Industrial colorant. Import range: Confidential.

*Toxicity Data.* Acute oral: > 5,000 mg/kg; Ames test: Non-mutagenic.

*Exposure.* Confidential.  
*Environmental Release/Disposal.* No data submitted.

**P 87-128**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polymer of styrene with mixed alkyl acrylates and methacrylates.

*Use/Production.* (S) Open, non-dispersive use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Dermal, a total of 5 workers, up to 1 hr/day, up to 30 days/yr.

*Environmental Release/Disposal.* 1 to 10 kg/batch release to land. Disposal at a class A dumpsite.

**P 87-129**

*Manufacturer.* Confidential.  
*Chemical.* (S) Amines C<sub>12-14</sub>-tert alkyl, ethoxylated, compound with dodecylbenzenesulfonic acid.

*Use/Production.* (G) Surfactant. Prod. range: 9,800 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 6 workers, up to 4 hrs/day, up to 8 days/yr.

*Environmental Release/Disposal.* 0.2 to 50 kg/batch released to water. Disposal by POTW.

**P 87-130**

*Manufacturer.* Confidential.  
*Chemical.* (S) Amines, C<sub>12-14</sub>-tert alkyl, ethoxylated, compound with isooctadecanoic acid.

*Use/Production.* (G) Industrial surfactant. Prod. range: 3,900 kg/yr.

*Toxicity Data.* No data submitted.

*Exposure.* Manufacture: Dermal, a total of 6 workers, up to 4 hrs/days, up to 8 days/yr.

*Environmental Release/Disposal.* 0.2 to 50 kg/batch released to water. Disposal by POTW.

**P 87-131**

*Importer.* Confidential.  
*Chemical.* (G) Disubstituted anthraquinone.

*Use/Production.* (S) Industrial colorant for polymer. Prod. range: Confidential.

*Toxicity Data.* No data submitted.

*Exposure.* Processing: Dermal and inhalation.

*Environmental Release/Disposal.* No data submitted.

**P 87-132**

*Importer.* Confidential.  
*Chemical.* (G) o-Acetoacetanilide, nitrophenylazo substituted.

*Use/Import.* (G) Colorant for paints and inks. Import range: Confidential.

*Toxicity Data.* Acute oral: > 10,000 mg/kg; Irritation: Skin—Slight; Eye—Slight. Ames test: Non-mutagenic.

*Exposure.* Confidential.  
*Environmental Release/Disposal.* No data submitted.

**P 87-133**

*Manufacturer.* Confidential.  
*Chemical.* (G) Sulfurized hydrocarbon/acid.  
*Use/Production.* (G) Industrial lubricant additive. Prod. range: 50,000 to 200,000 kg/yr.

*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* Confidential. Disposal by POTW.

**P 87-134**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* (G) Reaction product of an alkyl dicarboxylic acid/alkane diols, polyester with an acrylate prepolymer.  
*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* > 2,000 mg/kg; Acute dermal: Mild; Skin sensitization: Moderate sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-135**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* (G) Reaction product of alkyl and aryl dicarboxylic acids/alkane polyols polyester with an acrylate prepolymer.

*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* Acute oral: > 2,000 mg/kg; Acute dermal: Mild Skin sensitization: Extreme sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-136**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* (G) Reaction product of alkyl carboxylic acids/alkane polyols polyester with an acrylate prepolymer.

*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* Acute oral: > 2,000 mg/kg; Acute dermal: Mild Skin sensitization: Strong sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-137**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* (G) Reaction product of aryl and alkyl dicarboxylics/alkane diol/ester polyester with an acrylate prepolymer.

*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* Acute oral: > 2,000 mg/kg; Acute dermal: Mild; Skin sensitization: Strong sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-138**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* Reaction product of alkyl and aryl dicarboxylics/alkane diol/ester polyester with an acrylate prepolymer.

*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* Acute oral: > 2,000 mg/kg; Acute dermal: Mild; Skin sensitization: Strong sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-139**

*Importer.* Dynamit Nobel Chemicals.  
*Chemical.* (G) Reaction product of aryl and alkyl dicarboxylics/alkane polyols/ester polyester with an acrylate prepolymer.

*Use/Import.* (S) Industrial radiation curable adhesive resins. Import range: 5,000 to 50,000 kg/yr.

*Toxicity Data.* Acute oral: > 2,000 mg/kg; Acute dermal: Mild; Skin sensitization: Strong sensitizer.

*Exposure.* No data submitted.  
*Environmental Release/Disposal.* No data submitted.

**P 87-140**

*Manufacturer.* Alkaril Chemicals, Inc.  
*Chemical.* (G) N,N-Bis(substituted imidazolino) alkyl stearamide.

*Use/Production.* (G) Isolatable intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Confidential.  
*Environmental Release/Disposal.* Confidential.

**P 87-141**

*Manufacturer.* The Upjohn Co.  
*Chemical.* (G) Aminohydroxy substituted benzenesulfonamide.  
*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 2 workers, up to 2 hrs/day, up to 25 days/yr.

*Environmental Release/Disposal.* Less than 0.1 kg/batch released to air. Disposal by incineration.

**P 87-142**

*Manufacturer.* The Upjohn Co.  
*Chemical.* (G) Hydroxyamino substituted benzene sulfonamide.

*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 2 workers, up to 2 hrs/day, up to 25 days/yr.

*Environmental Release/Disposal.* Less than 0.1 kg/batch released to air. Disposal by incineration.

**P 87-143**

*Manufacturer.* The Upjohn Co.  
*Chemical.* (G) Hydroxyamino substituted benzenesulfonic acid.

*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 2 workers, up to 2 hrs/day, up to 25 days/yr.

*Environmental Release/Disposal.* Less than 0.1 kg/batch released to air. Disposal by incineration.

**P 87-144**

*Manufacturer.* The Upjohn Co.  
*Chemical.* (G) Hydroxyamino substituted benzenesulfonyl chloride.

*Use/Production.* (G) Contained use. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 2 workers, up to 2 hrs/day, up to 25 days/yr.

*Environmental Release/Disposal.* Less than 0.1 kg/batch released to air. Disposal by incineration.

**P 87-145**

*Manufacturer.* Confidential.  
*Chemical.* (S) 3,4-Dihydro-3-methyl-2H-1,4-benzoxazine.

*Use/Production.* (G) Chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 2 persons/shift, up to 2 hrs/day, 180 days/yr.

*Environmental Release/Disposal.* Trace per/batch released to air. Disposal by incineration.

**P 87-146**

*Manufacturer.* Confidential.  
*Chemical.* (S) 1-(2-Nitrophenoxy)-2-propanone.

*Use/Production.* (S) Site limited intermediate in the production of another chemical intermediate. Prod. range: Confidential.

*Toxicity Data.* No data submitted.  
*Exposure.* Manufacture: Dermal, a total of 5 persons/shift, up to 8 hrs/day, 180 days/yr.

*Environmental Release/Disposal.* Less than 0.5 kg/batch released to land. Disposal by approved landfill.

## P 87-147

**Manufacturer.** The Goodyear Tire and Rubber Co.

**Chemical.** (S) 2-[2-Hydroxy-3-tert-butyl-5-methylbenzyl]-4-methyl-6-tert-butylphenyl methacrylate.

**Use/Production.** (S) Industrial polymer stabilizer, polymerizable monomer. Prod. range: 45,400 to 226,800 kg/yr.

**Toxicity Data.** Acute oral > 5,000 mg/kg; Irritation: Skin - Non-irritant; Eye - Slight to moderate; Ames test: Non-mutagenic.

**Exposure.** Manufacture: Dermal, a total of 12 workers, up to 12 hrs/day, up to 150 days/yr.

**Environmental Release/Disposal.** Minimal release to air and water. Disposal by biological treatment system and incineration.

Dated: November 3, 1986.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 86-25505 Filed 11-10-86; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

November 4, 1986.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of the submission may be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Doris Benz, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB No.: 3060-0046

Title: Application for New or Modified Common Carrier Radio Station Authorization Under Part 22

Form No.: FCC 401

Action: Revision

Estimated Annual Burden: 99,700

Responses: 797,600 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-25451 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

### John T. Galanes et al.; Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. John T. Galanes & Betsy Ann Abrue Vasquez De Lopez, d/b/a Charleston County Wireless Co., Folly Beach, SC.	BPH-840816ID	86-398
B. Charleston Communications; Folly Beach, SC.	BPH-841029IA	
C.J. Allen Washington; Folly Beach, SC.	BPH-841030IW	
D. Levi E. Willis, II; Folly Beach, SC.	BPH-841031IB	
E. Folly Beach Communications, Inc.; Folly Beach, SC.	BPH-841031IC	
F. Joanne Brehm; Folly Beach, SC.	BPH-841031IE	
G. Ogden Broadcasting of South Carolina, Inc.; Folly Beach, SC.	BPH-841031IF	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant(s)

1. City Coverage-FM, D, F
2. Air Hazard, F
3. Comparative, A,B,C,D,E,F,G
4. Ultimate, A,B,C,D,E,F,G

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating

contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 86-25454 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

### Ed Ver Schure Communications; Applications for Consolidated Proceeding

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city, and State	File No.	MM Docket No.
A. Ed Ver Schure Communications, Inc.; Saugatuck, MI.	BPH-841120MB	86-408
B. James J. McCluskey; Saugatuck, MI.	BPH-850118MA	
C. James Phillips and Colleen Phillips; Saugatuck, MI.	BPH-850124MF	
D. Dunes Broadcasting, Inc.; Saugatuck, MI.	BPH-850228MH <sup>1</sup>	

<sup>1</sup> Dismissed.

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant(s)

1. Air Hazard, B
2. Comparative, A,B,C
3. Ultimate, A,B,C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 203), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW.,

Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,  
Mass Media Bureau.

[FR Doc. 86-25455 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

### United Video Inc., et al.; Proceedings Terminated

In the Matter of:

United Video Inc., Revised Rates for Microwave Service; Tariff F.C.C. No. 4, Transmittal Nos. 44 and 45—Docket No. 20198.

Western Tele-Communications, Inc., Revised Rates for Microwave Service to Broadcast and Cable Television Customers in Wyoming, Idaho and Montana; Tariff F.C.C. No. 3, Transmittal No. 38—Docket No. 20493

American Television and Communications Corporation, Revisions to Tariff F.C.C. No. 2, Transmittal No. 17—Docket No. 21047  
United WEHCO, Inc., Revised for Microwave Service, Tariff F.C.C. No. 1, Transmittal No. 14—Docket No. 21145

American Television Relay, Inc., Tariff F.C.C. No. 8, Transmittal No. 78—CC Docket No. 78-24

Western Union Telegraph Co., Tariff F.C.C. Nos. 254 and 261, Transmittal Nos. 6986 and 6992—Docket No. 20098

RCA Global Communications, Inc., Tariff F.C.C. Nos. 93 and 94, Transmittal Nos. 3922, 3955, and 3985

RCA Alaska Communications, Inc., Tariff F.C.C. No. 1, Transmittal No. 54

RCA American Communications, Inc., Revisions to Tariff F.C.C. No. 1 Fixed Term Transponder Service, Transmittal No. 61—CC Docket No. 78-68

American Satellite Corporation, Revisions to Tariff F.C.C. No. 1, Transmittal No. 45—CC Docket No. 78-70

To Western Union Telegraph Co., Revisions to Tariff F.C.C. No. 261, Pertaining to Video Channel Service, Transmittal No. 7314—CC Docket No. 78-99

RCA American Communications, Inc., Revisions to Tariff F.C.C. No. 1, Transmittal Nos. 78, 80 and 83

### Order

#### Proceedings Terminated

Adopted: October 7, 1986.

Released: October 16, 1986.

By the Commission:

1. The captioned dockets, opened between 1974 and 1978, were established to investigate various other common carrier (OCC) tariff filings. Several of these dockets involve population or subscriber sensitive rate structures for microwave transmission of television signals to cable television systems. The remaining dockets deal with revisions to tariffs for domestic satellite services. Each of the captioned dockets was dererred pending the

development of policies in the *Competitive Carrier* rulemaking.<sup>1</sup> We have determined that no further action is required in these dockets.

2. Accordingly, IT IS ORDERED that Docket No. 20198, Docket No. 20493, Docket No. 21047, Docket No. 21145, CC Docket No. 78-24, Docket No. 20098, CC Docket No. 78-68, CC Docket No. 78-70, and CC Docket No. 78-99 ARE TERMINATED.

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 86-25456 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

[Gen. Docket No. 86-336]

### Scrambling of Satellite Television Signals

AGENCY: Federal Communications Commission.

ACTION: *Notice of Inquiry*; extension of deadline for reply comments.

SUMMARY: Acting under delegated authority, the Chief, Office of Plans and Policy has issued an *Order* extending the reply comment deadline for the *Notice of Inquiry* in General Docket No. 86-336. 51 F.R. 30267 (August 25, 1986). This action is in response to an extension request from the National Cable Television Association.

DATE: Reply comment deadline extended to November 10, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554

FOR FURTHER INFORMATION CONTACT: Jonathan D. Levy, Office of Plans and Policy, (202) 653-5940.

<sup>1</sup> See Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Thereof, CC Docket No. 79-252, Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 306 (1979); First Report and Order, 85 FCC 2d 1 (1980); Further Notice of Proposed Rulemaking, 84 FCC 2d 445 (1981); Second Report and Order, 91 FCC 2d 59 (1982), recon. denied, 93 FCC 2d 54 (1983); Further Notice of Proposed Rulemaking, 47 Fed. Reg. 17308 (1982), Third Further Notice of Proposed Rulemaking, 48 Fed. Reg. 28292 (1983); Third Report and Order, 48 Fed. Reg. 46791 (1983); Fourth Report and Order, 95 FCC 23 554 (1983), Fourth Further Notice of Proposed Rulemaking, 49 Fed. Reg. 11856 (1984); Fifth Report and Order, 98 FCC 2d 1191 (1984); Sixth Report and Order, 99 FCC 2d 1020, (1985); vacated and remanded, MCI Telecommunications Corp. v. FCC, 765 F.2d 1186 (D.C. Cir. 1985). The captioned dockets were deferred in the following orders: United Video, Inc. 49 FCC 2d 878 (1974); Western Telecommunications, Inc., 55 FCC 2d 203 (1976); American Television and Communications Corporation, 62 FCC 2d 171 (1976); United WEHCO, Inc., 63 FCC 2d 741 (1977); American Television Relay, 67 FCC 2d 527 (1978), and RCA American Communications, Inc. 69 FCC 2d 426 (1978).

Federal Communications Commission.

Peter K. Pitsch,

Chief, Office of Plans and Policy.

[FR Doc. 86-25450 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

### ITU World Administrative Radio Conference Advisory Committee; Meeting

November 4, 1986.

Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee), working group meeting.

Working Group C: Other Bands—  
Services

Chairman: S.E. Probst (703) 471-2245  
Vice Chairman: David Long (703) 790-7701

Date: Monday, November 24, 1986

Time: 9:30 a.m.

Location: Federal Communications

Commission, 1919 M Street NW.,

Room 535, Washington, DC 20554

Agenda: (1) Review progress to date; (2) Additional work assignments.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-25452 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

### Travel Reimbursement Authority; Publishing of Report

AGENCY: Federal Communications Commission.

ACTION: Publishing of report on travel reimbursement authority.

SUMMARY: In Pub. L. 97-259, the Congress authorized the Federal Communications Commission to accept reimbursement from non-government organizations for travel of employees of the Commission. The Federal Communications Commission must keep records of such travel by each event and prepare a report of all reimbursements allowed and provide copies of each report to the Senate Committee on Appropriations, House Committee on Appropriations, Senate Committee on Commerce, Science and Transportation, and the House Committee on Energy and Commerce. This must be done until September 30, 1987. In addition, the Federal Communications Commission must publish each report in the *Federal Register* until September 30, 1987.

**DATE:** This report is for the period from July 1, 1986 through September 30, 1986.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Geoffrey Sherman, Office of the Managing Director, (202) 632-6900.

**SUPPLEMENTARY INFORMATION:** The report for the period July 1, 1986 through September 30, 1986 is as follows:

Federal Communications Commission.

William J. Tricarico,

Secretary

**Federal Communications Commission Travel Reimbursement Program, July 1, 1986-September 30, 1986**

*Summary Report*

Total Number of Sponsored Events: 23.

Total Number of Sponsoring Organizations: 22.

Total Number of Commissioners/ Employees Attending: 26.

**Total Amount of Reimbursement**

Expected:

Transportation .....	\$5,398.79
Subsistence .....	4,091.05
Other Expenses .....	695.18

Total..... 10,185.02

Individual Event Reports Attached.

Sponsoring Organization: National Association of Broadcasters, 1771 N Street NW., Washington, DC 20036.

Date of the Event: September 10-12, 1986.

Description of the Event: To participate in "Radio 86" sponsored by the National Association of Broadcasters in New Orleans, LA.

Commissioners Attending: Commissioner Patricia Dennis.

Other Employees Attending: James McKinney, Chief, Mass Media Bureau; Robert Cleveland, Physical Scientist, Office of Engineering & Technology.

**Amount of Reimbursement:**

Transportation .....	\$662.00
Subsistence .....	807.50
Other Expenses .....	64.00

Total..... 1,533.50

Sponsoring Organization: The American Radio Relay League, Inc., Administrative Headquarters, Newington, CT 06111.

Date of the Event: September 5-7, 1986.

Description of the Event: Present FCC forum at the American Radio Relay League National Convention in San Diego, CA.

Commissioners Attending: N/A.

Other Employees Attending: Raymond Kowalski, Supervisory Attorney-Adviser, Private Radio Bureau; Michael Fitch, Deputy Chief, Private Radio Bureau.

**Amount of Reimbursement:**

Transportation .....	\$474.00
Subsistence .....	490.12
Other Expenses .....	66.27

Total..... 1,030.39

Sponsoring Organization: Southern New England Telephone, 227 Church Street, New Haven, CT 06506.

Date of the Event: July 17, 1986.

Description of the Event: To conduct a one-day training session on Part 61, FCC rules for filing tariff in New Haven, CT.

Commissioners Attending: N/A.

Other Employees Attending: Kathie Kneff, Public Utilities Specialist, Common Carrier Bureau.

**Amount of Reimbursement:**

Transportation .....	\$180.00
Subsistence .....	75.53
Other Expenses .....	28.94

Total..... 284.47

Sponsoring Organization: Maryland-Delaware Cable TV Association, Inc., Suite 1106, The Belvedere, Baltimore, MD 21202.

Date of the Event: July 10, 1986.

Description of the Event: To speak at seminar sponsored by the Delaware, Maryland, D.C. Cable TV Association in Baltimore, MD.

Commissioners Attending: N/A.

Other Employees Attending: Emily Williams, General Attorney, Common Carrier Bureau; Bertram Weintraub, General Attorney, Common Carrier Bureau.

**Amount of Reimbursement:**

Transportation .....	\$33.00
Subsistence .....	0
Other Expenses .....	3.00

Total..... 36.00

Sponsoring Organization: Heron, Burchette, Ruckert & Rothwell, 1025 Thomas Jefferson Street NW., Washington, DC 20007.

Date of the Event: September 13-16, 1986.

Description of the Event: To attend the IEEE Symposium and participate in a panel discussion on FCC Rules for equipment authorization and computing devices in San Diego, CA.

Commissioners Attending: N/A.

Other Employees Attending: Art Wall, Supervisory Electronics Engineer, Office of Engineering & Technology.

**Amount of Reimbursement:**

Transportation .....	0
Subsistence .....	\$334.12
Other Expenses .....	0

Total..... 334.12

Sponsoring Organization: National Association of Regulatory Utility Commissioners, P.O. Box 684, Washington, DC 20444-0684.

Date of the Event: July 29, 1986.

Description of the Event: Participate in the NARUC Tech II Program in San Diego, CA.

Commissioners Attending: N/A.

Other Employees Attending: Susan O'Connell, Attorney-Adviser, Common Carrier Bureau.

**Amount of Reimbursement:**

Transportation .....	\$446.00
Subsistence .....	67.00
Other Expenses .....	34.40

Total..... 547.40

Sponsoring Organization: California Broadcasters Association, 1127 11th Street, Suite 730, Sacramento, CA 95814.

Date of the Event: July 28-29, 1986.

Description of the Event: To address the summer convention of the California Broadcasters Association in Monterey, CA.

Commissioners Attending: Commissioner Dennis Patrick.

Other Employees Attending: N/A.

**Amount of Reimbursement:**

Transportation .....	\$259.50
Subsistence .....	80.76
Other Expenses .....	49.19

Total..... 389.45

Sponsoring Organization: Rocky Mountain Telecommunications Association, P.O. Box 694, 1603 Capitol, Cheyenne, WY 82001.

Date of the Event: September 10, 1986.

Description of the Event: To attend the annual convention of the Rocky Mountain Telecommunications Association, Inc. in Colorado Springs, CO.

Commissioners Attending: N/A.

Other Employees Attending: Carl Lawson, Deputy Bureau Chief—Policy, Common Carrier Bureau.

**Amount of Reimbursement:**

Transportation .....	\$274.00
Subsistence .....	136.00

Other Expenses ..... 17.42  
 Total..... 427.42

Sponsoring Organization: Chadbourne & Parke, 1101 Vermont Avenue NW., Washington, DC 20005.  
 Date of the Event: September 19, 1986.  
 Description of the Event: To participate in the International Bar Association's annual conference in New York, NY.

Commissioners Attending: N/A.  
 Other Employees Attending: Jack Smith, General Counsel.

Amount of Reimbursement:  
 Transportation..... \$110.00  
 Subsistence..... 0  
 Other Expenses ..... 40.50  
 Total..... 150.50

Sponsoring Organization: AT&T, 1120 20th Street NW., Suite 1000, Washington, DC 20036.  
 Date of the Event: July 29, 1986.  
 Description of the Event: To speak at AT&T's Marketing Services Conference in Newark, NJ.

Commissioners Attending: N/A.  
 Other Employees Attending: Peter Pitsch, Chief, Office of Plans and Policy.

Amount of Reimbursement:  
 Transportation..... \$110.00  
 Subsistence..... 16.50  
 Other Expenses ..... 9.96  
 Total..... 136.46

Sponsoring Organization: Cincinnati Bell Telephone, 201 E. Fourth St., P.O. Box 2301, Cincinnati, OH 45201.  
 Date of the Event: September 5, 1986.  
 Description of the Event: To conduct a one-day training session on Part 61, FCC rules for filing tariffs in Cincinnati, OH.

Commissioners Attending: N/A.  
 Other Employees Attending: Kathie Kneff, Public Utilities Specialist, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$282.00  
 Subsistence..... 74.50  
 Other Expenses ..... 10.90  
 Total..... 367.40

Sponsoring Organization: Mr. Peter Huber, P.C., 103 8th Street, NW., Washington, DC 20032.  
 Date of the Event: September 8-10, 1986.

Description of the Event: To discuss and observe an electronic mail system in San Francisco, CA.

Commissioners Attending: N/A.  
 Other Employees Attending: Florence Setzer, Industry Economist, Office of Plans & Policy.

Amount of Reimbursement:  
 Transportation..... \$356.00  
 Subsistence..... 187.00  
 Other Expenses ..... 29.96  
 Total..... 572.96

Sponsoring Organization: United States Telephone Association, 900 19th Street NW., Suite 800, Washington, DC 20006-2102.

Date of the Event: September 8-11, 1986.

Description of the Event: To participate in the United States Telephone Association's Public Relations Seminar and to give a presentation on "Deregulating the Telephone Industry" in Williamsburg, VA.

Commissioners Attending: N/A.  
 Other Employees Attending: Stephen Goodman, Supervisory Attorney-Adviser, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$67.24  
 Subsistence..... 83.00  
 Other Expenses ..... 0  
 Total..... 150.24

Sponsoring Organization: Ohio Telephone Association, 150 East Broad Street, Columbus, Ohio 43215.

Date of the Event: September 16, 1986.  
 Description of the Event: To address the Ohio Telephone Association's Convention in Huron, OH.

Commissioners Attending: N/A.  
 Other Employees Attending: Dan Grosh, General Attorney, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$138.00  
 Subsistence..... 100.00  
 Other Expenses ..... 100.00  
 Total..... 338.00

Sponsoring Organization: Taft Broadcasting Company, 1906 Highland Avenue, Columbus, Ohio 45219.

Date of the Event: September 25-28, 1986.

Description of the Event: To participate and attend the Taft Broadcasting Management Conference in Aspen, CO.

Commissioners Attending: Commissioner James Quello.  
 Other Employees Attending: N/A.

Amount of Reimbursement:  
 Transportation..... \$419.00  
 Subsistence..... 392.00  
 Other Expenses ..... 20.00  
 Total..... 831.00

Sponsoring Organization: United States Telephone Association, 900 19th Street NW., Suite 800, Washington, DC 20006-2102.

Date of the Event: September 30, 1986.  
 Description of the Event: To appear as a speaker on the topic of "Joint and Common Costs" for the Affiliated Interests Witness Committee Seminar in Williamsburg, VA.

Commissioners Attending: N/A.  
 Other Employees Attending: Kenneth Moran, Supervisory Electronics Engineer, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$77.90  
 Subsistence..... 12.50  
 Other Expenses ..... 0  
 Total..... 90.40

Sponsoring Organization: Dun & Bradstreet Corporation, One Diamond Hill Road, Murray Hill, NJ 07974-0027.

Date of the Event: September 22, 1986.  
 Description of the Event: To speak at the Dun & Bradstreet

"Telecommunications Users Group Conference" in White Haven, PA.  
 Commissioners Attending: N/A.  
 Other Employees Attending: Gerald Vaughan, Deputy Bureau Chief-Operations, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$108.65  
 Subsistence..... 25.00  
 Other Expenses ..... 0  
 Total..... 133.65

Sponsoring Organization: Bell Atlantic, 1133 Twentieth Street, NW., Suite 810, Washington, DC 20036.

Date of the Event: September 29, 1986.  
 Description of the Event: To attend Bell Atlantic's Legal Conference in Greenbriar, WVA.

Commissioners Attending: N/A.  
 Other Employees Attending: Thomas Sugrue, Chief, Policy & Program Planning Division, Common Carrier Bureau.

Amount of Reimbursement:  
 Transportation..... \$268.00  
 Subsistence..... 50.00  
 Other Expenses ..... 30.00  
 Total..... 348.00

Sponsoring Organization: Ameritech Services, 1900 East Golf Road, Schaumburg, IL 60195.

Date of the Event: September 15-16, 1986.

Description of the Event: To address the Ameritech-Carrier Conference in Traverse City, MI.

Commissioners Attending: N/A.  
Other Employees Attending: Jerald Fritz, Chief of Staff, Office of the Chairman.

Amount of Reimbursement:

Transportation .....	\$338.00
Subsistence .....	97.50
Other Expenses .....	0
Total .....	435.50

Sponsoring Organization: Michigan Association of Broadcasters, 1020 Long Blvd., Suite 12, Lansing, MI 48910.

Date of the Event: August 20-23, 1986.

Description of the Event: Participate in the Michigan Association of Broadcasters' convention in Traverse City, MI.

Commissioners Attending: Commissioner James Quello.  
Other Employees Attending: N/A.

Amount of Reimbursement:

Transportation .....	\$398.00
Subsistence .....	195.00
Other Expenses .....	150.00
Total .....	743.00

Sponsoring Organization: Alaska Broadcasters Association, P.O. Box 102424, Anchorage, AK 99510.

Date of the Event: August 17-21, 1986.

Description of the Event: Participate in the Alaska Association of Broadcasters' annual convention in Anchorage, AK.

Commissioners Attending: Commissioner James Quello.  
Other Employees Attending: N/A.

Amount of Reimbursement:

Transportation .....	0
Subsistence .....	\$466.56
Other Expenses .....	0
Total .....	466.56

Sponsoring Organization: Telocator Network of America, 2000 M. Street NW., Suite 230, Washington, DC 20036.

Date of the Event: September 9-12, 1986.

Description of the Event: To attend the 38th annual convention of Telocator Network of America in Atlanta, GA.

Commissioners Attending: N/A.  
Other Employees Attending: Kevin Kelley, Supervisory Attorney Advisor, Common Carrier Bureau.

Amount of Reimbursement:

Transportation .....	\$138.00
Subsistence .....	261.00
Other Expenses .....	25.15
Total .....	424.15

Sponsoring Organization: California Cable TV Association, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.

Date of the Event: July 28-30, 1986.

Description of the Event: To address the Board of Directors meeting of the California Cable TV Association in Lake Tahoe, California.

Commissioners Attending: Commissioner Dennis Patrick.  
Other Employees Attending: N/A.

Amount of Reimbursement:

Transportation .....	\$259.50
Subsistence .....	139.46
Other Expenses .....	15.49
Total .....	414.45

[FR Doc. 86-25453 Filed 11-10-86; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

### 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.: 202-010676-018.  
Title: Mediterranean/U.S.A. Freight Conference.

Parties:  
Achille Lauro  
C.I.A. Venezolana de Navegacion  
Compania Trasatlantica Espanola,  
S.A.

Costa Line  
Farrell Lines, Inc.  
"Italia" de Navigazione, S.p.A.  
Jugolinija  
Jugoceanija  
Lykes Lines  
Nedlloyd Lines  
Sea-land Service, Inc.  
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would reduce the notification period required for independent action from 10 calendar days to 48 hours, excluding Saturdays, Sundays and holidays, for rate or service items or freight forwarder compensation pertaining to the conference's Italian range only until December 31, 1986. The parties have requested a shortened review period.

By order of the Federal Maritime Commission.

Dated: November 6, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86-25484 Filed 11-10-86; 8:45 am]

BILLING CODE 6730-01-M

### Tampa Port Authority Terminal Agreements; Erratum

The **Federal Register** Notice of October 6, 1986 (Vol. 51, No. 193, page 35560) stated that Agreements No. 224-002810-004, 024-003079-008, 024-003079-009, 224-011007, 224-011008, 224-011009, 224-011010, 224-011011, 224-011012 and 024-011013 were filed pursuant to section 5 of the Shipping Act of 1984. The notice should have stated that they were also filed pursuant to section 15 of the Shipping Act, 1916.

Interested parties may inspect and may request a copy of each agreement and supporting statement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit protests and comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Filing Party: H.E. Welch, Director of Traffic, Tampa Port Authority, Post

Office Box 2192, 811 Wynkoop Road,  
Tampa, Florida 33601.

By Order of the Federal Maritime  
Commission.

Dated: November 6, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86-25485 Filed 11-10-86; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Citizens Financial Group, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 1, 1986.

**A. Federal Reserve Bank of St. Louis**  
(Randall C. Sumner, Vice President) 411  
Locust Street, St. Louis, Missouri 63166:

1. *Citizens Financial Group, Inc.*, New Haven, Missouri; to acquire Gerding Insurance Agency, New Haven, Missouri, and thereby engage in selling and servicing multi-line life and casualty insurance products in a community with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in the State of Missouri.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First United Bancshares, Inc.*, Ord, Nebraska; to acquire the assets of Ord Insurance Agency, Ord, Nebraska, and Wolbach Insurance Agency, Wolbach, Nebraska, and indirect control of Grant Insurance Agency, Grant, Nebraska, and thereby engage in general insurance agency activities in Ord, Wolbach, and Grant, Nebraska, all towns of fewer than 5,000 inhabitants, pursuant to exemption C of the Garn-St Germain Act, 12 U.S.C. 1843(c)(8)(C), and § 225.25(b)(8)(iii) of the Board's Regulation Y, 12 CFR 225.25(b)(8)(iii). Comments on this application must be received by November 24, 1986.

Board of Governors of the Federal Reserve System, November 5, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-25437 Filed 11-10-86; 8:45 am]

BILLING CODE 6210-01-M

### Mountaineer Bankshares of West Virginia, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a

written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than December 1, 1986.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Mountaineer Bankshares of West Virginia, Inc.*, Martinsburg, West Virginia; to acquire 100 percent of the voting shares of The Bank of Wadestown, Fairview, West Virginia.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citizens Southern Bancshares, Inc.*, Vernon, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank, Vernon, Alabama.

**C. Federal Reserve Bank of St. Louis** (Randall C. Sumner, vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Old National Bancorp*, Evansville, Indiana; to merge with GCB Bancorp, Princeton, Indiana, and thereby indirectly acquire Gibson County Bank, Princeton, Indiana.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Financial Bancshares, Inc.*, Topeka, Kansas; to acquire Financial Diversified Investment Corporation, Topeka, Kansas, and thereby indirectly acquire First Bank of Wetmore, Wetmore, Kansas.

Bank operates a general insurance agency from its premises which are located in a community of less than 5,000. Applicant is currently a one bank holding company and its present subsidiary bank, The Kansas State Bank in Holton, Holton, Kansas, is also located in a community with a population of less than 5,000.

Board of Governors of the Federal Reserve System, November 5, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-25438 Filed 11-10-86; 8:45 am]

BILLING CODE 6210-01-M

### Change in Bank Control Notice— Acquisition of Banks or Bank Holding Companies; Calvin Poole et al.

The notificants listed in this notice have applied for the Board's approval

under the Change in Bank Control Act (12 U.S.C. 1817(j) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they 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 indicated for that notice or to the offices of the Board of Governors.

Comments regarding these notices must be received not later than November 26, 1986.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Calvin Poole, Elisha Poole, Juanita Poole, Calvin Poole, III, and Thomas Poole*, all of Greenville, Alabama; to acquire an additional 1.38 percent of the voting shares of The First National Bancorp of Greenville, Inc., Greenville, Alabama, and thereby indirectly acquire The First National Bank of Greenville, Greenville, Alabama.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Mr. Charles R. Leffler, Jr.*; to acquire an additional 25.86 percent of the voting shares of Dean Holbein & Associates, Inc., Lincoln, Nebraska, and thereby indirectly acquire The Security State Bank, Holbrook, Nebraska.

**C. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Larry Napoleon Cooper*, Shreveport, Louisiana; to acquire at least 4.99 percent of the voting shares of BankAmerica Corporation, San Francisco, California, and thereby indirectly acquire Bank of America N.T.&S.A., San Francisco, California, and Seattle First National Bank, Seattle, Washington.

Board of Governors of the Federal Reserve System, November 5, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-25436 Filed 11-10-86; 8:45 am]

BILLING CODE 6210-01-M

**United Banks of Colorado, Inc.;  
Formation of, Acquisition by, or  
Merger of Bank Holding Companies  
and Acquisition of Nonbanking  
Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 26, 1986.

**A. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *United Banks of Colorado, Inc.*, Denver, Colorado; to acquire 100 percent

of the voting shares of IntraWest Financial Corporation, Denver, Colorado, and thereby indirectly acquire IntraWest Bank of Southglenn, N.A., Littleton, Colorado; IntraWest Bank of Aurora, N.A., Aurora, Colorado; IntraWest Bank of Boulder, N.A., Boulder, Colorado; IntraWest Bank of Colorado Springs, N.A., Colorado Springs, Colorado; IntraWest Bank of Bear Valley, N.A., Denver, Colorado; IntraWest Bank of Arapahoe, N.A., Englewood, Colorado; IntraWest Bank of Fort Collins, N.A., Fort Collins, Colorado; IntraWest Bank of Grand Junction, Grand Junction, Colorado; IntraWest Bank of Greeley, N.A., Greeley, Colorado; IntraWest Bank of Highlands Ranch, N.A., Highlands Ranch, Colorado; IntraWest Bank of Southwest Plaza, N.A., Littleton, Colorado; IntraWest Bank of Montrose, N.A., Montrose, Colorado; IntraWest Bank of Northglenn, N.A., Northglenn, Colorado; IntraWest Bank of Pueblo, N.A., Pueblo, Colorado; IntraWest Bank of Steamboat Springs, N.A., Steamboat Springs, Colorado; IntraWest Bank of Sterling, Sterling, Colorado.

In connection with this application, United Acquisition Subsidiary, Inc., Denver, Colorado, has also applied to become a bank holding company by merging with IntraWest Financial Corporation, Denver, Colorado.

In addition, Applicants will also indirectly acquire IntraWest Insurance Agency, Inc., and thereby engage in acting as agent for the sale of credit related life, accident and health insurance under § 225.25(b)(8) of the Board's Regulation Y; IntraWest Insurance Company, and thereby engage in underwriting credit-related life, accident and health insurance pursuant to § 225.25(b)(9) of the Board's Regulation Y; IntraWest Mortgage Company, and thereby engage in conducting mortgage banking activities under § 225.25(b)(1) of the Board's Regulation Y and arranging commercial real estate equity financing under § 225.25(b)(14) of the Board's Regulation Y; and IntraWest Leasing Company, and thereby engage in leasing real and personal property under § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 5, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-25439 Filed 11-10-86; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Food and Drug Administration

[Docket No. 85N-0547]

**Allergenic Substances; Policy on Licensure of Oral Products Intended to Determine Allergies, Products Intended as Adjuncts to Allergy Skin Tests, and Materials Intended for Patch Tests of Humans***Correction*

In FR Doc. 86-21338, beginning on page 33664 in the issue of Monday, September 22, 1986, make the following corrections:

1. On page 33665, in the third column, in the fourth line of the first complete paragraph, "petroleum" should read "petrolatum".

2. On page 33666, in the first column, in the first line of the second complete paragraph, insert "should be accompanied by an establishment license application" after the word "application".

BILLING CODE 1505-01-M

## National Institutes of Health

**National Cancer Institute; Frederick Cancer Research Facility Advisory Committee; Rescheduled Meeting**

The notice of the meeting of the Frederick Cancer Research Facility Advisory Committee, November 21, 1986, published in the *Federal Register* on September 16 (51 FR 32850) is hereby amended. The FCRF Advisory Committee, November 21, will be rescheduled for December 16, 1986, due to complications of other commitments by several members of the committee. For further information, please contact Dr. Cedric W. Long, Executive Secretary, Frederick Cancer Research Facility Advisory Committee, National Cancer Institute, Frederick Cancer Research Facility, Bldg. 427, Frederick, Maryland 21701, (301-698-1108).

Dated: November 3, 1986.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 86-25478 Filed 11-10-86; 8:45 am]

BILLING CODE 4140-01-M

**National Cancer Institute; President's Cancer Panel; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, December 15, 1986, at the University of Chicago

Cancer Research Center, Chicago, Illinois 60637.

The entire meeting will be open to the public from 8:30 a.m. to adjournment. Agenda items include reports by the Chairman, President's Cancer Panel, and discussions to obtain information regarding center programs supported by the National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of Panel members, upon request.

Dr. Elliott Stonehill, Executive Secretary, President's Cancer Panel, National Cancer Institute, Building 31, Room 11A23, National Institutes of Health, Bethesda, Maryland 20892 (301/496-1148) will furnish substantive program information.

Dated: November 3, 1986.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 86-25477 Filed 11-10-86; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF THE INTERIOR

**Notice of OMB Circular A-76 Studies and Efficiency Reviews**

AGENCY: Department of the Interior.

ACTION: Notice of OMB Circular A-76 Studies and Efficiency Reviews.

**SUMMARY:** OMB Circular A-76 requires agencies to publish annually their schedules for conducting A-76 studies and efficiency reviews. The following supplements the Department of the Interior notice of Fiscal Year 1987 A-76 studies and efficiency reviews, which was published in the *Federal Register* on October 1, 1986. The Department plans to conduct A-76 studies and in-house efficiency reviews of the activities shown below. Other activities may be added to this listing and published in the *Federal Register* later.

**ADDRESS:** Department of the Interior, Office of Management Analysis, Room 5119, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathleen M. Stewart at (202) 343-8633.

**SUPPLEMENTARY INFORMATION:** A-76 studies and efficiency reviews are very detailed and labor intensive. The time required to complete a study or review depends on the size of the activity, its geographic location and dispersion, and its organizational and functional

complexity. Invitations for bid or requests for proposal will be published in the *Commerce Business Daily* when the solicitation stage of an A-76 study is reached, or when contractor support is required to conduct a study or review.

Bureau contracting offices do not maintain consolidated bidders' lists.

- A-76 Studies
- Bureau of Reclamation
- Grand Coolee Project Office (WA), Warehousing/Stock Handling, study start, 3/1/87
- Bureau of Indian Affairs
- Facilities and Quarters Operations and Maintenance (20 sites), study start, 10/20/86
- Efficiency Reviews
- Minerals Management Service
- Systems Administration Branch (CO), review start, 11/28/86

Richard S. Bari,

*Director, Office of Management Analysis.*

[FR Doc. 86-25426 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-RK-M

## Bureau of Land Management

**Organization, Functions, and Authority Delegations; Anchorage District Office**

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice; Acceptance of Mining Claim Recordation Filings, Affidavits of Annual Labor, Notices of Intent to Hold.

**SUMMARY:** Notice is hereby given that the Bureau of Land Management, Anchorage District Office, will no longer accept mining claim recordations, affidavits of annual labor, and notices of intent to hold. The mining claim case files currently held at the Anchorage District Office will be transferred to the Alaska State Office, 701 C Street, Anchorage, Alaska 99513.

All future recordations, affidavits of annual labor and notices of intent to hold will continue to be received at the Alaska State Office, 701 C Street, Anchorage, Alaska 99513 and the Fairbanks Support Center, 1541 Gaffney Road, Fairbanks, Alaska 99703.

This action is in accordance with the BLM Alaska's Reorganization.

**EFFECTIVE DATE:** Close of business December 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** Catherine Crawford, Bureau of Land Management, 6881 Abbott Loop Road,

Anchorage, Alaska 99507-2599, Phone (907) 267-1214.

Wayne A. Boden,

*District Manager.*

[FR Doc. 86-25382 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-JA-M

[CA-943-07-4212-13]

#### Exchange of Public Lands in Lassen and Modoc Counties, CA; Correction

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** CA-12436 and CA 19657, correction of notice of realty action; exchange of public lands in Lassen and Modoc Counties, California.

**SUMMARY:** All references to case serial number CA-12436 in the **Federal Register** Notices of June 13, 1986 (51 FR 21632-21633) and of October 28, 1986 (51 FR 39428) are hereby changed to case serial number CA-19657. In addition, the name of the exchange proponent/private landowner is hereby changed from Lyneta Ranches to John Hancock Mutual Life Insurance Company, c/o Lyneta Ranches P.O. Box 1397, Alturas, CA 96101. This change is due to a transfer of ownership.

**ADDRESS:** Susanville District Manager, Bureau of Land Management, 705 Hall Street, Susanville, California 96130.

C. Rex Cleary,

*District Manager.*

[FR Doc. 86-25472 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-06-4520-12 C-12-86]

#### California, Filing of Plat of Survey

November 3, 1986.

1. This supplemental plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

San Bernardino Meridian, San Bernardino County

T. 6 N., R 7 W.

2. This supplemental plat of section 18, Township 6 North, Range 7 West, San Bernardino Meridian, California, based upon the plat approved June 19, 1856, and the plat accepted September 3, 1926, was accepted October 3, 1986.

3. This supplemental plat will immediately become the basic record of describing the land for all authorized purposes. This supplemental plat has been placed in the open files and is available to the public for information only.

4. This supplemental plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

*Chief, Records & Information Section.*

[FR Doc. 86-25430 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-40-M

[CA-940-07-4520-12, Group 849]

#### California; Filing of Plat of Survey

November, 3, 1986.

1. This plat of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, Lassen Country

T. 32 N., R. 11 E.

2. This plat representing the dependent resurvey of a portion of the subdivisional lines, and a portion of the adjusted record meanders of Eagle Lake, the survey of the subdivision of sections 22, 26, and 27, and the metes-and-bounds survey of the Leon Bly, Eagle Lake Irrigation Project Tunnel, Township 32 North, Range 11 East, Mount Diablo Meridian, California, under Group No. 849, California, was accepted September 30, 1986.

3. This plat will immediately become the basic record of describing the land for all authorized purposes. This plat has been placed in the open files and is available to the public for information only.

4. This plat was executed to meet certain administrative needs of the Bureau of Land Management.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Herman J. Lyttge,

*Chief, Records & Information Section.*

[FR Doc. 86-25431 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-40-M

[A-21218]

#### Notice of Realty Action Noncompetitive Sale of Public Land in La Paz County, AZ

The following described public lands have been examined and found suitable for direct sale under Section 203 of the

Federal Land Policy and Management Act of 1976 at not less than the appraised fair market value. This is a renewal of the initial notice which was published in the **Federal Register** on Thursday, February 6, 1986, Vol. 51, No. 25, p. 4657.

#### Gile and Salt River Meridian

T. 7 N., R. 19 W.

Sec. 13, SW ¼.

The above described land contains 160 acres more or less.

The original realty action became the final determination of the Department of the Interior and the lands will be offered for sale to La Paz County for sanitary landfill and maintenance yard purposes when all is proper.

Detailed information concerning patent reservations, as well as conditions of the sale, is available for review at the Yuma District Office, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365.

Publication of this notice in the **Federal Register** continues to segregate the public land from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of publication, whichever occurs first.

Dated: November 3, 1986.

J. Darwin Snell,

*District Manager.*

[FR Doc. 86-25429 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-32-M

[NM-930-07-5101-09-FG25]

#### Arizona Interconnection Project—345 kV Transmission Line; Environmental Impact Statement

**AGENCY:** Bureau of Land Management (BLM), D Interior.

**ACTION:** Notice of Availability of the Draft Management Framework Plan Amendment/Environmental Impact Statement (MFPA/EIS).

**SUMMARY:** El Paso Electric Company has applied to the BLM for a right-of-way for a 345 kV transmission line. Pursuant to section 102(2)(c) of the National Environmental policy Act of 1969, BLM in conjunction with the U.S. Forest Service (USFS), has prepared a Draft MFPA/EIS for the proposed El Paso 345 kV, Arizona Interconnection Project, Springerville to Deming transmission line. The Draft was prepared to evaluate several alternative routes. El Paso proposes to build and operate a 210-mile long, single circuit 345 kV transmission line from the existing Springerville

switchyard near Springerville, Arizona, to the Luna substation near Deming, New Mexico. Major components of the project would include the transmission line and installation of more substation equipment at the existing Luna substation.

**DATE:** Written comments on the Draft must be received by February 12, 1987, and must be sent to: Bureau of Land Management, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005.

**ADDRESS:** Public hearings to receive comments on the Draft MFPA/EIS and the adequacy of the impact analysis will be held at the following locations:

Public hearing locations	Date and time
Reserve Community Center, across street from high school, Reserve New Mexico 87830.	Jan. 13, 1987, 2:00.
Convention Center, 501 Macadoo Street, Truth or Consequences, New Mexico 87901.	Jan. 14, 1987, 7:00.
Public Service Company conference room, 420 Gold Street, Deming, New Mexico 88030.	Jan. 15, 1987, 7:00.

**FOR FURTHER INFORMATION CONTACT:** Juan Padilla, Bureau of Land Management, Las Cruces District Office, 1800 Marquess Street, Las Cruces, New Mexico 88005, (505) 525-8228 or FTS-571-8312.

Individuals wishing copies of the Draft should contact the above-named individual.

**SUPPLEMENTARY INFORMATION:** Public reading copies are available for review at the main public libraries in Tucson, Arizona, El Paso, Texas, and in New Mexico: Las Cruces, Socorro, Silver City, Alamogordo, Albuquerque, Deming, Truth or Consequences, Santa Fe, and at the High School Library in Reserve.

In addition, copies of the Draft MFPA/EIS may be inspected at the following locations:

- Bureau of Land Management, Public Affairs, Interior Bldg., 18th and C Street, NW., Washington DC 20240
- Bureau of Land Management, Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005
- Bureau of Land Management, New Mexico State Office, Ark Plaza, Bldg. C, 2025 Pacheco Street, Santa Fe, NM 87501
- Forest Service, Gila National Forest, 2610 North Silver Street, Silver City, NM 88061.

Dated: November 3, 1986.

Monte G. Jordan,

Acting State Director.

[FR Doc. 86-25427 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-FB-M

[NM-57802]

**Realty Action; Exchange of Mineral Values in San Juan and McKinley Counties, NM**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action on a mineral exchange with Cerrillos Land Company.

**SUMMARY:** Pursuant to section 504(a) of Pub. L. 96-550 of December 19, 1980 (94 Stat. 3228) and section 206(a) of Pub. L. 94-579 of October 21, 1976 (90 Stat. 2756), the following described Federal coal interests have been determined to be suitable for disposal by exchange.

**New Mexico Principal Meridian**

	Acres
Township 15 North, Range 7 West: ...	
Sec. 18: Lots 1-4, E½, E½W½ .....	650.04
Sec. 20: All .....	650.79
Sec. 22: Lots 1 and 5, NE¼, E½NW¼ .....	272.51
Sec. 28: NE¼NE¼, W½NE¼, NW¼, N½SW¼ .....	364.67
Sec. 30: Lots 1-4, E½, E½W½ .....	647.71
Subtotal .....	2,585.72
Township 15 North, Range 8 West:	
Sec. 22: SE¼NE¼, S½ .....	363.12
Sec. 24: All .....	652.83
Sec. 26: All .....	646.78
Sec. 28: E½NE¼, SE¼SW¼, SE¼ .....	279.05
Sec. 34: N½, NE¼SE¼ .....	362.76
Subtotal .....	2,304.54
Total .....	4,890.26

In exchange for these Federal coal interests, the United States will acquire the following described coal interests from Cerrillos Land Company.

	Acres
Township 15 North, Range 6 West:	
Sec. 19: Lots 1-4, SE¼SE¼ .....	152.71
Sec. 29: Lots 1-8, W½E½, W½ .....	688.66
Subtotal .....	841.37
Township 15 North, Range 7 West:	
Sec. 3: Lots 1-11, S½NE¼, SE¼NW¼, E½SW¼, SE¼ .....	632.70
Sec. 9: NE¼ .....	161.93
Sec. 11: W½ .....	319.39
Subtotal .....	1,114.02
Township 16 North, Range 7 West:	
Sec. 23: S½SW¼, SW¼SE¼ .....	121.46
Sec. 27: Lots 1-8, NE¼, NE¼NW¼, S½NW¼, N½S½ .....	600.24
Sec. 33: E½NE¼, NE¼SE¼ .....	118.30
Sec. 35: W½NW¼, SW¼, W½SE¼ .....	319.24
Subtotal .....	1,159.24

	Acres
Township 15 North, Range 8 West:	
Sec. 5: Lots 3 and 4, S½NW¼, S½ .....	485.74
Sec. 7: Lot 1, NE¼, E½NW¼, N½SE¼, SE¼SE¼ .....	402.97
Sec. 17: NE¼NE¼, W½NE¼, NW¼, E½SW¼, NW¼SW¼, SE¼SE¼, W½SE¼ .....	526.07
Subtotal .....	1,414.78
Township 16 North, Range 8 West:	
Sec. 21: All .....	649.98
Sec. 29: All .....	643.76
Sec. 31: E½, SE¼NW¼, E½SW¼ .....	440.30
Subtotal .....	1,734.04
Total .....	6,263.45

In addition to the above coal interests, the United States will also acquire from Cerrillos Land Company all the mineral estate they own in the following areas, situated in the Chaco Cultural National Historic Park.

Chaco Park Additions	
1. Southern Addition (02-129):	Acres
Township 21 North, Range 11 West:	
Sec. 21: All .....	640.00
Sec. 22: All .....	640.00
Sec. 23: All .....	640.00
Sec. 25: All .....	640.00
Sec. 26: NE¼ .....	160.00
2. Northern Addition (02-116):	
Township 21 North, Range 10 West: Sec. 9: All .....	640.00
3. Chacra Mesa:	
Township 21 North, Range 10 West (02-113):	
Sec. 33: That portion within the E½ of Sec. 33 lying north and east from the 6,400', mean sea level elevation, contour line .....	135.40
Township 20 North, Range 10 West (02-106):	
Sec. 3: That portion within the northeast quarter of Sec. 3 lying northeasterly from the 6,400', mean sea level elevation, contour line .....	50.20
Township 20 North, Range 10 West (02-101):	
Sec. 12: That portion within the northern ½ and southeastern ¼ of Sec. 12 which lies northeasterly from the 6,400', mean sea level elevation, contour line .....	192.40
Subtotal .....	3,738.00

**Outlying Archaeological Protection Sites**

1. Toh-la-kai: Township 17 North, Range 18 West: Sec. 33: SW¼SE¼SE¼ .....	10.00
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2. Indian Creek: Township 20 North, Range 13 West: Sec. 7: Lot 2. SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Acres	96.61
3. Bee Burrow: Township 19 North, Range 11 West: Sec. 29: SW $\frac{1}{4}$ SE $\frac{1}{4}$		40.00
4. Upper Kin Klizhin: Township 20 North, Range 11 West: Sec. 22: NE $\frac{1}{4}$ NE $\frac{1}{4}$ .....		40.00
Sec. 23: W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .....		20.00
5. Kin Nizhoni: Township 13 North, Range 9 West: Sec. 9, that portion of the E $\frac{1}{2}$ which lies north of the Ambrosia Lake Road right-of-way; and the easterly 360 feet of the E $\frac{1}{2}$ W $\frac{1}{2}$ which lies north of the Ambrosia Lake Road right-of-way.		260.08
6. Haystack: Township 13 North, Range 10 West: Sec. 21: E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ N E $\frac{1}{4}$		45.00
7. Andrews Ranch: Township 14 North, Range 11 West: Sec. 33: All		640.00
Subtotal .....		1,151.69
Total acreage in Chaco Park and Outliers .....		4,998.69

The purpose of the exchange is to consolidate the coal ownership into blocks that will promote the orderly development of coal by allowing for more logical and economical mining of both the Cerrillos and Federal coal resources. Mining costs will be reduced on both blocks of land and potential environmental impacts caused by inefficient mining practices will also be reduced.

A consolidated block is more likely to be leased than a checkerboard offering of Federal coal. In addition, it is believed that the offering of a larger consolidated block will create more interest and competition in the bidding on the tracts and thus potentially create a higher return to the United States when leased.

Enhanced recovery of the coal resource will also result from the exchange because fewer boundary pillars will be necessary. The United States will receive coal with a more favorable stripping ratio than it will relinquish. Considering the contiguous blocks of coal available and the improved stripping ratio, it is likely that the per acre bonus bids offered for the coal would be larger than for the checkerboard coal as it currently exists.

Public Law 96-550 authorized the Secretary of the Interior to acquire private interests within the boundaries of the Chaco Cultural National Historic

Park and the Chaco Culture Archeological Protection Sites. The acquisition of 4,890 acres of mineral estate within the Park and Protection Sites will provide greater Federal control over mineral exploration and development on the lands involved.

A value analysis of the coal interests to be exchanged has been made. Based on this analysis, the coal the United States is receiving from Cerrillos is estimated to be worth 12 percent more than the coal that Cerrillos is receiving from the United States. Cerrillos Land Company has agreed to complete the exchange as if the 2 blocks are equal in value. In addition, Cerrillos has not requested any compensation for the mineral interests they will convey in the Chaco Park and the Outlier Protection Sites. Other benefits that will accrue to the United States as a result of the exchange included an agreement with Santa Fe Coal Company to provide services to switch coal over their existing private railroad spur for future Federal lessees if the lessees can not otherwise obtain reasonable access to alternate transportation facilities. Cerrillos has also agreed to provide drill hole data on the offered lands to the United States and will transfer existing surface owner consents for the benefit of future coal lessees.

**FOR FURTHER INFORMATION CONTACT:** Information pertaining to the exchange, including the environmental assessment, mineral evaluation report and land report is available for public review at the Albuquerque District Office, 435 Montano N.E., Albuquerque, New Mexico 87107.

**SUPPLEMENTARY INFORMATION:** The public minerals identified for disposal are located about twenty miles northeast of Grants. They were identified in the 1981 Chaco Management Framework Plan update as being in a likely surface mining area with no special multiple use consideration.

The exchange will be made subject to:  
1. All valid existing rights of record.  
2. The reservation to the United States of all minerals except coal in the Federal estates being transferred.

3. The reservation to the Cerrillos Land Company of all minerals except coal in the 6,263 acres of private estate being transferred in the Lee Ranch West, Middle and East Tracts.

4. This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with State and local officials.

**DATE:** For a period of 45 days from the date of this publication, interested parties may submit comments to the Bureau of Land Management, at the above address. Comments will be evaluated by the New Mexico State Director, BLM, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this Notice of Realty Action will become the final decision of the Department of the Interior.

Dated: November 5, 1986.

L. Paul Applegate,  
District Manager.

[FR Doc. 86-25489 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-FB-M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Alaska OCS Region; Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following revised Outer Continental Shelf Official Protraction Diagrams, approved on the dates indicated, are available at the Minerals Management Service, Alaska OCS Region, Anchorage, Alaska. In accordance with Title 30, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease sales in the geographic area represented.

#### OUTER CONTINENTAL SHELF PROTRACTION DIAGRAMS

Description	Revised date
NO 1-4 Zhemchug Spur .....	Aug. 22, 1986
NO 2-3 Zhemchug Gully .....	Do.
NO 2-4 St. Paul North .....	Do.
NO 2-5 St. Paul Spur .....	Do.
NO 2-7 St. George Canyon .....	Do.
NO 3-3 Cape Newenham West .....	Do.
NO 3-5 St. Paul East .....	Do.
NO 3-6 Bristol Bay North .....	Do.
NO 3-7 St. George East .....	Do.
NO 5-8 Albatross Bank .....	Do.
NO 6-4 Dall Seamount .....	Do.
NO 6-5 Kodiak Seamount .....	Do.
NO 6-7 Surveyor Sea Channel .....	Do.
NO 6-8 Ely Seamount .....	Do.
NN 2-2 Pribilof Canyon .....	Do.
NR 2-2 Tison .....	Do.
NR 2-4 Studs .....	Do.
NR 3-1 Karo .....	Do.
NS 6-7 Canada Basin .....	Do.
NS 6-8 .....	Do.

2. Copies of these diagrams are for sale at two dollars (\$2.00) per sheet by the Records Manager, Minerals Management Service, Alaska OCS

Region, 949 E. 36th Ave., Suite 510, Anchorage, Alaska 99508. Checks or money orders should be made payable to the Department of the Interior—Minerals Management Service.

Alan D. Powers,  
*Regional Director.*

[FR Doc. 86-25473 Filed 11-10-86; 8:45 am]  
BILLING CODE 4310-MR-M

**Outer Continental Shelf; Availability of Final Environmental Impact Statement for Proposed Development and Production Plan for the Cities Service San Miguel Project (Lease OCS-P 0409)**

**AGENCY:** U.S. Department of the Interior (DOI), Minerals Management Service (MMS), Pacific Outer Continental Shelf (OCS) Region.

**ACTION:** Notice of Availability for Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR).

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Minerals Management Service, County of San Luis Obispo, California State Lands Commission, California Coastal Commission, and County of Santa Barbara have prepared a joint EIS/EIR for the proposed San Miguel Project which covers the development of OCS oil and gas resources offshore San Luis Obispo and Santa Barbara Counties, California. The EIS/EIR includes an evaluation of the potential effects of the proposed development by Cities Service for the San Miguel Project as well as anticipated future development of oil and gas resources in the Northern Santa Maria Basin area.

Single copies of the Final EIS/EIR can be obtained from San Luis Obispo County, Planning Department, County Government Center, San Luis Obispo, California 93408.

The Final EIS/EIR will be available in three volumes as specified:

- Volume I—FEIS/EIR
- Volume II—Appendices including Responses to Comments
- Volume III—Technical Appendices.

Copies of this document will also be available for review in the following public libraries:

- Minerals Management Service, Public Affairs Office, 1340 W. Sixth Street, Los Angeles, CA 90017
- CA State Polytechnic Library, Government Documents & Maps, San Luis Obispo, CA 93401
- San Luis Obispo City/County Library, 888 Morro Street, San Luis Obispo, CA 93401
- Santa Maria Public Library, 420 Broadway Street, Santa Maria, CA 93454

Beverly Pettijohn, State Library, Government Publications, P.O. Box 2037, Sacramento, CA 95814

Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101

Ventura County Library, 651 E. Main Street, Ventura, CA 93001

County of Los Angeles, Public Library, Government Publications Unit, 330 W. Temple Street, Los Angeles, CA 90012

Long Beach Public Library, Government Publications Dept., Ocean Blvd. & Pacific Avenue, Long Beach, CA 90802

Government Public Library, University of California at Santa Barbara, Santa Barbara, CA 93117

U.S. Department of the Interior, Div. of Information and Library Services, 18th and C Streets NW., Washington, DC 20240.

The technical files and air quality technical appendix may be obtained individually or as a unit at the following locations:

Minerals Management Service, Santa Maria District Office, 222 W. Carmen Lane, Suite 201, Santa Maria, CA 93454

San Luis Obispo County Courthouse, County Government Center, San Luis Obispo, CA 93408

California State Clearinghouse, 1400 Tenth Street, Room 121, Sacramento, CA 95814

San Luis Obispo City/County Library, 888 Morro Street, San Luis Obispo, CA 93401

Santa Barbara Public Library, 40 E. Anapamu Street, Santa Barbara, CA 93101.

Should further information be required contact Frank Manago at (213) 894-7098 or Mary Elaine Warhurst at (213) 894-4480.

William E. Grant,

*Regional Director, Pacific OCS Region.*

[FR Doc. 86-25433 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-MR-M

**Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act**

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the telephone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone (202) 395-7313, with copies to Norman J. Hess; Acting Chief, Rules, Orders, and Standards Branch; Offshore Rules and Operations Division; Mail

Stop 646, Room 6A110; Minerals Management Service; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

Title: Inspecting and Reporting of Progress and Results of Activities Conducted under Permits, 30 CFR 251.7

Abstract: Respondents provide the Minerals Management Service (MMS) with a status report that enables MMS to verify that permit requirements are met, estimate completion dates, and determine the quality of data acquired by persons operating under a permit for geological and geophysical exploration for mineral resources and scientific research in the Outer Continental Shelf (OCS).

Bureau Form Number: None

Frequency: Monthly and other

Description of Respondents: Federal OCS permittees

Annual Responses: 1,400

Annual Burden Hours: 36,000

Bureau Clearance Officer: Dorothy Christopher, (703) 435-6213.

Dated: October 24, 1986.

John B. Rigg,

*Associate Director for Offshore Minerals Management.*

[FR Doc. 86-25432 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-MR-M

**National Park Service**

**National Register of Historic Places; Notification of Pending Nominations**

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before November 1, 1986. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 28, 1986.

Carol D. Shull,

*Chief of Registration, National Register.*

**ALASKA**

**Ketchikan Borough**

Ketchikan, *Ayson Hotel*, 301-305 Stedman S.

**CALIFORNIA**

**Alameda County**

Berkeley, *Church of the Good Shepherd-Episcopal*, 1001 Hearst St. at Ninth St.

**CONNECTICUT****New Haven County**

North Branford, *Howd-Linsley House*, 1795 Middleton Ave.

**INDIANA****Marion County**

Indianapolis, *Tee Pee Restaurant*, 3820 Fall Creek Blvd.

**MICHIGAN****Kent County**

Grand Rapids, *Villa Maria*, 1315 Walker, NW.

**Lapeer County**

Imlay City, *Murphy, Richard-Walter Walker House*, 430 S. Almont Ave.

**Livingston County**

Howell, *Howell Downtown Historic District*, Roughly bounded by Clinton, Barnard, Sibley, and Chestnut Sts.

**Wexford County**

Cadillac, *Mitchell, Charles T., House*, 118 N. Shelby St.

**NEBRASKA****Adams County**

Hastings, *Victory Building*, Second at St. Joseph Ave.

**Buffalo County**

Kearney, *St. Luke's Protestant Episcopal Church*, 2304 Second Ave.

**Custer County**

Dowse, *William R., House*

**Hall County**

Grand Island, *Bartenbach, H. J., House*, 720 W. Division

Grand Island, *Evangelische Lutherische Dreienigkeit Kirche*, 512 E. Second St.

**Keya Paha County**

Springview, *Keya Paha County High School*, Off NE 12

**Lancaster County**

Lincoln, *Christian Record Building*, 3705 S. Forth-eighth St.

Lincoln, *Scottish Rite Temple*, 332 Centennial Mall S.

**NEW HAMPSHIRE****Belknap County**

Meredith, *First Free Will Baptist Church in Meredith*, Winona Rr.

**Carroll County**

Sandwich, *Lower Corner Historic District*, NH 109

**Grafton County**

Lyme, *Lyme Center Historic District*, 34-55 Dorchester Rd.

**Hillsborough County**

Manchester, *Harrington-Smith Block*, 18-52 Hanover St.

Manchester, *Old Post Office Block*, 54-72 Hanover St.

**Stafford County**

Somerset, *Queensbury Mill*, 1 Market St.

**NEW YORK****Erie County**

Buffalo, *Parkside West Historic District (Olmsted Parks and Parkways TR)*, Roughly bounded by Amherst St., Nottingham Terrace, Middlesex Rd., and Delaware Ave.

**NORTH CAROLINA****Rockingham County**

Eden, *Central Leaksville Historic District*, Roughly bounded by Lindsay, Monroe, Jay, Washington, and Kemp Sts.

Eden, *Spray Industrial Historic District*, Roughly bounded by Warehouse, Rhode Island, River Dr.,

Washburn Rd., Smith River, E. Early Ave., and Church

Reidsville, *First Baptist Church (former)*, 401 S. Scales St.

Reidsville, *Jennings-Baker House (Reidsville MRA)*, 608 Vance St.

Reidsville, *North Washington Avenue Workers' Houses (Reidsville MRA)*, E side of 300 blk. N. Washington Ave.

Reidsville, *Reidsville Historic District (Reidsville MRA)*, Roughly bounded by W. Morehead, Southern

Railway tracks, Lawson Ave., Main, Piedmont, Vance and Lindsey Sts.

Reidsville, *Richardson Houses Historic District (Reidsville MRA)*, NW side of Richardson Dr. between Coach Rd. and Woodland Dr.

**WASHINGTON****Lewis County**

Centralia, *Birge, George E., House*, 715 E. St. [FR Doc. 86-25511 Filed 11-10-86; 8:45 am]

BILLING CODE 4310-70-M

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 731-TA-288 (Final)]

**Erasable Programmable Read Only Memories (EPROM's) from Japan; Antidumping Investigation and Hearing**

**AGENCY:** United States International Trade Commission.

**ACTION:** Continuation of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

**EFFECTIVE DATE:** October 30, 1986.

**FOR FURTHER INFORMATION CONTACT:** Judith Zeck (202-523-0339), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202-724-0002.

**SUPPLEMENTARY INFORMATION:****Background**

On July 30, 1986, the United States Department of Commerce suspended its antidumping investigation concerning erasable programmable read only memories (EPROM's) from Japan (51 FR 28253, August 6, 1986). Accordingly, on August 6, 1986, pursuant to section 734(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1673c(f)(1)(B)), the United States International Trade Commission suspended its antidumping investigation on EPROM's from Japan (51 FR 29708, August 20, 1986). On August 26, 1986, however, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 734(g)(2) of the Tariff Act of 1930 (19 U.S.C. 1673c(g)(2)) by counsel for petitioners. On October 30, 1986, Commerce published its final affirmative determination of sales at less than fair value (LTFV) (51 FR 39680, October 30, 1986). The Commission must therefore make its final injury determination by December 15, 1986. The Commission hereby gives notice of the continuation of investigation No. 731-TA-288 (Final), and of the scheduling of a hearing to be held in connection with the subject investigation.

**Staff Report**

A public version of the prehearing staff report in this investigation was placed in the public record on July 18, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing**

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on November 19, 1986 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 10, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 12, 1986 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 12, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing

briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

#### Written Submissions

All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 25, 1986. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before November 25, 1986.

A signed original and fourteen (14) copies of each submissions must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR 207), and Part 201, subparts A through E (19 CFR Part 201).

#### Authority

This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: November 6, 1986.

By order of the Commission.

**Kenneth R. Mason,**

Secretary.

[FR Doc. 86-25578 Filed 11-7-86; 12:47 pm]

BILLING CODE 7020-02-M

### INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30875]

#### The Denver and Rio Grande Western Railroad Co.; Exemption for Relocation Over Burlington Northern Railroad Co.

On October 10, 1986, Denver and Rio Grande Western Railroad Company (DRGW) filed a notice of exemption under 49 CFR 1180.2(d)(5) to relocate a line of railroad. The project is intended to give DRGW bridge trackage rights over an alternate route to be created from a line segment of the Burlington Northern Railroad Company (BN) in Denver, CO.<sup>1</sup>

The parties have reached an agreement to facilitate the line's relocation. Among other things, the agreement pertains to land and trackage acquisitions and the responsibilities for bearing the costs for new track construction and track realignments. The project will result in the construction of a double track corridor in Denver. The purpose of the project is to permit the parties to eliminate wasteful duplication of facilities in a congested terminal.

Joint projects involving the relocation of a line of railroad which do not disrupt service to shippers are exempt from 49 U.S.C. 11343. The proposed relocation will not affect any shippers because no operational or service changes are involved. Accordingly, the relocation meets the criteria of 49 CFR 1180.2(d)(5).

Because a portion of DRGW's operations will be conducted over a line owned by BN, we shall impose the labor protective conditions set forth in *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978), as modified in 360 I.C.C. 653 (1980).

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 stay the transaction.

Decided: November 4, 1986.

<sup>1</sup> Applicant indicated that the project will also involve the construction of two short segments of connecting track. To commence construction, applicant must seek approval under 49 U.S.C. 10901 or an exemption under 49 U.S.C. 10505 from prior approval requirements.

By the Commission, Jane F. MacKall,  
Director, Office of Proceedings.

**Noreta R. McGee,**

Secretary.

[FR Doc. 86-25475 Filed 11-10-86; 8:45 am]

BILLING CODE 7035-01-M

### DEPARTMENT OF JUSTICE

#### Lodging of Consent Decree Pursuant to Clean Water Act; Sanitary District of Hammond, IN

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on October 29, 1986, a proposed consent decree in *United States v. Sanitary District of Hammond Indiana*, Civ. No. H83-0423, was lodged with the United States District Court for the Northern District of Indiana. This agreement resolves a judicial enforcement action brought by the United States against the Sanitary District for violations of the Clean Water Act at its wastewater treatment facility in Hammond, Indiana.

The proposed consent decree provides that the Sanitary District will undertake a compliance program designed to eliminate the discharge of any pollutants into the Grand Calumet River and to achieve compliance with the provisions of its NPDES permit in the shortest possible time. Interim remedial measures include the immediate cessation of any further discharges to the on-site sludge lagoons; the repair and stabilization of the sludge lagoons to prevent further leaks or discharges; and the removal and disposal of a sufficient quantity of sludge from the lagoons to assure that no further overflow or leakage from the lagoons will occur. Long term remedial measures include the construction of new sludge dewatering facilities at the wastewater treatment plant by December 30, 1986, and the selection and use of a permanent sludge disposal method consisting of land application and landfilling, rather than disposal in the on-site lagoons. The District is required to prepare a study of options for the complete or partial removal of the existing sludge lagoons by September 30, 1987, and to develop an operation and maintenance procedure for the lagoons until their ultimate fate has been determined. Finally, the District will implement a pretreatment program. Final compliance is to be achieved by October 30, 1987. The Decree contains reporting requirements and provides for stipulated penalties of up to \$10,000 per day for failure to meet compliance program deadlines. Finally, the District

has agreed to pay a civil penalty of \$50,000 to the United States.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Sanitary District Hammond, Indiana*, D.J. Ref. 90-5-1-1-1956.

The proposed consent decree may be examined at the office of the United States Attorney or the regional office of the Environmental Protection Agency as follows:

#### U.S. Attorney

U.S. Attorney, Northern District of Indiana, 312 Federal Building, 507 State Street, Hammond, Indiana 46320

#### EPA

Office of Regional Counsel, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

A copy of the consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

#### F. Henry Habicht II,

Assistant Attorney General, Land and Natural Resources Division

FR Doc. 86-25434 Filed 11-10-86; 8:45 am]

BILLING CODE 4410-01-M

#### Drug Enforcement Administration

[Docket No. 86-35]

#### Fazal Ahmad, M.D., P.C., Revocation of Registration

On March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Fazal Ahmad, M.D., P.C., (Respondent), of 4200 Avenue K, Apt. 3G, Brooklyn, New York 11212. The Order to Show Cause sought to revoke DEA Certificate of Registration AF7426174, and deny any pending applications for renewal. The statutory bases for seeking the revocation and denial of any pending applications for renewal are: (1) On numerous occasions in 1982 and 1983, Respondent sold

several prescriptions for Quaalude, a Schedule II controlled substance at the time, for other than a legitimate medical purpose; (2) On three occasions in 1984, Respondent sold several prescriptions for Quaalude and Lotunate, a Schedule III controlled substance, for other than a legitimate purpose; (3) On March 26, 1985, in the New York Supreme Court for New York County, Respondent was convicted of 33 counts of Medicaid fraud.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. The matter was docketed before Administrative Law Judge Francis L. Young.

Subsequent to the issuance of the Order to Show Cause in this matter, Government counsel learned that although Respondent is licensed to practice medicine in the State of New York, he is not currently registered to do so. Based upon Respondent's lack of state registration, he is not currently authorized to handle controlled substances in the State of New York. As a result, Government counsel filed a motion to amend the Order to Show Cause to include lack of state authorization as a ground for revoking Respondent's registration and for denying any pending applications for renewal. In the same motion, Government counsel also filed a Motion for Summary Disposition on the same ground.

Respondent did not file an answer or an opposition to the Government's motions. The Administrative Law Judge granted the Government's motion to amend in the Order to Show Cause. No hearing was set in this matter since Respondent did not dispute his lack of state authorization to handle controlled substances.

Based upon Respondent's lack of state authorization to handle controlled substances, the Administrative Law Judge recommended that the Administrator revoke Respondent's registration and deny any pending applications for renewal.

The Administrator does not have statutory authority under the Controlled Substances Act to issue or maintain a registration of a registrant who is not authorized to handle controlled substances in the State in which he currently is registered or in which he seeks registration. See 21 U.S.C. 823(f). This Administrator, as did his predecessors, has consistently so held. See *Emerson Emory, M.D.*, Docket No. 85-46, 51 Fed. Reg. 9543 (1986); *Avner Kauffman, M.D.*, Docket No. 85-8, 50 Fed. Reg. 34208 (1985); *Agostino Carlucci, M.D.*, Docket No. 82-20, 49 Fed. Reg.

33184 (1984); *Kenneth K. Birchard, M.D.*, 48 Fed. Reg. 33778 (1983).

In cases, such as this, where a Respondent is not authorized to handle controlled substances in the State in which he conducts his practice, a motion for summary disposition should be granted. It is well settled that when no question of fact exists, or when the material facts are agreed, there is no need to conduct an administrative hearing or proceeding. See *United States v. Consolidated Mines and Smelting Co., Ltd.*, 445 F.2d 432, 453 (9th Cir. 1971).

In this instance, since Respondent is not authorized to handle controlled substances in the State of New York, the Administrator cannot maintain his DEA Certificate of Registration and must deny any pending applications for renewal. Since Respondent did not dispute the fact that he is not properly authorized to handle controlled substances in the State of New York, there was no need to conduct an administrative hearing in the matter.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration AF7426174, previously issued to ordered that any pending applications for renewal executed by Dr. Ahmad, be and they hereby are, denied.

This order is effective November 12, 1986.

Dated: November 6, 1986.

John C. Lawn,  
Administrator.

[FR Doc. 86-75488 Filed 11-10-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 86-4]

#### Anne L. Hendricks, M.D.; Revocation of Registration

On December 11, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Anne L. Hendricks, M.D. (Respondent), of Plantation, Florida. The Order to Show Cause proposed to revoke DEA Certificate of Registration AH0152239, previously issued to Respondent, and to deny any pending applications for renewal of that registration, for reason that Respondent's continued registration was inconsistent with the public interest. The Order to Show Cause alleged that Respondent prescribed certain controlled substances to three patients in excessive quantities, knowing that the patients were physically or mentally

dependent on such drugs, and without keeping adequate medical records.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. A hearing in this matter was held before Administrative Law Judge Francis L. Young, on April 15, 1986, in Miami, Florida.

The following three issues were raised and considered at the administrative hearing: (1) Whether there is a lawful or statutory basis for the revocation of Respondent's DEA Certificate of Registration, and for the denial of Respondent's pending application for renewal, for reason that the issuance of such registration is inconsistent with the public interest, as determined by the factors listed in 21 U.S.C. 823(f); (2) Whether the Administrator of DEA, in the exercise of his discretion and in light of all of the facts and circumstances in the record before him, ought to revoke Respondent's registration and deny her pending application for renewal of such registration; and (3) Whether or not the controlled substances referred to in the Order to Show Cause issued in this matter were appropriately prescribed in relationship to the medical needs of Respondent's alleged patients.

Based upon the testimony and evidence elicited at the administrative hearing in this matter, the Administrative Law Judge found that Respondent has been a practicing physician for forty-three years. Between 1980 and 1984, in addition to maintaining a private practice, Respondent also worked with Hospice, Inc., a Florida health care program which treats terminally ill patients for chronic pain.

The Administrative Law Judge further found that Respondent had prescribed large quantities of Dilaudid, a Schedule II controlled substance used primarily for treating chronic pain in terminally ill patients, for three alleged patients, none of whom were terminally ill, nor did they appear to be suffering from any type of chronic pain. One such "patient," Deborah Nye, was known by police to be a drug dealer. Respondent claimed that she prescribed large quantities of Dilaudid to Mrs. Nye because she was beaten regularly by her husband. Respondent claimed that she was treating the other two "patients" for chronic back pain. The Administrative Law Judge did not find Respondent's justification for prescribing large quantities of controlled substances to any of the three "patients" at all credible.

The Administrative Law Judge further found that the quantities of controlled substances prescribed by Respondent for the three "patients" were excessive.

Based upon prescription records, the Administrative Law Judge concluded that if the "patients" had taken all of the controlled substances prescribed for them, they would have to take an average of one to two dosage units per hour, twenty-four hours a day, seven days a week, for more than a year.

In addition, the Administrative Law Judge found that on November 9, 1984, the Florida Board of Medical Examiners concluded that Respondent's prescribing, with respect to the three alleged patients, was inappropriate or in excessive quantities, that Respondent knew or should have known that the patients were physically or mentally dependent on the controlled substances she prescribed to them, that Respondent knew or should have known that the patients were obtaining the controlled substances either to fulfill a drug dependency or to illegally divert those drugs to other persons, and that Respondent failed to keep written medical records for her course of treatment of these patients. Based upon these findings, the Florida Board of Medical Examiners concluded that Respondent violated five sections of the Florida statutes by prescribing controlled substances other than in the course of her professional practice, by failing to prescribe controlled substances in good faith, by making untrue representations in the practice of medicine, by failing to keep written medical records, and by committing gross or repeated malpractice or failing to practice with an acceptable level of skill. The Board suspended Respondent's license to practice medicine for one year; the suspension was stayed and Respondent was placed on probation for five years, fined \$3,000.00, and prohibited from handling Schedule II controlled substances during the term of her probation.

Based upon the testimony and evidence presented at the administrative hearing, the Administrative Law Judge concluded that Respondent indeed prescribed large quantities of dangerous controlled substances to the three alleged patients outside the course of medical practice. He also determined that based upon Respondent's improper prescribing practices, there is a lawful basis for revoking her DEA Certificate of Registration and denying her pending application for renewal, based upon the public interest considerations listed in 21 U.S.C. 823(f). Finally, the Administrative Law Judge recommended that, in the exercise of his discretion, and in light of the facts and circumstances in the record before him, the Administrator should revoke Respondent's current DEA Certificate of

Registration and deny her pending application for renewal.

After reviewing the entire record in this proceeding, the Administrator accepts all of the findings and recommendations of the Administrative Law Judge.

The Administrator finds that Respondent's prescribing practices clearly were not medically acceptable and such practices presented a serious danger to the public health and safety. Thus, the Administrator concludes that maintaining Respondent's DEA Certificate of Registration would be wholly inconsistent with the public interest. Therefore, the Administrator concludes that in order to protect the public interest, Respondent's current DEA Certificate of Registration must be revoked and the pending application for renewal must be denied.

Having concluded that there is a lawful basis for the revocation of Respondent's registration and for the denial of the pending application for renewal, and having further concluded that under the facts and circumstances presented in this case, the registration should be revoked and the applications for renewal be denied, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him under 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that DEA Certificate of Registration AH0152239, previously issued to Anne L. Hendricks, M.D., be, and it hereby is revoked. The Administrator further orders that Respondent's application for renewal, be, and it hereby is denied.

This order is effective December 12, 1986.

Dated: November 6, 1986.

John C. Lawn,  
Administrator.

[FR Doc. 86-25487 Filed 11-10-86; 8:45 am]  
BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Revised Final Planning Estimates for Program Year (PY) 1986; Basic Labor Exchange Activities Under the Wagner-Peyser Act

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces revised final planning estimates for PY

1986 basic labor exchange activities provided under the Wagner-Peyser Act.

**FOR FURTHER INFORMATION CONTACT:**

Robert A. Schaerfl, Director, United States Employment Service (Attention: TEESS), 200 Constitution Avenue, NW., Room N-4470, Washington, DC 20210. Telephone: (202) 535-0157.

**SUPPLEMENTARY INFORMATION:** Final planning estimates for PY 1986 basic labor exchange activities authorized

under the Wagner-Peyser Act were announced in the **Federal Register** on May 29, 1986. These estimates reflected the withholding of \$3,911,000 appropriated for PY 1986. Public Law 99-500 directs the Department to distribute these funds; therefore, \$744,135,000 will become available for distribution to States. This excludes \$14,000,000 withheld to finance postage expenses associated with public employment service activities.

The allocation methodology is unchanged from the final planning estimates published on May 29, 1986.

Further information regarding the allocation methodology is available upon request.

Signed at Washington, DC, on November 4, 1986.

**Roger D. Semerad,**  
*Assistant Secretary of Labor.*

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS, REVISED FINAL PY 1986 WAGNER-PEYSER ALLOTMENTS TO STATES, 10-01-1986

	Basic Formula	3% distribution			Total allotment <sup>2</sup>
		Step 1 <sup>1</sup>	Step 2 <sup>1</sup>	Total	
Alabama.....	11,140,476	0	527,997	527,997	11,668,473
Alaska.....	7,061,254	1,027,850	0	1,027,850	8,089,104
Arizona.....	8,207,421	0	0	0	8,207,421
Arkansas.....	6,982,802	0	742,446	742,446	7,725,248
California.....	74,249,950	0	0	0	74,249,950
Colorado.....	9,274,951	0	0	0	9,274,951
Connecticut.....	8,768,714	0	0	0	8,768,714
Delaware.....	2,015,992	0	62,507	62,507	2,078,499
District of Columbia.....	5,195,434	0	552,403	552,403	5,747,837
Florida.....	28,930,036	0	0	0	28,930,036
Georgia.....	15,940,843	0	0	0	15,940,843
Hawaii.....	2,779,954	0	295,578	295,578	3,075,532
Idaho.....	5,883,280	856,381	0	856,381	6,739,661
Illinois.....	35,303,417	0	0	0	35,303,417
Indiana.....	16,173,334	0	0	0	16,173,334
Iowa.....	8,871,706	0	943,283	943,283	9,814,989
Kansas.....	6,418,713	0	0	0	6,418,713
Kentucky.....	10,750,432	0	0	0	10,750,432
Louisiana.....	13,657,237	0	0	0	13,657,237
Maine.....	3,498,731	509,282	0	509,282	4,008,013
Maryland.....	11,381,574	0	70,931	70,931	11,452,505
Massachusetts.....	14,967,227	0	123,827	123,827	15,091,054
Michigan.....	28,116,389	0	328,456	328,456	28,444,845
Minnesota.....	12,094,263	0	0	0	12,094,263
Mississippi.....	7,701,466	0	818,857	818,857	8,520,323
Missouri.....	13,692,664	0	0	0	13,692,664
Montana.....	4,807,847	699,840	0	699,840	5,507,687
Nebraska.....	5,778,086	841,070	0	841,070	6,619,156
Nevada.....	4,673,733	680,318	0	680,318	5,354,051
New Hampshire.....	2,619,787	0	0	0	2,619,787
New Jersey.....	20,560,795	0	0	0	20,560,795
New Mexico.....	5,395,249	785,343	0	785,343	6,180,592
New York.....	53,533,395	0	5,691,930	5,691,930	59,225,325
North Carolina.....	16,345,733	0	148,362	148,362	16,494,095
North Dakota.....	4,895,826	712,646	0	712,646	5,608,472
Ohio.....	31,691,208	0	0	0	31,691,208
Oklahoma.....	12,240,005	0	1,301,416	1,301,416	13,541,421
Oregon.....	8,567,493	0	910,938	910,938	9,478,431
Pennsylvania.....	32,849,884	0	139,429	139,429	32,989,313
Puerto Rico.....	9,262,226	0	0	0	9,262,226
Rhode Island.....	2,581,975	0	269,257	269,257	2,851,232
South Carolina.....	8,827,042	0	0	0	8,827,042
South Dakota.....	4,524,869	658,649	0	658,649	5,183,518
Tennessee.....	13,367,928	0	0	0	13,367,928
Texas.....	45,812,204	0	0	0	45,812,204
Utah.....	9,896,439	1,440,545	0	1,440,545	11,336,984
Vermont.....	2,119,708	308,549	0	308,549	2,428,257
Virginia.....	15,286,693	0	0	0	15,286,693
Washington.....	12,592,580	0	0	0	12,592,580
West Virginia.....	5,568,100	364,949	0	364,949	5,933,049
Wisconsin.....	13,629,330	0	0	0	13,629,330
Wyoming.....	3,510,613	511,011	0	511,011	4,021,624
Formula total.....	719,997,008	9,396,433	12,927,617	22,324,050	742,321,058
Guam.....	348,197	0	0	0	348,197
Virgin Islands.....	1,465,745	0	0	0	1,465,745
National total.....	721,810,950	9,396,433	12,927,617	22,324,050	744,135,000

<sup>1</sup> Funds are allocated to the 13 states whose relative share decreased from PY 1985 to the PY 1986 basic formula amount and which have a civilian labor force (CLF) below one million and are below the median CLF density. These states held harmless at 100% of their PY 1985 relative share.

<sup>2</sup> The balance of the 3% funds are distributed to the remaining 16 states losing in relative share from PY 1985 to the PY 1986 basic formula amount.

<sup>3</sup> Hold harmless provisions required under section 6(b) of the Wager-Peyser Act, as amended, are maintained at the revised allotment level.

[FR Doc. 86-25500 Filed 11-10-86; 8:45 am]

BILLING CODE 4510-30-M

## Occupational Safety and Health Administration

### Virginia State Standards; Notice of Approval

#### 1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribed procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 28, 1976, notice was published in the *Federal Register* (41 FR 42655) of the approval of the Virginia State plan and the adoption of Subpart EE to Part 1952 containing the decision.

The Virginia State plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.370 of Subpart EE sets forth the State's schedule for the adoption of Federal standards. By letters dated February 6, 1986, March 10, 1986 and July 16, 1986 from Commissioner Carol Amato, Virginia Department of Labor and Industry to Linda R. Anku, Regional Administrator, and incorporated as part of the plan the State submitted State standards identical to (1) 29 CFR Part 1917, pertaining to Marine Terminals as published in the *Federal Register* on July 5, 1983 (48 FR 30909); (2) 29 CFR 1910.1047, pertaining to Ethylene Oxide Standard as published in the *Federal Register* on June 22, 1984 (49 FR 25796); (3) 29 CFR Part 1910, Subpart T, pertaining to amendments to the Commercial Diving Standard as published in the *Federal Register* on January 9, 1985 (50 FR 1046); (4) 29 CFR 1910.1029, pertaining to amendments to the Coke Oven Emissions Standards as published in the *Federal Register* on September 13, 1985 (50 FR 37352); (5) 29 CFR 1910.243, pertaining to amendments to the Power Lawnmowers Standards as published in the *Federal Register* on February 1, 1985 (50 FR 4648); (6) 29 CFR 1910.1047, pertaining to amendments to the Ethylene Oxide Standard; Labeling Requirements as published in the *Federal Register* on October 11, 1985 (50 FR 41491); (7) 29 CFR 1910.1200,

pertaining to amendments to the Hazard Communication Standard; Trade Secrets, as published in the *Federal Register* on November 27, 1985 (50 FR 48750); and (8) 29 CFR 1910.1043, pertaining to amendments to the Cotton Dust Standard as published in the *Federal Register* on December 13, 1985 (50 FR 51120). These standards are contained in Virginia Code, section 40.1-22(5). Virginia Occupational Safety and Health Standards were promulgated after public hearings on August 2, 1985, November 19, 1985, and April 30, 1986. The Marine Terminals Standard and the Ethylene Oxide Standard were effective November 1, 1985. The amendments to the Commercial Diving Standard, Coke Oven Emissions Standard, Power Lawnmowers Standard and the Ethylene Oxide Standard were effective April 2, 1986. The amendments to the Hazard Communication Standard and the Cotton Dust Standard were effective June 25, 1986.

#### 2. Decision

Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

#### 3. Location of supplement for inspection and copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; Office of the Commissioner of Labor and Industry, 205 North Fourth Street, Richmond, VA 23241.

#### 4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virginia State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural

requirements of State law and further participation would be unnecessary.

This decision is effective November 12, 1986.

(Sec. 18, Pub. L. 91-956, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Philadelphia, Pennsylvania, this 22nd day of October, 1986.

Linda R. Anku,

Regional Administrator.

[FR Doc. 86-25498 Filed 11-10-86; 8:45 am]

BILLING CODE 4510-26-M

## Wage and Hour Division

### Certificates Authorizing the Employment of Learners at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

The following normal labor turnover certificate was issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended):

Bland Sportswear, Inc., Bland, VA; 7-24-86 to 7-23-87; 10 learners. (Men's and boy's shirts)

The following normal labor turnover certificates were issued under the knitted industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35, as amended.):

Louis Gallet, Inc., Uniontown, PA; 8-12-86 to 8-11-87; 5 learners. (Ladies' sweaters)

Junior Form Lingerie, Inc., Boswell, PA; 8-23-86 to 8-22-87; 5 percent of the total number of factory production workers for normal labor turnover purposes. (Ladies' underwear and sleepwear)

Each learner certificate has been issued upon the representations of the

employer which, among other things, were that employment of learners at special minimum wages is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available.

The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before November 28, 1986.

Signed at Washington, DC, this 5th day of November 1986.

Raymond G. Cordelli,

Director, Division of FLSA Operations.

[FR Doc. 86-22499 Filed 11-10-86; 8:45 am]

BILLING CODE 4510-27-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 86-80]

### Intent To Grant an Option Agreement for an Exclusive Patent; Advanced Interventional Systems, Inc. License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of intent to grant an Option Agreement for an exclusive patent license.

**SUMMARY:** NASA hereby gives notice of intent to grant an Option Agreement to Advanced Interventional Systems, Inc., of Palo Alto, California, for an option on a limited, exclusive, royalty-bearing, revocable license to practice the inventions as described in U.S. Patent Application No. 727,931 for a "Magnetically Switched Power Supply Systems for Lasers," filed on April 29, 1985, and U.S. Patent Application No. 790,594 for a "Multiplex Electric Discharge Gas Laser System," filed October 23, 1985, by the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed option agreement will be for a limited period of time and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR Part 1245, Subpart 2. NASA will negotiate the final terms and conditions and grant the option agreement unless, within 60 days of the date of this Notice, the Director of Patent Licensing receives written objections to the grant, together with supporting documentation. The Director of Patent Licensing will review all written responses to the Notice and then recommend to the Associate General

Counsel (Intellectual Property) whether to grant the option agreement.

**DATE:** Comments to this notice must be received by January 12, 1987.

**ADDRESS:** National Aeronautics and Space Administration, Code GP Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. R. Dennis Marchant (202) 453-2430.

Dated: October 23, 1986.

John E. O'Brien,

General Counsel.

[FR Doc. 86-25435 Filed 11-10-86; 8:45 am]

BILLING CODE 7510-01-M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements or Office of Management and Budget (OMB) Review

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Part 73, Physical Protection of Plants and Materials: Requirements For Criminal History Checks, 10 CFR 73.57.

3. The form if applicable: FD-258.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Licensees requesting criminal history data on individuals requiring unescorted access to nuclear power plants or access to Safeguards Information.

6. An estimate of the number of responses: 86,666.

7. An estimate of the total number of hours needed to complete the requirement or request: 31,208.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Section 606 of Pub. L. 99-399 "The Omnibus Diplomatic Security and Anti-Terrorism Act of 1986," requires criminal history checks of individuals who will be granted unescorted access to the nuclear power plant or access to Safeguards Information.

Copies of the submittal may be inspected or obtained for a fee from the

NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

The NRC Clearance Office is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 5th day of November 1986.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 86-25492 Filed 11-10-86; 8:45 am]

BILLING CODE 7590-01-M

## Specialist Meeting on Improving Technical Specifications for Nuclear Power Plants

**AGENCY:** Nuclear Regulatory Commission.

A specialist meeting on Improving Technical Specifications for Nuclear Power Plants will be held in Madrid, Spain from September 7-11, 1987. The meeting is sponsored by the Organization for Economic Cooperation and Development (ECD) Nuclear Energy Agency (NEA). The purposes of the meeting are:

a. To exchange experiences in the application of current technical specifications in NEA Member countries;

b. To exchange information on the programmes currently in progress in Member countries for improving or better justifying technical specifications; and

c. To look for measures to further improve plant safety and availability by upgrading, optimizing, or homogenizing technical specifications in Member countries.

The meeting will be broken down into three parts: General presentations on the current status of technical specifications in Member countries, presentations on specific subjects related to technical specifications, and presentations and discussions on longer-term future trends for improving technical specifications. An optional visit to Almarza nuclear power plant in Caceres (one day) or Tecnaton Training Center in Madrid (half-day) will be organized for September 11, 1987.

Organizations are invited to submit paper(s) for presentation at the meeting. An abstract of not more than 500 words should clearly outline the subject matter and principal conclusions of the paper. Ten copies of abstracts should be sent to Nuclear Safety Division, OECD Nuclear Energy Agency, 38 Boulevard Suchet, F-75016 Paris, France by December 15, 1986. Papers on the

following areas are specifically solicited:

1. Surveillance testing;
2. Limiting conditions for operation
3. Action statements and allowed outage time for testing, maintenance or after failure;
4. Preventive maintenance during plant operation;
5. Requirements related to changes in operational modes at the plant or system level;
6. Definition of terms used in technical specifications;
7. Bases and justifications for technical specifications;
8. Administrative specifications;
9. Format of technical specifications; and
10. Tools used by utilities to monitor compliance with technical specifications.

Discussions may cover experiences and problems encountered in dealing with one or more of the topics listed above, as well as improvements made or techniques developed to assess the validity of technical specifications (e.g., relationships with other reliability assurance measures or PSA, reliability engineering methods, etc.). Presentations are expected from regulatory bodies, utilities, NSSS vendors, architect engineers, and research institutes.

Participation in the meeting is restricted, and it may be attended only by persons knowledgeable in relevant technical areas and upon nomination through national delegates to CSNI or active members of L'Union Internationale des Producteurs et Distributeurs d'Energie Electrique (UNIPED). For additional information regarding the meeting please write Mr. Edward J. Butcher, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or call (301) 492-4710.

Dated: November 5, 1986.

**Edward J. Butcher,**

*Chief, Technical Specifications Coordination Branch, Division of Human Factors Technology, NRR.*

[FR Doc. 86-25493 Filed 11-10-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-440]

**Cleveland Electric Illuminating Co. et al., Perry Nuclear Power Plant, Unit 1; Exemption**

**I**

Cleveland Electric Illuminating Company (CEI), Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the Licensees) are the holders of Facility Operating

License No. NPF-45 which authorizes operation of Perry Nuclear Power Plant, Unit No. 1, (the facility) at steady-state reactor power levels not in excess of 3579 megawatts thermal. Pending Commission approval, operation is restricted to power levels not to exceed 5% of full power (178 megawatts thermal). The license provides, among other things, that it is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility includes a boiling water reactor and is located at the licensees' site in Lake County, Ohio.

**II**

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1 of Appendix E requires that a full participation exercise which tests as much of the licensee, state and local emergency plans as is reasonably achievable without mandatory public participation shall be conducted for each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982. This exercise shall be conducted within 1 year before the issuance of the first operating license for full power and prior to operation above 5% of rated power of the first reactor, and shall include participation by each state and local government within the plume exposure pathway EPZ and each state and local government within the ingestion exposure pathway EPZ.

The "underlying purpose" of the Appendix E, section IV.F.1 requirement is to ensure that an adequate state of emergency response capability is demonstrated through the conduct of an emergency preparedness exercise and is maintained until the full-power licensing requirements regarding periodic exercises become effective.

**III**

By letter dated October 30, 1986, CEI, acting for all of the licensees, requested an exemption from the requirements of section IV.F.1 of Appendix E, so that operation of the facility can proceed above 5% of its rated power, upon issuance of a full power operating license by the Commission, without conducting another emergency preparedness exercise. The licensees' request was submitted in response to a determination by the Federal Emergency Management Agency (FEMA) that the exercise conducted on April 15, 1986 did

not satisfy the criteria for full participation by the State of Ohio.

A full participation exercise involving the testing of applicant, state and local emergency plans for Perry was conducted on November 28, 1984, in expectation that a full power operating license would be issued within one year. The onsite portion of the November 28, 1984 exercise was observed and evaluated by the NRC and documented in Inspection Report No. 50-440/84-24 (DRSS); 50-441/84-22 (DRSS). There were no significant deficiencies in onsite preparedness identified as a result of the exercise. The offsite portion of the November 28, 1984 exercise was observed and evaluated by FEMA and representatives of the member agencies of the FEMA Region V Regional Assistance Committee. FEMA provided its report of the exercise on January 31, 1985. In this report there were no "Category A" deficiencies identified as a result of the exercise. (Category A deficiencies were defined as deficiencies of the type that would cause a finding that offsite emergency preparedness was not adequate to provide reasonable assurance that appropriate protective measures can be taken to protect the health and safety of the public in the vicinity of the plant in the event of a radiological emergency). On May 23, 1985, FEMA reported that the State of Ohio's schedule of corrective actions for the inadequacies identified in the exercise was adequate. In Supplement No. 7 of the NRC staff's Safety Evaluation Report (SSER 7), the staff concluded that the state of onsite and offsite preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Perry Nuclear Power Plant. This conclusion was based on: (i) The March 1, 1984 FEMA findings and determinations on the adequacy of state and local emergency plans; (ii) the successful testing of those plans during the November 28, 1984 exercise; and (iii) on the NRS assessment of the adequacy of the applicants' onsite emergency plan and preparedness.

Since the November 28, 1984 full participation exercise at Perry, the State of Ohio has fully participated in a July 1985 exercise at Davis-Besse. There were no deficiencies identified by FEMA that would lead to a negative finding as a result of the July 1985 exercise at Davis-Besse. In addition, the State partially participated in the November 20, 1985 licensee only exercise for the Perry Plant, to the extent that a State representative actively took part at the near site

Emergency Operations Facility (EOF) in protective action decisionmaking and offsite sampling, the Joint Public Information Center was activated and coordination with State representatives was demonstrated, and communications were maintained between the licensee, State and local Emergency operations Centers (EOCs).

On April 15, 1986, CEI conducted an exercise for the Perry Plant involving substantial participation by the State of Ohio and full participation by the Counties of Lake, Geauga and Ashtabula. The onsite portion of the April 15, 1986 exercise was observed and evaluated by the NRC and documented in Inspection Report No. 50-440/86009 (DRSS); 50-441/86003 (DRSS). There were no significant emergency preparedness deficiencies in either the November 20, 1985 exercise or the April 15, 1986 exercise.

FEMA's report of the April 15, 1986 offsite exercise, dated September 5, 1986, characterized this exercise as a joint, full participation exercise for the Ashtabula, Geauga and Lake Counties in Ohio, and a partial participation exercise for the State of Ohio.

FEMA's report of September 5, 1986, identifies 18 objectives selected by the State of Ohio to be demonstrated during the exercise. These objectives included the following 10 key response functions (CEI's letter of October 30, 1986):

- Activation and Staffing;
- Emergency Operations Management;
- Facilities;
- Communications;
- Dose Assessment and Protective Recommendations;
- Public Alerting and Instructions;
- Protective Actions;
- Radiological Exposure Control;
- Media Relations; and
- Field Monitoring.

Although the exercise was a partial participation exercise with respect to the state, FEMA found that 17 of the 18 objectives were adequately addressed while one objective in the area of field monitoring, specifically radiological sampling sites, required corrective action. However, FEMA found no deficiencies that would lead to a negative finding as a result of the April 15, 1986 exercise. On September 11, 1986, FEMA reported that the State of Ohio's schedule of corrective action for the area of field monitoring inadequacy was adequate. The April 15, 1986 exercise included extensive FEMA evaluation, involving 7 evaluators (out of 21 total) for the State of Ohio and also included representation in the EOC from the Ohio Environmental Protection Agency and the Ohio Disaster Services Agency, with additional state personnel

at other locations during the exercise. The results of the April 15, 1986 exercise, which are documented in the FEMA report, demonstrate that an adequate state of offsite emergency preparedness has been maintained. Further, by memorandum dated November 4, 1986, FEMA stated that granting this exemption would not alter the FEMA finding that there is reasonable assurance that adequate protective measures can be taken in the event of a radiological emergency at the Perry Nuclear Power Plant. Thus, the underlying objective of the rule has been met. Consequently, an additional full participation exercise prior to operation above 5% of power is not necessary.

In the exercise exemption request, CEI specifies that the next scheduled exercise for Perry is an onsite exercise in May 1987 with participation by the state and counties limited to communication interface. In addition, the next scheduled exercise for Perry for full participation by the state and counties is May 1988. CEI went on further to point out that, with exercises currently scheduled by the state at other sites in early 1987, the scheduling of another full participation exercise at Perry in May 1987 or earlier would place an unnecessary burden on state and county resources.

#### IV

Based on its review of the licensees' exemption request, the NRC Staff finds that the following factors support granting the requested exemption:

1. The conduct of a full participation emergency preparedness exercise in November 1984 where the staff identified no significant deficiencies in onsite preparedness and leading to a favorable FEMA finding on offsite preparedness.
2. Full participation by the State of Ohio in the exercise at Davis-Besse in July 1985, the planned full participation by the state in the scheduled exercise at Perry in May 1988, and the state of preparedness exhibited by the State of Ohio during the April 15, 1986 exercise.
3. The full participation of local response organizations in exercises at Perry in November 1984 and April 1986.

Based on the foregoing, the staff concludes that an adequate state of emergency preparedness has been demonstrated and maintained, thereby meeting the underlying purpose of the rule. This constitutes the special circumstances described in 10 CFR 50.12(a)(2)(ii).

The Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the licensees' letter dated October 30, 1986, as discussed above, is

authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security.

Accordingly, the Commission hereby approves the following exemption: "Perry Nuclear Power Station, Unit No. 1, is exempt from the requirements of 10 CFR Part 50, Appendix E, Section IV.F. for the conduct of an offsite full participation emergency preparedness exercise, provided that such an exercise is conducted before or during May 1988."

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (51 FR 40361). This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 6th day of November 1986.

For The Nuclear Regulatory Commission,  
**Robert M. Bernero,**

*Director, Division of BWR Licensing, Office of Nuclear Reactor Regulations.*

[FR. Doc. 25495 Filed 11-10-86; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

#### **Georgia Power Co., et al.; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Prior Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR-57 and NPF-5 issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia (the licensees), for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, located in Appling County, Georgia.

In accordance with the licensees' application for amendments dated September 9, 1986, the amendments would modify the Technical Specifications for Hatch Units 1 and 2 to:

- (1) Lower the minimum river water level required for continued plant operation.
- (2) Provide a requirement for determination of the river level at a point downstream of the temporary weir when it's in place.
- (3) Lower the minimum river water level for which increased frequency of river level surveillance is required.
- (4) Amend the Bases to reflect these changes.

The amendment would also modify the Technical Specifications for Hatch Unit 1 only to remove the flow throttling requirements for the plant service water system pump that are currently required at lower river water levels.

Prior to issuance of the proposed license amendments the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By December 12, 1986, the licensees may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 proceeding, 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 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 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 amendments 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.

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, Attention: 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. Were petitions are filed during the last 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 Mr. Daniel R. Muller: (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 Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, DC, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearings will not be entertained absent a determination by the Commission, the presiding officer or the president 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)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated September 9, 1986 which is available for public inspection at the Commission's Public Document

Room, 1717 H Street, NW., Washington, DC and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland this 30th day of September 1986.

For The Nuclear Regulatory Commission.

**Daniel R. Muller,**

*Director, BWR Project Directorate #2,  
Division of BWR Licensing.*

[FR Doc. 86-25491 Filed 11-10-86; 8:45am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

### **Georgia Power Co. et al.; Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendments Nos. 123 and 66 to Facility Operating Licenses Nos. DPR-57 and NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia (the licensee), which revised the Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (the facility) located in Appling County, Georgia. The amendments are effective as of the date of issuance and shall be implemented within 60 days.

The amendments a) permit use of Banked Position Withdrawal Sequences for the first 50 percent of control rod withdrawal; b) remove the linear mass restriction of 15.2 grams of Uranium-235 per centimeter for fuel assemblies stored in the fuel pool; c) eliminate specific mechanical descriptions of fuel assemblies; d) provide Maximum Average Planar Linear Heat Generation limit curves for several new fuel assemblies; and, e) make several editorial changes.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Prior Hearing in connection with this action was published in the **Federal Register** on June 30, 1986 (51 FR 23611). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact related to the

action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to the action significantly beyond that which has been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to the action see (1) the application for amendments dated April 15, as supplemented July 25, 1986, (2) Amendments Nos. 123 and 66 to Facility Operating Licenses Nos. DPR-57 and NPF-5, (3) the Commission's related Safety Evaluation, and (4) the Environmental Assessment dated October 23, 1986. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of BWR Licensing.

Dated at Bethesda, Maryland this 31st day of October, 1986.

For the Nuclear Regulatory Commission,  
Daniel R. Muller,

Director, BWR Project Directorate #2,  
Division of BWR Licensing.

[FR Doc. 86-25490 Filed 11-10-86; 8:45 am]  
BILLING CODE 7590-01-M

[Docket No. 030-13889; License No. 21-18576-01; EA 86-79]

### Progressive Engineering Consultants of Grand Rapids, Inc.; Order Imposing Civil Monetary Penalties

#### I

Progressive Engineering Consultants of Grand Rapids, Incorporated (the licensee) is the holder of License No. 21-18576-01 issued by the Nuclear Regulatory Commission (the Commission). The license authorizes the licensee to operate its facility in accordance with the conditions specified therein.

#### II

A routine NRC safety inspection of the licensee's activities was conducted during the period March 13 through April 7, 1986. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with Commission requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the licensee by letter dated May 30, 1986.

The Notice states that nature of the violations, the provisions of the Nuclear Regulatory Commission's requirements that the licensee had violated, and the amount of civil penalties proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties with two letters dated June 24 and July 1, 1986, respectively.

#### III

After consideration of the licensee's responses and statements of fact, explanation, and arguments regarding remission or mitigation contained therein, as set forth in the Appendix to this Order, the Director, Office of Inspection and Enforcement, has determined that the violations occurred as stated and that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

#### IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2282, Pub. L. 96-295, and 10 CFR 2.205, It Is Hereby Ordered That:

The licensee pay civil penalties in the amount of Five Hundred Dollars (\$500) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasury of the United States and mailed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555.

#### V

The licensee may, within thirty days of the date of this Order, request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement, USNRC, Washington, DC 20555. A copy of the hearing request also shall be sent to the Assistant General Counsel for Enforcement, Office of the General Counsel, USNRC, Washington, DC 20555 and to the Regional Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings and, if payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearings shall be:

(a) Whether the licensee violated the

Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties referenced in Section II above; and

(b) Whether on the basis of such violations this Order should be sustained.

Dated at Bethesda, Maryland, this 5th day of November 1986.

For the Nuclear Regulatory Commission.

James M. Taylor,

Director, Office of Inspection and Enforcement.

### Appendix—Evaluation and Conclusion

By letters dated June 24 and July 1, 1986, the licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalties dated May 30, 1986. In its response, the licensee admits the violations occurred as described in the Notice, but requests mitigation of the civil penalties based upon extenuating circumstances which were responsible for some of the violations, its prompt corrective actions, and the fact that this is its first enforcement action. Provided below are (1) a restatement of each violation, (2) a summary of the licensee's response regarding each violation, (3) NRC's evaluation of the licensee's response, and (4) NRC's conclusion.

#### Restatement of Violation A

License Condition No. 12 requires that licensed material shall be used by, or under the supervision and in the physical presence of, individuals who have attended the Device Manufacturer's Training Course for gauge users and who have been designated by the licensee's Radiation Protection Officer.

Contrary to the above, since August 1984, the licensee has allowed individuals to use licensed material contained in moisture/density gauges which were not under the supervision and in the physical presence of an authorized gauge user and who had not attended the Device Manufacturer's Training Course.

#### Licensee's Response

The licensee admits that the violation occurred, but states that the reason for the violation was that the licensee was unaware of the precise wording of License No. 12. The licensee indicates that individuals who used the applicable gauges had been instructed on the proper use of the gauge, and states that, in the future, gauge users will be trained by attending the gauge manufacturer's training course.

*NRC Evaluation*

The NRC staff expects the licensee to be familiar with the conditions and requirements of its byproduct material license, and requires, as a minimum, that the users of licensed material attend the Device Manufacturer's Training Course, or be under the supervision and in the physical presence of an individual who has attended the course. The licensee's commitment to have all gauge users attend the manufacturer's training course constitutes the minimum corrective action necessary to bring it into compliance with the byproduct material license. The violation occurred as stated, and mitigation of the civil penalty based on prompt and extensive corrective action is not warranted.

*Restatement of Violation B*

10 CFR 30.41(a) requires that no licensee shall transfer byproduct material except as authorized pursuant to this section. 10 CFR 30.41(b)(5) requires that byproduct material may be transferred to any person authorized to receive such byproduct material under terms of a specific license or a general license or their equivalents issued by the Atomic Energy Commission, the Commission or an Agreement State or otherwise authorized pursuant to 10 CFR 30.41.

Contrary to the above, in January 1986, the licensee transferred byproduct material (a Troxler moisture/density gauge) to an individual who was not authorized to receive byproduct material under the terms of a specific license or a general license or their equivalents issued by the Atomic Energy Commission, the Commission or an Agreement State or otherwise authorized pursuant to 10 CFR 30.41.

*Licensee's Response*

The licensee admits that the violation occurred, but states that the Troxler moisture/density gauge was transferred to an individual who, until late 1985, was licensed to possess and use the Troxler gauge and who had attended the Troxler training course on gauge use. The licensee's corrective actions consisted of recovering the gauge and assuring that only certified individuals employed by the licensee will use the gauges in the future.

*NRC Evaluation*

The licensee admits the violation in that, at the time of the transfer of the gauge, the individual did not possess a license from the Commission or an Agreement State to possess and use the gauge. This represents noncompliance

with 10 CFR 30.41(b)(5) because transfer of the gauge to the individual was unauthorized. Further, the gauge was not returned until several weeks after the violation was brought to the attention of the licensee by the NRC inspector. The NRC staff does not consider the circumstances surrounding the licensee's recovery of the gauge to constitute prompt or extensive corrective actions. The licensee's actions were the minimal corrective actions required to preclude similar violations in the future. Therefore, mitigation of any of the civil penalty associated with Violation B is not warranted.

*Restatement of Violation C*

License Condition No. 18 requires that the duties of the Radiation Protection Officer shall include those items listed in Item No. 5 of the NRC guide entitled, "A Guide for Preparation of Byproduct Material Applications for the Use of Sealed Sources in Portable and Semiportable Gauging Devices." Item No. 5(f) requires that the Radiation Protection Officer will periodically review the terms and conditions of the license for compliance with NRC regulations, requirements, and license conditions.

Contrary to the above, as of the March 13, 1986 inspection, the Radiation Protection Officer failed to perform any periodic review of the terms and conditions of the license for compliance with NRC regulations, requirements, and license conditions.

*Licensee's Response*

The licensee admits that the periodic review of the licensed program by the Radiation Protection Officer was not performed. The licensee explains that the reviews were waived partially because of the numerous personnel changes in the Radiation Protection Officer position and the total inactivity of the gauges until late 1984. Corrective actions described by the licensee include the initiation of an events calendar which will help the Radiation Protection Officer identify the frequency for performance of certain required duties. Also, the licensee states that it would be asking RAD Services, Inc., a consulting firm, to assist in all departments that involve the nuclear gauges.

*NRC Evaluation*

The NRC staff does not consider numerous personnel changes in the Radiation Protection Officer position under any circumstances to be justification for failing to comply with NRC requirements. As long as licensed

material is possessed by a licensee, the NRC staff expects the licensee to operate in accordance with the requirements of its license. The NRC staff also does not consider the licensee's corrective actions associated with this violation to be particularly prompt. While the NRC staff agrees that the services of RAD Services, Inc. will add another audit mechanism to assure the radiation protection program is administered as required, the implementation of this audit mechanism did not occur until mid-August 1986, four months after the violations were identified. Although the licensee's corrective actions should prevent recurrence of the violation, the actions cannot be considered prompt in responding to NRC identified problems. The violation occurred as stated, and mitigation of any of the civil penalty associated with Violation C is not warranted.

*Restatement of Violation D*

10 CFR 20.201(b) requires that the licensee make such surveys as may be necessary for compliance with all sections of Part 20 and are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions.

Contrary to the above, since August 1985, the licensee did not make surveys or evaluations nor did the licensee provide personnel monitoring devices (film badges) to determine whether exposures to individuals using moisture/density gauges would be within the occupational dose limits of 10 CFR 20.101(a).

*Licensee's Response*

The licensee admits that the violation occurred, but explains the reason that users of the moisture/density gauges were not provided film badges is that it was told by Troxler (gauge manufacturer) that film badges were not required. The licensee's corrective action is to obtain film badges for the gauges users and to assure that any new users of the gauges receive film badges.

*NRC Evaluation*

The NRC staff expects the licensee to be familiar with NRC requirements and the conditions of its license. Had the licensee been familiar with the license and with the requirements of 10 CFR 20.201 (a) and (b), the licensee would

have been aware of the requirement for personnel monitoring devices since the license to possess and use the Troxler gauge is issued by the NRC and not the gauge manufacturer. Because the licensee admits the violation, and because its corrective actions consist only of those measures required to bring itself into compliance with the requirements of the license, mitigation of any of the civil penalty associated with Violation D is not warranted.

#### *Restatement of Violation E*

License Condition No. 13 requires that each sealed source containing licensed material, other than hydrogen-3, with a half-life greater than 30 days, and in any form other than gas, shall be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, the licensee failed to perform sealed source leak tests every six months as required on a sealed source containing licensed material other than hydrogen-3, with a half-life greater than 30 days and in a form other than gas. Specifically, the licensee performed leak tests only in December 1978, November 1984, and April 1986 on a sealed source (Serial Number NG-601) containing americium-241 and cesium-137.

#### *Licensee's Response*

The licensee admits that leak tests of the americium-241 and cesium-137 sources were not performed every six months as required. The licensee states that a series of tests was missed while the gauges were in use. The licensee also attributes this violation to the improper filing of leak test reports in some cases and the fact that the gauges were not used for several years during which time leak tests were not performed. Corrective action by the licensee consisted of the implementation of a proper filing system, an events calendar, and contracting the consultation services of RAD Services, Inc.

#### *NRC Evaluation*

After careful consideration of the licensee's assertion that the sources were stored and thereby not used during the 1978-1984 time frame, the NRC staff concludes that License Condition No. 13.A(3) provides an exemption from leak testing when the sources are being stored. Should the licensee produce the misfiled leak test reports for calendar year 1985, this will demonstrate no violation occurred for that time period. However, because the licensee admits that one series of leak tests was entirely missed, a violation of NRC requirements still occurred.

Regarding the licensee's corrective action, the creation of an events calendar and implementation of a proper filing system by the licensee is no more than would be necessary to bring the licensee into compliance. Further, the hiring of a consultant, RAD Services, Inc., did not occur until approximately four months after the violations were identified to the licensee at the April 15, 1986 enforcement conference. Therefore, these corrective actions are neither prompt nor extensive, and mitigation of any of the civil penalty amount associated with Violation E is not warranted.

#### *Restatement of Violation F*

10 CFR 71.5(a) required that each licensee who transports licensed material outside the confines of its plant or other place of use shall comply with the applicable regulations of the Department of Transportation in 49 CFR Parts 170-189.

(1) 40 CFR 172.101(a) references the Hazardous Materials Table which specifies requirements pertaining to the packaging, labeling, and transportation of hazardous materials.

Column 5(b) of that table specifies that radioactive material special form, not otherwise specified, shall be packaged according to 49 CFR 173.415 and 173.416. Those regulations authorize DOT Specification 7A packages for shipment if they do not contain quantities exceeding  $A_1$ . The  $A_1$  limit for special form cesium-137 is 30 curies.

Contrary to the above, from August 1984 until the date of the inspection, radioactive material consisting of moisture density gauges containing cesium-137 not in excess of  $A_1$  limits was transported outside the confines of the licensee's facility without being packaged in a DOT Specification 7A package as specified in the Hazardous Materials Table.

(2) 49 CFR 177.817(a) requires that a carrier may not transport a hazardous material unless it is accompanied by a shipping paper that is prepared in accordance with 49 CFR 172.201, 172.202 and 172.203.

Contrary to the above, from August 1984 until the date of the inspection, the licensee shipped hazardous material (moisture/density gauges containing cesium-137 and americium-241) to various temporary job sites without shipping papers prepared in accordance with 49 CFR 172.201, 172.202 and 172.203.

#### *Licensee's Response*

The licensee admits the violation. The licensee asserts that the reason for shipping the gauges without proper shipping containers was due to an

inadequate number of approved shipping containers. The licensee's corrective action is to obtain additional approved shipping containers so there will be one available for each unit. The licensee states that shipping papers were not provided each time the gauges were shipped because individuals were unaware of the requirements of 49 CFR 172.201, 172.202 and 172.203, and a poor filing system was in place. Corrective action consists of appointing one individual to direct the nuclear gauge division of the company and the acquisition of consulting services from RAD Services, Inc.

#### *NRC Evaluation*

The NRC staff expects the licensee to familiarize itself with the requirements of the license upon receipt, and lack of awareness of the requirements is not an excuse for noncompliance. Although the licensee's corrective actions are expected to bring the licensee into compliance, none of the actions described by the licensee are considered prompt or extensive by the NRC staff. The violation occurred as stated, and mitigation of any of the civil penalty amount associated with Violation F is not warranted.

#### *Restatement of Violation G*

License Condition No. 10 requires that licensed material shall be used only at the licensee's facility located at 2920 Fuller Ave., N.E., Grand Rapids, Michigan and at temporary job sites of the licensee located throughout the State of Michigan.

Contrary to the above, in April 1985, the licensee moved its permanent facility, where it was authorized to use and store licensed material, from 2920 Fuller Ave., Grand Rapids, Michigan to 2942 Fuller Avenue, N.E., Grand Rapids, Michigan and had not sought an amendment to its license to authorize this change.

#### *Licensee's Response*

The licensee admits the address was changed without notifying the NRC of the change. The licensee states that the violation involved a simple move within the same office complex, and resulted from an oversight of the Radiation Protection Officer. The licensee's corrective action consists of amending the license to reflect the change of address and contracting the services of RAD Services, Inc. to aid in maintaining compliance with the license requirements.

*NRC Evaluation*

Although the change of address consisted only of a move across the street, this would not negate the requirement that the licensee seek an amendment to its license to authorize this change. Any address change, no matter what the circumstances, requires a license amendment to reflect the change. Although the change in address may not have been considered significant by the licensee, the NRC must assess the qualifications of facilities in order to determine the appropriateness of the facility. The licensee's failure to notify the NRC of this move denied the NRC an opportunity to review the new facility's qualifications. The NRC staff considers the licensee's corrective actions the necessary actions required to bring the licensee into compliance with this requirement. Therefore, its actions were neither unusually prompt nor extensive, and mitigation of any civil penalty amount associated with Violation E is not warranted.

*Restatement of Violation H*

10 CFR 19.11 (a) and (c) require that current copies of Part 19, Part 20, the license, license conditions, or documents incorporated into the license by reference, license amendments and operating procedures, as well as Form NRC-3, "Notice of Employees," be posted.

10 CFR 19.11(b) requires that the licensee may post a notice describing the documents and their location if posting of the documents is not practicable.

Contrary to the above, on March 13, 1986, neither the documents required by 10 CFR 19.11 (a) and (c) nor a notice describing the documents and their locations were posted.

*Licensee Response*

The licensee states that it was unaware of the requirements of 10 CFR 19.11 (a), (b), and (c). The licensee's corrective action consisted of posting the required documents and notices and acquiring the consultation services of RAD Services, Inc.

*NRC Evaluation*

The NRC expects the licensee to be familiar with the requirements of its by-product material license. If licensee management had become familiar with the license requirements, it would have been aware of the requirements of 10 CFR 19.11 (a), (b), and (c). Further, the consultant did not conduct its first site audit until the week of August 10, 1986, actions not considered prompt by the

NRC staff. Therefore, since the licensee's corrective actions were neither prompt nor extensive and are considered the minimum actions necessary to comply with the requirements of § 19.11 (a), (b), and (c), mitigation of any of the civil penalty amount associated with Violation H is not warranted.

*NRC Conclusion*

The NRC staff has concluded that all of the violations did occur as originally stated in the May 30, 1986, Notice of Violation and Proposed Imposition of Civil Penalties. The NRC does not agree that extenuating circumstances resulted in violations of license requirements, but has concluded that the violations occurred as a result of the licensee's failure to exercise adequate control and oversight over its radiation safety program and its failure to familiarize itself with the requirements of its license and NRC regulations. The NRC does not consider any of the licensee's corrective actions unusually prompt or extensive, as these corrective actions were the minimum actions which the NRC would expect a licensee to undertake in order to bring it into compliance. Because this is the licensee's first inspection, there is no prior inspection history or history of prior performance, thus no basis exists for reduction of the base civil penalty for prior good performance in the area of concern. Therefore, since the licensee has not provided a sufficient basis for mitigation of the civil penalties, the NRC staff has concluded that civil penalties in the amount of \$500 be imposed.

[FR Doc. 86-25494 Filed 11-10-86; 8:45 am]

BILLING CODE 7590-01-M

**UNITED STATES CLAIMS COURT**

[Congressional Reference No. 2-84]

**Order Establishing Deadline for the Filing of Claims for Additional Compensation by Persons Who Owned Ranch Units in the Area of the White Sands Missile Range, New Mexico**

On November 16, 1984, the United States Senate referred Senate Bill 2761, together with Senate Resolution 405 and accompanying papers, to the Chief Judge of the United States Claims Court, under 28 U.S.C. 1492 and 2509 (1982). Senate Bill 2761 was entitled "A bill for the relief of the White Sands ranchers of New Mexico." The Chief Judge was directed to report to the Senate of the United States, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be

sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimants.

On November 16, 1984, the Clerk of the Court issued notices to the then known claimants of the docketing of the Senate documents and accompanying papers referred to above. This procedure was necessary because no claimants were identified in the formal Senate documents and papers transmitted to the Chief Judge. These notices advised that claimants had ninety (90) days, or to and including February 14, 1985, to file petitions setting forth claims within the purview of Congressional Reference Case No. 2-84.

On February 11, 1985, some 159 individuals, denominating themselves as the "White Sands Ranchers of New Mexico", and responding to the notices of November 16, 1984, filed a complaint in this Court, asking the Court to make such findings of fact and conclusions as shall be sufficient to inform the Congress of the nature of their claims and the amount legally or equitably due from the United States to the plaintiffs.

As it appears from the pleadings and other representations of the parties before the Court that there may be persons similarly situated who are not numbered among the claimants so identified and who may not have received notice of the action of the Senate, as reflected in S. 2761 and S. Res. 405, it has been determined that additional notice should be given, and additional time granted, for the filing of petitions in Congressional Reference Case No. 2-84.

The purpose of the Order issued herein, and its publication in the Federal Register this date, is to establish a definitive and final date on which petitions in Congressional Reference Case No. 2-84 will be received.

Accordingly, in the interest of fairness to and concern for all claimants, and in the interest of effective, speedy and efficient administration of the handling of this Congressional Reference case, it is hereby ORDERED, That all individuals (or heirs or assignees of individuals) who owned ranching units in the area of the White Sands Missile Range, New Mexico, and whose ranching units (or a portion of whose ranching units) were taken for war and national defense purposes after 1941 and are now part of that missile range, and who consider themselves not to have been fairly compensated for the loss of their property, are allowed an extension of time to and including

January 31, 1987, in which to file and have docketed with the Clerk of the United States Claims Court their complaints in Congressional Reference Case No. 2-84. No complaint by any such claimant will be accepted for filing in this matter subsequent to February 28, 1987.

John P. Wiese,

Hearing Officer, United States Claims Court.

[FR Doc. 86-25421 Filed 11-10-86; 8:45 am]

BILLING CODE 2410-01-M

#### UNITED STATES INFORMATION AGENCY

##### University Affiliations Program; Application Notice for Fiscal Year 1987; Correction

**AGENCY:** United States Information Agency.

**ACTION:** Eligible countries: correction.

**SUMMARY:** In FR Vol. 51, No. 206 in the issue of Friday, October 24, 1986, beginning on page 37814, make the following corrections:

On page 37815, under "Eligibility", in the second column, on the twelfth line, add: "Tanzania" to the *No discipline priorities* paragraph; and on the thirty-third line, add: "Panama" to the *Communications; Primary and Secondary Education; Social Sciences* paragraph.

Dated: November 5, 1986.

William Dant,

Coordinator, University Affiliations Program, United States Information Agency.

[FR Doc. 86-25457 Filed 11-10-86; 8:45 am]

BILLING CODE 8230-01-M

#### VETERANS ADMINISTRATION

##### Agency Form Under OMB Review

**AGENCY:** Veterans Administration.

**ACTION:** Notice.

The Veterans Administration has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document contains an extension and lists the following information: (1) The department or staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) how often the form must be filled out, (5) who will be required or asked to report, (6) an estimate of the number of responses, (7) an estimate of the total number of hours needed to fill out the form, and (8) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

**ADDRESSES:** Copies of the form and supporting documents may be obtained from 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 within 60 days of this notice.

Dated: November 5, 1986.

By direction of the Administrator.

Robert W. Schultz,

Director, Office of Information Management and Statistics.

##### Extension

1. Department of Veterans Benefits.
2. Verification of pursuit of course leading to standard college degree.
3. VA form 22-6553.
4. On occasion.
5. State or local governments; non-profit institutions; and small businesses or organizations.
6. 325,680 responses.
7. 54,280 hours.
8. Not applicable.

##### Extension

1. Department of Veterans Benefits.
2. Request for organizational data from builder.
3. VA form letter 26-312.
4. On occasion.
5. Businesses or other for-profit.
6. 10,000 responses.
7. 5,000 hours.
8. Not applicable.

##### Revision

1. Department of Veterans Benefits.
2. Application for dependency and indemnity compensation by parent(s).
3. VA form 21-535.
4. On occasion.
5. Individuals or households.
6. 20,880 responses.
7. 25,056 hours.
8. Not applicable.

[FR Doc. 86-25469 Filed 11-10-86; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 51, No. 218

Wednesday, November 12, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## FARM CREDIT ADMINISTRATION

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

**DATE AND TIME:** The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on November 10, 1986, from 10:00 a.m. until such time as the Board may conclude its business.

**FOR FURTHER INFORMATION CONTACT:** Kenneth J. Auberger, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102-5090 (703-883-4010).

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

**SUPPLEMENTARY INFORMATION:** Parts of this special meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

### 1. Regulations:

Consideration of Amendments to Part 620: Disclosure to Stockholders

Consideration of Amendments to Part 621: Accounting and Reporting Requirements

### \*2. Examination and Enforcement Matters

\* Closed Session—exempt pursuant to 5 U.S.C. 552b(c) (4), (8) and (9).1

Dated: November 5, 1986.

**Marvin Duncan,**

*Acting Chairman, Farm Credit Administration.*

[FR Doc. 86-25590 Filed 11-7-86; 1:57 pm]

BILLING CODE 6705-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act," (5 U.S.C. 552b), notice is hereby given that at 4:40 p.m. on Wednesday, November 5, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to adopt a resolution: (1) Making funds available for the payment of insured deposits made in Sedgwick County Bank, Julesburg, Colorado, which had been

closed by the State Bank Commissioner for the State of Colorado on Wednesday, November 5, 1986, (2) accepting the bid of The First National Bank of Julesburg, Julesburg, Colorado, for the transfer of the insured and fully secured or preferred deposits of the closed bank, and (3) designating The First National Bank of Julesburg as the agent for the Corporation for the payment of insured and fully secured or preferred deposits of the closed bank.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C.C. Hope, Jr. (Appointive), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in Room 6020 of the FDIC Building located at 550-17th Street, NW., Washington, DC

Dated: November 6, 1986.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 86-25573 Filed 11-7-86; 12:21 pm]

BILLING CODE 6714-01-M

## FEDERAL ENERGY REGULATORY COMMISSION

November 5, 1986.

**TIME AND DATE:** 9:00 a.m., November 12, 1986.

**PLACE:** 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

- (A) Docket Nos. RP86-45-002 through 014, El Paso Natural Gas Co.
- (B) Docket No. CP86-649-000, El Paso Natural Gas Co.
- (A) Docket No. RP85-206-000, Northern Natural Gas Co., Division of Enron Corp.
- (B) Docket No. CP86-435-000, Northern Natural Gas Co., Division of Enron Corp.

### CONTACT PERSON FOR MORE

**INFORMATION:** Lois D. Cashell, Acting Secretary, Telephone (202) 357-8400.

**Lois D. Cashell,**

*Acting Secretary.*

[FR Doc. 86-25524 Filed 11-7-86; 10:27 am]

BILLING CODE 6717-01-M

## FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS

**TIME AND DATE:** 11:00 a.m., Monday, November 17, 1986.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

### CONTACT PERSON FOR MORE

**INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: November 7, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-25821 Filed 11-7-86; 3:54 pm]

BILLING CODE 6210-01-M

## INTERNATIONAL TRADE COMMISSION

[USITC SE-86-40]

**TIME AND DATE:** Tuesday, November 18, 1986 at 2:00 p.m.

**PLACE:** Room 117, 701 E Street, NW., Washington, DC 20436.

**STATUS:** Open to the public.

### MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. No. 701-TA-282 (P) and 731-TA-350/353 (P) (Steel forged crankshafts from Brazil, the Federal Republic of Germany, Japan, and the United Kingdom)—briefing and vote.
6. Any items left over from previous agenda.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth R. Mason, Secretary (202) 523-0161.

Kenneth R. Mason,

Secretary.

November 6, 1986.

[FR Doc. 86-25592 Filed 11-7-86; 1:45 pm]

BILLING CODE 7020-02-M

**POSTAL SERVICE (BOARD OF GOVERNORS)**

**Notice of Vote To Close Meeting**

At its meeting on November 4, 1986, the Board of Governors of the United States Postal Service unanimously voted to close to public observation its meeting scheduled for December 1, 1986, in Washington, DC. The meeting will concern consideration of the Postal Rate Commission's Recommended Decision on Destination-BMC Parcel Post.

(Docket No. MC86-1)

The meeting is expected to be attended by the following persons: Governors Camp, Griesemer, McConnell, McKean, Nevin, Peters, Ryan and Setrakian; Postmaster General Tisch; Deputy Postmaster General Strange; Secretary to the Board Harris; General Counsel Cox; and Counsel to the Governors Califano.

The Board determined that pursuant to section 552b(c)(10) of Title 5, United States Code, and § 7.3(j) of Title 39,

Code of Federal Regulations, discussion of the matter is exempt from the open meeting requirement of the Government in the Sunshine Act, [5 U.S.C. 552b(b)], because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing.

In accordance with section 552b(f)(1) of Title 5, United States Code, and § 7.6(a) of Title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(10) of Title 5, United States Code, and § 7.3(j) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

David H. Harris,

Secretary.

[FR Doc. 86-25544 Filed 11-7-86; 10:40 am]

BILLING CODE 7710-12-M

**SECURITIES AND EXCHANGE COMMISSION**  
**"FEDERAL REGISTER" CITATION OF**  
**PREVIOUS ANNOUNCEMENT:** (51 FR 37819  
 October 24, 1986).

**STATUS:** Closed meetings.

**PLACE:** 450 Fifth Street, NW., Washington, DC.

**DATE PREVIOUSLY ANNOUNCED:** Tuesday, October 21, 1986.

**CHANGE IN THE MEETING:** Additional items.

The following item was considered at a closed meeting held on Tuesday, October 28, 1986, at 2:30 p.m.

Consideration of *amicus* participation.

The following items were considered at a closed meeting held on Thursday, October 30, 1986, following the 10:00 a.m. open meeting:

Settlement of injunctive action.

Formal order of investigation.

Consideration of *amicus* participation.

Commissioner Peters, as duty officer,

determined that Commission business

required the above changes and that no

earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: David H. Potel at (202) 272-2014.

Shirley E. Hollis,

Assistant Secretary.

November 5, 1986.

[FR Doc. 86-25568 Filed 11-7-86; 11:21 am]

BILLING CODE 8010-01-M

**Federal Register**

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Wednesday  
November 12, 1986

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**Part II**

**Department of Labor**

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Mine Safety and Health Administration

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**30 CFR Part 15**  
**Requirements for Approval of Explosives**  
**and Sheathed Explosive Units; Proposed**  
**Rule**

## DEPARTMENT OF LABOR

## Mine Safety and Health Administration

## 30 CFR Part 15

## Requirements for Approval of Explosives and Sheathed Explosive Units

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would revise the Mine Safety and Health Administration's (MSHA) existing regulations for approval of explosives and would add new requirements for approval of sheathed explosive units. The proposed revisions would upgrade existing provisions consistent with current technology, eliminate duplicative and unnecessary provisions, reorganize the existing requirements, and provide alternative methods of compliance where possible.

**DATE:** Written comments must be submitted on or before January 12, 1987.

**ADDRESS:** Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations, and Variances, Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Associate Assistant Secretary for Mine Safety and Health, MSHA, Phone (703) 235-1910.

**SUPPLEMENTARY INFORMATION:****I. Background**

MSHA is proposing to revise the existing requirements for approval of explosives and add new requirements for approval of sheathed explosive units. These revisions are proposed pursuant to section 508 of the Federal Mine Safety and Health Act of 1977.

On July 9, 1982, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the *Federal Register* (47 FR 30025) which announced a comprehensive review of the underground coal mining standards in 30 CFR Part 75 and solicited public comments. As part of the review, MSHA specifically sought comment on blasting and explosives standards and related approval regulations.

On June 5, 1984, MSHA published a notice in the *Federal Register* (49 FR 23281) which announced the availability of its preproposal draft of revisions to the approval requirements for explosives, sheathed explosive units, and related blasting equipment, and scheduled a public conference. The public conference was held July 11, 1984,

in Pittsburgh, Pennsylvania, and was well attended by representatives of the mining community. MSHA has received written comments regarding its preproposal draft from affected manufacturers and other segments of the mining community.

The Agency's proposed rule addresses the comments received and is consistent with Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

**II. Discussion of the Proposed Rule****A. General Discussion**

MSHA's existing regulations governing the approval of explosives have not been revised since 1961. Since that time, technological advances have led to the development of new types of explosives suitable for use in underground mines. Analytical techniques used by MSHA and the Bureau of Mines in testing and evaluating explosives have advanced comparably. MSHA is proposing to update the existing regulations to reflect this state-of-the-art technology and to delete obsolete provisions.

A new section of the proposed rule would establish requirements for the approval of sheathed explosive units. The sheathed unit, intended for use without being confined in a borehole, is designed so that it will not ignite a flammable mixture of methane and/or coal dust when fired. It has been developed for use in dislodging loose roof slabs and overhangs, rock-fall leveling, slab or boulder breaking and other situations where the unconfined application of explosives would be appropriate to improve mine conditions. The proposal contains a new gallery test, applicable to explosives, which would provide for evaluation of explosives under conditions that are more representative of actual conditions in underground mines.

The proposed rule also would delete the existing provisions in Part 15 which describe the blasting practices that must be followed in underground coal mines. These provisions would be addressed in revisions being proposed to the safety standards in 30 CFR Part 75, (51 FR 17284, May 9, 1986).

In a separate rulemaking, 30 CFR Part 7 (51 FR 4686, February 6, 1986) MSHA is proposing that the applicant or a third party conduct the required testing according to test procedures set forth by the Agency for specific products and require certification of test results by the applicant. MSHA specifically solicits comments as to whether the Agency should continue testing for approval of explosives or if the testing proposed

under Part 15 might more appropriately be included as a subpart under Part 7. The Agency is especially interested in information concerning the industry's capability with regard to facilities for conducting the required tests for approval of explosives.

In its proposed rule on Part 7, the Agency included provisions addressing "post-approval product audits" and "revocation" (of approvals). Members of the affected mining community have made several constructive suggestions during the Part 7 public hearings which were conducted on July 24 and 29, 1986, (51 FR 23559), and related comment periods which closed on August 12, 1986. In refining the pertinent provisions for Part 15, the information obtained by MSHA during these earlier proceedings has been recognized as an important source for structuring the Agency's position in this proposed rule. While the specific provisions proposed in this rulemaking represent a modification of those originally proposed in Part 7, the Agency's posture on these issues with respect to Part 7 will be reflected when Part 7 is published as a final rule. As the rulemaking process evolves, it is MSHA's intention to maintain consistency regarding this aspect of regulatory policy.

The term "permissible" that is used in the existing standards has been replaced with the term "approved" in the proposal. MSHA believes that the terminology used to identify products which have been approved by the Agency should be standardized. At the present time, terms such as "permissible", "accepted", and "certified" are used in 30 CFR Parts 11 through 36 to identify products which have been approved by MSHA. The necessary changes would be made in the appropriate parts as they are revised during the Agency's Regulatory Review Program.

Tests and evaluations made under this part will be performed for MSHA by the U.S. Department of the Interior, Bureau of Mines (Bureau). The Bureau testing facility is located near Pittsburgh, Pennsylvania.

**B. Section-by-Section Discussion**

**Section 15.1 Purpose and effective dates.**

This provision is derived from existing § 15.1 and would revise and simplify the statement of purpose and more accurately reflect the scope of the proposal. It would apply to underground coal mines and certain underground metal and nonmetal gassy mines.

Several commenters raised the issue of how the new rules, if adopted, would affect the approval status of explosives that are currently approved. At this stage in the rulemaking process, MSHA believes that the new approval requirements should apply only to explosives that are submitted for approval after the effective date of the rule. In order to allow for a period of transition to the new requirements, the Agency has proposed a delay of one year after publication of the final rule for the explosives approval requirements in Subpart B. Another approach the Agency is considering is to have Subpart B become effective 30 days after the effective date of the final rule, and let existing Part 15 remain in effect for a period of one year. With this approach the applicant could elect either to submit an approval application under the existing or the new requirements. Under the proposal, Subpart A, containing general provisions, and Subpart C, setting forth approval requirements for sheathed explosive units, would be effective 30 days after publication of the final rule so that sheathed explosive units could be made available for use in underground mines as soon as possible. All applications for approval or extensions of approval for explosives submitted after one year would be subject to the new requirements. Explosives previously approved for which no changes are sought would not be affected by this rule.

MSHA solicits comment on this issue, particularly on the potential benefits that may be obtained by retaining the existing requirements for the one year phase-in period.

#### Section 15.2 Definitions.

The proposed definitions are intended to make the proposal clear and more readily understandable.

**Applicant.** This term which is derived from the existing standards, identifies the party seeking approval of an explosive or sheathed explosive unit under this part.

**Approval.** This term would replace the existing phrase "certificate of approval" used to describe a document issued by MSHA which states that an explosive or sheathed explosive unit meets the requirements of this part and which authorizes the use of an approval marking identifying the explosive or sheathed explosive unit as approved.

**Explosive.** This definition would revise the existing definition to more clearly indicate the type of products for which this part is intended. The existing definition referring to "blasting devices as defined in Part 17 of this subchapter",

has not been included in the proposal since these devices are no longer manufactured or used in underground mines.

**Extension of Approval.** This phrase which is new, is used to identify a written document issued by MSHA that indicates that a change to a previously approved explosive or sheathed explosive unit has been tested and/or examined and meets the requirements of this part. It is based on existing terminology that is used when changes are made on products approved in accordance with 30 CFR Parts 18 through 36.

**Post-approval product audit.** This term is new and is used to describe MSHA's examination or testing of approved explosives or sheathed explosive units to determine whether the products have been manufactured as approved.

**Sheath.** This term, which is new, is used to describe that portion of a sheathed explosive unit which will be dispersed to form a flame inhibiting cloud upon firing of the explosives contained in the sheathed unit.

**Sheathed explosive unit.** A phrase used to describe an explosive device that can be fired without being confined in a borehole. It is designed so that it will not ignite a flammable mixture of methane or coal dust when fired.

**Test detonator.** The new definition for a test detonator identifies the types of detonators that will be used to test explosives submitted for approval under this part. This would replace the existing definition which specifies that test detonators contain a base charge of  $0.25 \pm 0.02$  gram of pentaerythritol tetranitrate (PETN). These detonators are no longer being manufactured for commercial use.

The definitions in the existing standards for "basic specifications", "poisonous gases", "ingredients", "Bureau", "MESA", and "MSHA" are not included in the proposal because they are commonly known throughout the mining community. The definition in the preproposal draft for "manufacturing site survey" is also deleted because this term is not included in the proposal.

#### Section 15.3 Observers at tests and evaluations.

The proposal is derived from existing § 15.9 and would clarify the provisions regarding observers and participants at tests and evaluations conducted under this part. The proposal is intended to protect proprietary information which could be available to observers at tests and evaluations.

The proposal provides that only MSHA and Bureau of Mines personnel,

representatives of the applicant, and such other persons agreed upon by MSHA and the applicant would be permitted to be present during the tests and evaluations conducted under this part. In response to comments, this provision has been changed from the preproposal draft requirement which referred to "government personnel." This change clarifies MSHA's intention that only necessary persons be present when the tests and evaluations are conducted. This would minimize the possibility of any inadvertent release of proprietary information.

A provision that addressed consultation between a prospective applicant and personnel at MSHA's Approval and Certification Center, which appeared in this section of the preproposal draft, has been deleted in the proposal. MSHA will continue to provide appropriate consultation services, but the Agency does not believe that this is a matter which needs to be addressed by regulation.

#### Section 15.4 Application procedures and requirements.

This proposal, which is derived from existing §§ 15.3 and 15.15, addresses procedures and requirements for requesting approval of an explosive or sheathed explosive unit. Provisions in the preproposal draft which specified that applications be in English and requiring the applicant to assign an application number have been deleted. Consistent with current practices, applications received that are in a language other than English, or which are otherwise not readily understandable, will be returned to the applicant for clarification. The assignment of an application number is an internal administrative matter which need not be addressed in the rule.

The proposed rule would omit provisions concerning the fees to be charged for approval of explosives and sheathed explosive units. In a separate rulemaking, MSHA is proposing a new Part 5, Fees for Testing, Evaluation, and Approval of Mining Products (51 FR 12966, April 16, 1986). That proposal would update the existing system for charging fees and set forth the basis on which MSHA would compute fees for all approval-related services for which the Agency incurs a cost, including application processing, testing, and the issuance of approvals and extensions of approval. It would provide that MSHA publish a notice in the *Federal Register* announcing the availability of the current fee schedule by January of each year.

The proposal would organize the application procedures into the three kinds of approval actions an applicant may request under Part 15: (1) Original approval, (2) subsequent approval of a similar product, and (3) extension of approval.

In requesting an original approval, i.e., the first time an applicant seeks approval for an explosive or sheathed explosive unit, MSHA would require the submission of information necessary to evaluate all facets of the explosive or sheathed explosive unit as they relate to the approval requirements. If, after receipt of an original approval, the applicant requests subsequent approval of a similar product or an extension of approval for the original product, the applicant would not be required to submit documentation duplicative of previously submitted information. Only information relative to changes in the previously approved product would be required, avoiding unnecessary paperwork.

The proposal would retain the existing requirement that MSHA approve changes in the specifications of a previously approved explosive or sheathed explosive unit. This would avoid changes being made that could affect the safe performance of the explosives.

The proposal would revise the existing requirement concerning assignment of different brand or trade names for approved explosives when a change involves the chemical composition of the explosives. Under the proposal, MSHA may require a new or changed explosive or sheathed explosive unit to be distinguishable from those associated with the former composition. This change recognizes that methods, other than different brand or trade names, could be used to identify products which perform differently. The existing provision specifies that, when a change in composition is approved, the former composition shall not be used again unless reapproved by MSHA. The Agency does not believe that reapproval of an explosive or sheathed explosive unit, which otherwise performs safely, is necessary merely because of a name change.

The existing requirement that the strength of the explosive be determined by the ballistic mortar test has been deleted in the proposal. MSHA has determined that it is not essential to know the strength of the explosive to determine whether the explosive will perform safely. In addition, of the numerous field samples of approved explosives that have been tested over the last ten years, all were found to be

in compliance with the strength requirements. This was true even when the field samples were not in compliance with other specifications of the approval.

#### Section 15.5 Test samples.

This proposal would revise and update the provisions of existing §§ 15.5 and 15.6 concerning the shipment, quantity, and quality of explosives and sheathed explosive units to be submitted for testing. The proposal would retain, with clarifying changes, provisions from the existing regulations that prohibit shipment of samples until notification from MSHA; require storage of samples in a magazine for at least 30 days prior to testing; and establish when test samples would not be tested because of their chemical composition or condition.

The existing requirement that 100 pounds of 1¼ inch diameter by 8-inch length cartridges of explosives be submitted for testing has been changed to 150 pounds. This increased quantity of explosives would be necessary in order to conduct the additional new minimum firing temperature tests that are included in the proposal. In response to several comments, the requirement that applicants submit explosive cartridges in 8-inch lengths is not included in the proposal. This would provide applicants the flexibility to submit samples that are representative of the cartridge lengths that will be manufactured.

One commenter suggested that explosive cartridges with aluminum clips be permitted. This commenter stated that the hazard of incendivity associated with aluminum clips is not sufficient to warrant their exclusion. It is generally recognized by the mining community, however, that aluminum can present an incendivity hazard, particularly when contacting rusty metal, and should not be used in areas where there is a possibility of igniting methane or coal dust. At this stage of the rulemaking process, the Agency does not believe that explosive cartridges with aluminum clips should be permitted. Additional comments are solicited on this issue.

Several commenters addressed the use of perchlorate in approved explosives, one suggesting that it be prohibited. Another commenter recommended that quantities of perchlorate greater than specified in the preproposal draft be permitted if no adverse reaction is observed in the drop-weight impact test. Perchlorate is used to improve the low temperature performance of approved explosives. Research conducted by the Bureau of

Mines reveals that the use of perchlorate in approved explosives does not result in instability of the explosive when the amount of perchlorate does not exceed the limitations specified in the proposal. The proposal provides that explosives that have no aluminum content and are composed of more than 5 percent water would be permitted to contain up to 5 percent perchlorate. MSHA recognizes that these specific requirements may, in certain instances, be limiting and specifically requests information and data on this issue.

A commenter suggested that the preproposal draft requirement for explosives to be stored in a magazine for 30 days before testing be revised to require that the explosives be at least 30 days old, based on the manufacturer's code date. The proposed storage provision is intended to expose the explosives to conditions that would be similar to those expected in the mining environment before they are tested. Explosives that are a certain age which have been kept in a controlled environment may not fully accomplish this purpose.

#### Section 15.6 Issuance of approval.

This proposal is derived from existing § 15.13 and specifies the actions that would be taken by MSHA after tests and evaluations have been completed on explosives and sheathed explosive units. MSHA would issue an approval to the applicant and assign an approval number or notify the applicant that approval is denied. An applicant would not be allowed to represent the explosives or sheathed explosive units as approved until MSHA has issued the approval.

Several commenters suggested that the proposal require MSHA to complete all approval actions within 90 days. At this point, the Agency does not believe that it should establish a time limit for the testing and evaluation of explosives due to the complexity and variables involved in the approval process. Concerning the timing of the approval process, MSHA is aware that excessive delay could have an adverse affect on the quality and integrity of the product being tested. Streamlining internal approval procedures is an MSHA priority. The Agency solicits information and experience encountered by manufacturers on the types of problems that have contributed to delays in the present approval process.

#### Section 15.7 Quality assurance.

This proposal is derived from existing § 15.14, except paragraph (b) which is new, and would require that the

approval-holder implement certain basic quality control measures for approved explosives and sheathed explosive units. The MSHA approval label is relied upon in the mining community as an indication that the product is safe for use in mines. Under the proposal, the approval-holder would be required to manufacture the product in accordance with the specifications of the approval and report to MSHA any knowledge of products distributed that do not comply with the approval.

As part of the approval application, the preproposal draft would have required applicants to submit detailed quality control plans for acceptance by MSHA. It also would have required that quality control inspection and testing instructions be submitted for MSHA acceptance. MSHA would have reviewed and accepted the plan and the instructions prior to their implementation. Any changes to them would also have been subject to MSHA acceptance. Many commenters objected to these draft provisions, stating that their quality control plans contain proprietary information, that such a requirement would be unnecessarily burdensome, and that submitting changes in the plans for MSHA acceptance would delay implementing needed changes.

MSHA continues to believe that there is a need for quality control in the production of approved products. For this reason, the proposal retains the basic requirement that approved products be manufactured in accordance with the approval. The design and implementation of the quality assurance program to accomplish this, however, would be the manufacturer's responsibility and not be subject to review or acceptance by MSHA.

While MSHA believes that adherence to the proposed requirements for quality assurance would provide substantial protection against the distribution of defective products, MSHA recognizes that this could occur. The proposal, therefore, would require the approval-holder to report to the Agency any knowledge of explosives or sheathed explosive units that have been distributed which do not meet the approval requirements or specifications. This knowledge could come from the results of internal audits, reports from users, or other sources. Upon receiving such a report, MSHA would work with the approval-holder to implement appropriate corrective action.

The preproposal draft provided that MSHA could conduct manufacturing site surveys before and after issuance of an approval to determine whether or not the applicant was complying with the

accepted quality control program. Some commenters objected to this draft provision stating that such surveys were unnecessary and that the practices in an applicant's manufacturing facilities are not a legitimate area of MSHA concern. At this stage in the rulemaking process, MSHA believes that the proposed emphasis on product auditing by the Agency would provide the necessary assurance that approved products are in compliance with the technical requirements, and would uncover problems in the quality assurance program which were not detected by the approval-holder. In addition, MSHA agrees that management of the manufacturing process is the responsibility of the approval-holder. For these reasons, the draft provision for manufacturing site surveys is not retained in the proposal.

#### Section 15.8 Approval marking.

This proposal is derived from existing § 15.14 and provides for labeling of approved explosives and sheathed explosive units. The proposal would retain the existing requirement that approved explosives be marketed only under the brand or trade name in the approval, as well as the requirement that the wrapper of each cartridge bear a label indicating that the explosive is approved. These requirements would also apply to sheathed explosive units.

The preproposal draft provision which would have required that each case of approved explosives and sheathed explosive units be labeled with the minimum firing temperature has been deleted in the proposal. Although the proposal retains the performance requirement for a minimum firing temperature, MSHA believes that the manner in which this information is conveyed to the mining industry is an appropriate matter that should be determined by the explosive manufacturers and need not be addressed by regulation.

The existing requirement for a case-insert, warning the user that the explosive is approved only when used in conformance with the requirements of Part 15, is not included in the proposed rule. MSHA believes that requirements governing the use of explosives are appropriately included in related safety standards and should not be addressed in requirements for approval of explosives.

#### Section 15.9 Disclosure of information.

The proposal is derived from existing §§ 15.9 and 15.17 which address the disclosure of information on explosives tested and evaluated under Part 15. MSHA intends to continue the current

practice of treating information on product specifications and performance as proprietary information and will protect its disclosure to the fullest extent consistent with The Freedom of Information Act, FOIA (5 U.S.C. 552). Under the proposal, MSHA would notify the applicant of requests for product information received by MSHA and would provide the manufacturer the opportunity to present its position on disclosure. Information identified by the manufacturer as proprietary would not be disclosed, unless, as mandated by FOIA, MSHA determines that disclosure will further the public interest and will not impede the discharge of any of the functions of the Agency.

In response to the preference of several commenters, the term "confidential commercial information" which appeared in the preproposal draft has been changed to "proprietary information".

Provisions from the existing regulation concerning MSHA publication of lists and other information on approved explosives are not included in the proposed rule. The dissemination of information that is non-confidential need not be addressed by these regulations. At this time, however, MSHA intends to continue to provide the mining community with this information. The draft provisions that addressed "changes after approval" which appeared in this section of the preproposal draft have been included in proposed § 15.4.

#### Section 15.10 Post-approval product audit.

This proposal is derived from existing § 15.20 and public comments from MSHA's proceedings on 30 CFR Part 7. It would include requirements for post-approval product audits. While the use of quality assurance during the manufacturing process would help assure the mining community that explosives and sheathed explosive units meet the approval requirements, MSHA believes there is also a need for independent evaluation of these products on a random basis. For this reason, the proposal provides that approved explosives and sheathed explosive units be subject to periodic audit by MSHA for the purpose of determining conformity with the technical requirements upon which the approval was based.

Under the proposal, approved explosives or sheathed explosive units could be obtained for audit from the approval-holder or from sources other than the manufacturer such as mine suppliers or distributors. However, the

approval-holder may be required to provide, at no cost to MSHA, one case of explosives or 25 sheathed explosive units no more than once a year except for cause.

When approved explosives or sheathed explosive units are requested by MSHA for audit, the Agency would arrange with the approval-holder to examine and evaluate samples of them at a mutually agreed upon time and location and permit the approval-holder to observe any audit-related tests conducted. This examination and evaluation could take place at an MSHA facility, at the manufacturer's plant or distribution center, or at any other place agreed upon by MSHA and the approval-holder.

All explosives or sheathed explosive units audited by MSHA would be selected by the Agency as representative of those distributed for use in mines. In addition, the proposal would allow the approval-holder to obtain any final evaluation report resulting from such audits.

In determining which approved explosives or sheathed explosive units would be subject to audit at any particular time, MSHA would consider a variety of factors. These may include, for example, whether the manufacturer had previously produced the approved product or similar products, whether the approved product is new or part of a new product line, or whether the approved product is intended for a unique application or limited distribution. Other considerations may be product complexity, the manufacturer's previous product audit results, product population in the mining community, and the time since the last audit or since the product was first approved.

As indicated earlier, no more than once a year, except for cause, an approval-holder would be required to make available to MSHA for audit approved explosives or sheathed explosive units at no cost. Based on MSHA's experience, the Agency anticipates few instances in which more than one case of explosives or 25 sheathed explosive units would be required from any one manufacturer in any one year. There are several events, however, which may demonstrate or cause MSHA to believe that an explosive or sheathed explosive unit does not meet the technical requirement upon which the approval was based. For example, MSHA may have verified complaints about the safe functioning of an explosive or sheathed explosive unit, have evidence of changes that have not been approved, need to retest an explosive or sheathed explosive unit

with which an audit test indicated a problem, or need to verify that corrective action required previously by MSHA has been taken. Because the use of the approval marking obligates the approval-holder to manufacture the explosives and sheathed explosive units according to the technical requirements upon which the approval was based, MSHA believes that, when there is cause, the approval-holder should provide additional explosives or sheathed explosive units at no cost to the Agency.

Several commenters indicated that shipping small quantities of explosives would impose unreasonable costs on manufacturers because most major carriers base their tariffs on a 7,500 or 10,000 pound minimum for shipment of Class A explosives. Under the proposal, the site where a post-approval audit is to be conducted would be mutually agreed upon by the applicant and MSHA. This approach would permit some audits to be made in locations, such as the manufacturing site or distribution center, where shipment of the products would not be necessary. When shipment of the explosives or sheathed explosive units is necessary, MSHA believes that most applicants would ship them in the same vehicles as other shipments of explosives to customers or to their regional supply magazines.

The preproposal draft provision that would have required the approval-holder to take "all actions required by MSHA" when a product fails to comply with the technical requirements during an MSHA audit, has been deleted from the proposal. When deficiencies are found during MSHA audits of approved products, MSHA will continue to require that the manufacturer take necessary actions to address the problem. These actions could include, but are not limited to, the approval-holder recalling the lot or batch of explosives or sheathed explosive units involved, issuing user notices, or revocation of the approval by MSHA. (See discussion on revocation procedures below.) MSHA believes that this authority is an integral part of the approval process.

#### Section 15.11 Revocation.

This proposal is derived from existing § 15.16 and public comments from MSHA's proceedings on 30 CFR Part 7. The proposal has been modified to state that revocation could be based on either failure of the product to comply with technical requirements upon which the approval was based, or evidence that the product presents a hazard when used in a mine.

The preproposal draft provision, which specified that failure to comply with the accepted quality control plan or inspection and testing instructions would be a basis for the revocation of an approval, has been deleted in the proposal. As discussed earlier under the proposal, the quality control plan and inspection and testing instructions would not be required to be approved or accepted by MSHA.

Several commenters recommended that revocation procedures require MSHA to fully describe the "cause" of a revocation action and include an appeal process to provide the approval-holder with an opportunity to challenge the basis for such action. MSHA has long recognized that the approvals it issues are "licenses" as that term is defined in section 551 of the Administrative Procedure Act (APA). As such, pursuant to section 558(c) of the APA, the licensee or approval-holder must be accorded certain protections prior to revocation of an approval. These include being provided (1) a written notice of the intent to revoke with an explanation of the specific reasons for the proposed revocation, (2) an opportunity to demonstrate or achieve compliance with the technical requirements for approval, and (3) an opportunity for a hearing upon request. Therefore, consistent with the APA and current Agency policy, these protections have been incorporated into the proposal and appear in subparagraphs (b) and (c) of proposed § 15.11 on revocation.

Also in accord with the APA is subparagraph (d) of proposed § 15.11. This provision permits the Agency to suspend an approval without *prior* notification if a product poses an imminent hazard to the safety or health of miners. It is based on language in section 558(c) of the APA which provides an exception to prior notification, "... in cases ... in which public health, interest, or safety requires otherwise." In imminent hazard situations the Agency would still provide the approval-holder with APA type protections. However, due to the potentially critical nature of the situation, the approval may be suspended to ensure the safety and health of any affected miners.

#### Section 15.20 Technical requirements.

This proposal is derived from existing §§ 15.10, 15.11, 15.12 and 15.21, except for paragraphs (g)(1), (g)(2), and (h), which are new. The proposal sets forth the technical requirements for approved explosives.

Paragraph (a) would require the chemical composition of the explosive,

as determined by MSHA analysis, to conform to the composition furnished by the applicant. If in conformance, the applicant's composition description would be incorporated into the approval and would be the standard to determine compliance with the approval during MSHA audits.

Paragraph (b) would require the explosive to detonate completely in the rate-of-detonation test. This test is intended to determine whether the explosive has a tendency to misfire or partially detonate. The test is conducted on an unconfined 50-inch column of 1 1/4 inch diameter cartridges and on the same quantity of the smallest diameter cartridge less than 1 1/4 inch submitted by the applicant. This and other tests involving initiation would be conducted with a test detonator.

A commenter suggested that each explosive cartridge be required to detonate at the same rate in the rate-of-detonation test in order to avoid detonation rate variations in the same column of explosive cartridges. MSHA is not aware of any data or any information that indicates that such testing would produce meaningful information.

Paragraph (c) would require that the air-gap sensitivity of the explosive be at least 2 inches at the minimum firing temperature and at least 3 inches at a temperature between 68 and 86 °F. This proposed requirement would permit evaluation of whether the explosive will transmit detonation across a small air gap to another explosive cartridge in the column. The air-gap sensitivity is determined in the explosion-by-influence test using the 7-inch cartridge method. The 7-inch cartridge method is conducted with two 8-inch cartridges. One inch is cut off the end of each cartridge. The cartridges are placed in a paper tube, the cut ends facing each other, with the appropriate 2-inch or 3-inch air gap between them. Then, one cartridge is fired to test the effect of the detonation on the other. This test method represents a modification of the existing halved-cartridge method.

In response to comments, the proposal would recognize different sensitivities in the air-gap test at different temperatures. Under the proposal, an air-gap sensitivity of 2 inches would be required at the minimum firing temperature and 3 inches would be required at temperatures of 68 to 86 °F. This is consistent with existing §§ 15.12 and 15.21, which require an air-gap sensitivity of 3 inches in the initial approval test, but allows an air-gap sensitivity of 2 inches for field samples of approved explosives.

The minimum firing temperature at which the air-gap sensitivity would be conducted would be that proposed by the applicant or 41 °F, whichever is lower. Thus, under the proposal, explosives would be required to perform adequately at a temperature as low as 41 °F. If specified by the applicant, the explosives would be tested at a lower temperature. The lowest temperature at which the explosive passes the test would be specified in the approval.

Paragraph (d) specifies the performance that would be required for an explosive in gallery test 7. The proposed test demonstrates whether the explosive will ignite an explosive mixture of methane and air. Gallery test 7 is conducted by firing, one at a time from the borehole of a steel cannon, at least 20 explosive charges of varying weights. The explosives are primed with a test detonator and stemmed and tamped. This test is conducted in air containing 7.7 to 8.3 percent natural gas and at a temperature between 68 and 86 °F.

A commenter suggested that gallery test 7 and other gallery tests be performed on samples of explosives identical to those intended to be marketed for use in underground mines. MSHA agrees and has addressed this concern by specifying in the proposal that gallery test 7 be conducted on explosives that include wrappers and seals.

Paragraph (e) specifies the performance that would be required for an explosive in gallery test 8. The proposed test demonstrates whether the explosive will ignite an explosive mixture of methane and air in which bituminous coal dust has been predispersed. The proposed test is conducted by firing, one at a time from the borehole of a steel cannon, at least 10 unstemmed explosive charges of varying weights. The explosives are primed with a test detonator and tamped. This test is conducted in 640 cubic feet of air containing 3.8 to 4.2 percent natural gas, into which 8 pounds of bituminous coal dust has been predispersed. The air is at a temperature between 68 and 86 °F.

The proposed gallery test 8 would replace existing gallery test 4, which provides for coal dust to be placed on shelves in the gallery, rather than being predispersed. The new test conditions would facilitate improved quantitative comparisons of explosive incendiarity.

One commenter suggested that a test be established to evaluate the phenomenon of dynamic pressure desensitization or "channel effect" in a column of explosives. This effect, which

can contribute to misfires, may result from excessive space between the cartridge and the borehole walls, or from the close proximity of an adjacent borehole. Both could cause a pressure wave to inhibit the detonation of the explosive cartridges. At this stage in the rulemaking process, MSHA is not aware of any reliable test that could be used for determining the sensitivity of explosives to this occurrence.

Paragraph (f) would establish the requirements for the performance of an explosive in the pendulum-friction test. The test would demonstrate whether the explosive is unduly sensitive to impact and friction. The explosive is required to show "no perceptible reaction" under the conditions of the test. "No perceptible reaction", as used in the proposal, means the explosive does not burn, explode, or exhibit a local crackling. The test apparatus consists of an "A" frame, a weighted pendulum to which a steel or hard fiber-faced shoe is attached, and a steel anvil. The explosive sample is placed on the anvil and the pendulum is adjusted and released from a height of 59 inches.

Paragraph (g) prescribes the tests that would be conducted when a change is proposed to an approved explosive. A change involving cartridge diameter or length would require MSHA examination to determine what tests if any, would be required to evaluate the proposed change. A change to a cartridge diameter smaller than the smallest diameter cartridge covered by the approval would require that the rate-of-detonation and explosion-by-influence tests be conducted. This testing would enable MSHA to determine whether the approved explosive in the smaller diameter cartridges would continue to perform in accordance with the approval.

A commenter suggested that the requirement for the explosion-by-influence test be deleted because testing done for the original approval on 1 1/4 inch diameter cartridges is sufficient to ensure reliable detonation of approved explosives. In MSHA's experience, however, detonation is not always reliable with certain explosive formulations when used in small diameter cartridges.

Paragraph (h) would give MSHA the flexibility to approve an explosive that incorporates technology for which the tests or performance requirements of the proposal are not appropriate. An approval would be issued under this provision only if it is determined by testing and evaluation that the explosive performs as safely as an explosive that meets the requirements of the proposed

rule. MSHA would develop appropriate tests and performance requirements when the explosive is submitted for approval. Variations in the test and evaluation methods would continue to emphasize the critical aspects of approved explosives, including stable chemical formulation and protection against ignition of an explosive atmosphere. This clarifying revision reflects MSHA's primary concern with the safe performance of explosives in the mining environment, rather than their design.

In response to comments on the preproposal draft, the proposed rule deletes the reference to "new" technology. While the most likely application of the provision would be to explosives technology developed in the future, the provision is intended also to apply to existing technology not previously incorporated in approved explosives.

One commenter objected to inclusion of this provision in the proposed rule because approval of an explosive under tests and criteria not contained in the rule would be improper. The commenter indicated that all approval requirements should be promulgated through rulemaking. At this stage in the rulemaking process, MSHA believes that the flexibility provided by the proposal is needed so that MSHA's explosives approval program can best serve the needs of safety in a timely manner. MSHA foresees use of this provision only to accommodate innovation in the formulation of explosives. At the time MSHA issues an approval under this section, the Agency would make the criteria used to test and evaluate the product available to the mining community. The Agency specifically requests additional comment on the cost impact of these technical requirements for the production of approved explosives.

The existing requirement in § 15.12(f) that limits the volume of poisonous gases to 2.5 cubic feet per pound of explosive has not been retained in the proposal. MSHA believes the hazards associated with toxic gases are appropriately addressed in 30 CFR 75.301 and 75.302 which require that concentrations of noxious or poisonous gases not exceed the current threshold limit values (TLV) as specified by the American Conference of Governmental Industrial Hygienists. The Agency solicits information and data on potential benefits that may be obtained by retention of this provision.

#### Section 15.21 Tolerances for Ingredients

This proposal is derived from existing § 15.21 and prescribes the limits of variation from the composition set forth in the approval of an approved explosive.

In response to comments, the preproposal draft provisions which would have established a tolerance of  $\pm 0.5$  percent for aluminum and physical sensitizing agents is not included in the proposal. Commenters stated that the analytical methods used to determine the aluminum content in an explosive are subject to greater variations than  $\pm 0.5$  percent and that inherent variations in the manufacturing process make adherence to this tolerance unrealistic. Further, they stated that physical sensitizers may be in the form of density reducing agents which are not necessarily added during the manufacturing process as a certain percentage of the explosive formulation. MSHA recognizes that a tolerance of plus or minus  $\pm 0.5$  percent for these ingredients would permit only a small variation in the explosive formulation and may not be appropriate in all situations. Aluminum and physical sensitizers can affect the safe performance of an approved explosive, however, MSHA believes that a specific tolerance should be established for these ingredients. Under the proposal, however, the applicant would be allowed to establish a tolerance for these ingredients which would be based on applicant data or experience.

The proposal would retain the tolerances specified in the existing standards for carbonaceous materials, moisture, and other ingredients contained in the explosive formulation. Explosives manufactured within these tolerances have historically proven to be safe for use. To assure that these tolerances appropriately address various explosive formulations, however, MSHA specifically requests comment on whether they should be retained. The Agency also requests data and information pertaining to tolerances for aluminum and physical sensitizers.

#### Section 15.22 Tolerances for performance, wrapper and specific gravity

This proposal is derived from existing § 15.21 and prescribes the limits of variation for rate-of-detonation and specific gravity of the explosive for the weight of wrapper. Under the proposal, the explosive would be required to be manufactured in accordance with each specified tolerance.

#### Section 15.30 Technical requirements

This proposal is new and sets forth the technical requirements for approved sheathed explosive units.

Paragraph (a) specifies that the sheathed explosive unit could contain no more than 1½ pounds of approved explosive. This quantity of explosives is the maximum amount used in the prototype units designed and tested by the Bureau of Mines, which were found to be adequate for all situations where sheathed explosives are likely to be used. MSHA specifically solicits comment on whether this amount of explosives is appropriate under all circumstances.

Paragraph (b) would require that the chemical composition of the sheath, as determined by MSHA analysis, conforms to the composition furnished by the applicant. If in conformance, the applicant's composition description would be incorporated in the approval and would be the standard to determine compliance with the approval during MSHA audits.

Paragraph (c) sets forth proposed requirements for the detonator well for the sheathed explosive unit. The detonator well would allow the detonator to be securely inserted into the unit in order to provide for reliable detonation.

Paragraph (d) would specify performance requirements for the outer covering of the sheathed explosive unit to ensure that the unit is durable and appropriate for use in underground mines. Units would be subjected to a drop test to determine whether the contents are susceptible to shifting or damage under conditions comparable to those likely to be encountered in underground mines.

Paragraph (e) specifies the performance requirements for sheathed explosive units in gallery tests 9, 10, 11, and 12. The sheathed explosive units would be subjected to 10 trials of each gallery test and would be required to detonate completely without causing any ignition of methane or coal dust.

Gallery test 9 would be conducted with 3 sheathed explosive units placed 2 feet apart on a concrete slab in an explosive methane-air atmosphere. The test provides for evaluation under conditions simulating the blasting of fallen rock in an underground mine.

Gallery test 10 would be conducted with 3 sheathed explosive units in the same arrangement as in gallery test 9 in an explosive methane-air atmosphere in which bituminous coal dust has been predispersed.

Gallery test 11 would be conducted with 3 sheathed explosive units arranged in a triangular pattern in a simulated crevice formed by two concrete slabs. The test would be conducted in an explosive methane-air atmosphere under conditions simulating blasting of an overhanging roof slab.

Gallery test 12 would be conducted with 3 sheathed explosive units arranged in a triangular pattern in a corner formed by three steel plates. The test would be conducted in an explosive methane-air atmosphere under conditions simulating blasting along a rib where compression and reflection of the explosive shock wave are produced.

A commenter suggested that gallery tests 9, 11, and 12 also be conducted in an atmosphere containing predispersed bituminous coal dust. The commenter believes that because of the possibility of sheathed explosive units being used in inadequately rock-dusted areas, the likelihood of a dust ignition should be evaluated in approving the units. MSHA believes, however, that the methane-air and methane-coal dust-air atmosphere specified in the gallery tests are easier to ignite than coal dust alone and would provide a more stringent test of the units' incendivity than the tests proposed by the commenter.

Paragraph (f) would require that each of 10 sheathed explosive units detonate completely when fired at the minimum firing temperature established for the explosive used in the unit. The test evaluates the effect of temperature on the sensitivity of the explosive and the performance of the flame-inhibiting material in the unit.

Paragraph (g) would give MSHA the flexibility to approve a sheathed explosive unit that incorporates technology for which the tests or performance requirements of the proposal are not appropriate. An approval would be issued under this provision only if it is determined by testing and evaluation that the unit performs as safely as one that meets the requirements of the proposed rule. Under the proposal, MSHA would develop the appropriate tests and performance requirements when the sheathed explosive unit is submitted for approval. Variations in the test and evaluation methods would continue to emphasize the critical aspects of sheathed explosive units, including stable chemical formulation, durable construction, and protection against ignition of an explosive atmosphere. This clarifying revision reflects MSHA's primary concern with the safe performance of sheathed explosive units in the mining environment, rather than with their design.

In response to comments on the preproposal draft, the proposed rule deletes the reference to "new" technology. While the most likely application of the provision would be to explosives technology developed in the future, the provision is intended also to apply to existing technology not previously incorporated in approved sheathed explosive units.

One commenter objected to inclusion of this provision in the proposed rule because approval of a sheathed explosive unit under tests and criteria not contained in the rule would be improper. The commenter indicated that all approval requirements should be promulgated through rulemaking. At this stage in the rulemaking process, MSHA believes that the flexibility provided by the proposal is needed so that MSHA's explosives approval program can best serve the needs of safety in a timely manner. MSHA foresees use of this provision only to accommodate innovation in sheathed explosive units. The Agency specifically requests additional comment on this issue.

#### Section 15.31 Tolerances for Ingredients

This proposal is new and would prescribe the limits of variation from the composition of the sheath set forth in the approval of the sheathed explosive unit. Under the proposal, the tolerance for each ingredient in the sheath would be required to be within the tolerance specified in Table I. The tolerances specified in Table I are derived from the existing requirements for ingredients in explosives. MSHA believes that these tolerances are also appropriate for sheathed explosive units. MSHA solicits any information and data on this issue.

#### Section 15.32 Tolerances for weight of explosive, sheath, wrapper and specific gravity.

This proposal is new and would prescribe the limits of variation for certain characteristics of the sheathed explosive unit. Under the proposal, the sheathed explosive unit would be required to be manufactured in accordance with the specified tolerances.

#### Derivation Table

The following derivation table lists: (1) Each section number of the proposed rule; and (2) the number of the existing regulation from which the proposal is derived.

DERIVATION TABLE

New section	Old section
15.1	15.1
15.2	15.2
15.3	15.9
15.4	15.3 and 15.15
15.5	15.5 and 15.6
15.6	15.13
15.7(a)	15.14
15.7(b)	New
15.8	15.14
15.9	15.9 and 15.17
15.10	15.20
15.11	15.16
15.20(a)	15.11
15.20 (b), (c), (d), (e), (f), (g)(3)	15.10, 15.11, 15.12 and 15.21
15.20 (g)(1), (g)(2), (h)	New
15.21	15.21
15.22	15.21
15.30	New
15.31	New
15.32	New

#### Distribution Table

The following distribution table lists: (1) Each section number of the existing regulation; and (2) the section number of the proposed rule which contains provisions derived from the corresponding existing section.

DISTRIBUTION TABLE

Old section	New section
15.1	15.1
15.2	15.2
15.3	15.4
15.4	Part 5
15.5	15.5
15.6 (a), (b), (c), (d)	15.5
15.6(e)	Remove
15.7	Remove
15.8	Remove
15.9	15.3 and 15.9
15.10 (a)(1), (b)(1), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)	15.20
15.10 (a)(2), (b)(2)	Remove
15.11	15.20(a)
15.12 (a), (b), (c), (d), (e), (g), (h)	15.20
15.12(f)	Remove
15.13	15.6
15.14 (a), (b), (c)	15.8
15.14(d)	Remove
15.14(e)	15.7(a)
15.15	15.4
15.16	15.11
15.17	15.9
15.18	Remove
15.19 (a), (b), (c)	Part 75
15.19 (d), (e)	Remove
15.20	15.10
15.21 (a)(1), (a)(3), (a)(4), (a)(5), (a)(6), (b)(5)	15.20
15.21 (a)(2), (b)(4)	Remove
15.21 (b)(1), (b)(2)	15.21
15.21 (b)(3), (b)(6), (b)(7)	15.22
15.22	Remove
15.23	Remove
15.24	Remove
The Federal Mine Safety Code (as incorporated by § 15.19 (e)).	Part 75

#### III. Drafting Information

The persons principally responsible for preparing this proposed rule are: Harry C. Verakis, Technical Support, MSHA; Earnest C. Teaster, Jr. and Helen B. Caraway, Office of Standards,

Regulations, and Variances, MSHA; and David M. Melnick, Office of the Solicitor, Department of Labor.

#### IV. Executive Order 12291 and Regulatory Flexibility Act

In accordance with Executive Order 12291, an initial regulatory flexibility analysis has been developed by the Agency for the purpose of comparing the potential cost associated with the proposed rule with the cost of existing requirements for approval of explosives for underground coal mines. In this analysis, summarized below, MSHA has determined that the proposed rule would not result in major cost increases nor have an effect of \$100,000,000 or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, wherever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulatory proposals. This proposed rule would introduce alternative compliance methods to the existing regulations. In addition, the proposals would clarify compliance responsibilities and adopt performance-oriented rules when possible.

There are only six explosive manufacturers in the United States who produce approved explosives. Five employ over 100 people. Of these five, one is a multinational corporation. MSHA has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities. The Agency, therefore, certifies that this action will not impact significantly on small business entities. However, as stated earlier, the Agency has prepared an initial regulatory flexibility analysis and estimates that the cost for industry compliance with existing requirements is \$62,980 compared to \$87,621 for Subpart A (General Provisions) of the proposal.

Costs for Subparts B and C have not been definitively quantified. The Agency solicits specific comment on any aspect of the regulatory flexibility analysis which is available on request.

#### V. Paperwork Reduction Act

Six manufacturers of MSHA-approved explosives produce about 100 different approved explosives. These manufacturers submit about 25 applications for some type of explosives approval per year. Approximately 12 approvals are issued each year and about 13 applications are denied approval. MSHA estimates that

applications for approval require an average of five hours labor to prepare. The burden per application remains essentially the same under the proposal as under the existing requirement. MSHA estimates that the total annual recordkeeping burden under the proposal may increase slightly, primarily due to the introduction of sheathed explosive units.

Paperwork requirements for Part 15 are approved under OMB control number 1219-0066 which covers all of MSHA's equipment testing requirements in 30 CFR Parts 11 through 36. Part 15, which relates to explosives approval, currently specifies that the applicant submit a statement in duplicate explaining the nature and composition of the explosive. The proposed rule streamlines the process by specifically stating the information required for approval and describes how extensions of approval may be obtained.

The proposal would retain the existing requirement that the wrapper of each cartridge and each case of explosives bear a label indicating that the explosive is approved by MSHA. The proposal would extend these requirements to also apply to sheathed explosive units. In addition, the proposal would require that the detonator well on each explosive unit be marked.

MSHA believes that manufacturers would label explosive cartridges and cases with the brand or trade name and they would also label sheathed explosive units and detonator wells. MSHA, therefore, has associated no cost with these requirements.

The paperwork requirement contained in the proposed standard has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96-511). Comments on the proposed paperwork provisions should be sent directly to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) Room 3208, 726 Jackson Place, NW., Washington, DC 20746, Attention: Desk Officer for MSHA.

#### List of Subjects in 30 CFR Part 15

Administrative practice and procedure, Explosives, Mine safety and health, Underground mining.

Dated: November 6, 1986.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

Accordingly, it is proposed to amend Chapter I of Title 30, Code of Federal Regulation by revising Part 15 to read as follows:

## PART 15—REQUIREMENTS FOR APPROVAL OF EXPLOSIVES AND SHEATHED EXPLOSIVE UNITS

### Subpart A—General Provisions

- Sec.
- 15.1 Purpose and effective dates.
  - 15.2 Definitions.
  - 15.3 Observers at tests and evaluations.
  - 15.4 Application procedures and requirements.
  - 15.5 Test samples.
  - 15.6 Issuance of approval.
  - 15.7 Quality assurance.
  - 15.8 Approval marking.
  - 15.9 Disclosure of information.
  - 15.10 Post-approval product audit.
  - 15.11 Revocation.

### Subpart B—Explosives

- 15.20 Technical requirements.
- 15.21 Tolerances for ingredients.
- 15.22 Tolerances for performance, wrapper, and specific gravity.

### Subpart C—Sheathed Explosive Units

- 15.30 Technical requirements.
- 15.31 Tolerances for ingredients.
- 15.32 Tolerances for weight of explosive, sheath, wrapper, and specific gravity.

Authority: 30 U.S.C. 957.

### Subpart A—General Provisions

#### § 15.1 Purpose and effective dates.

This part sets forth the requirements for approval of explosives and sheathed explosive units to be used in underground coal mines and certain underground metal and nonmetal gassy mines. Subpart B is effective beginning [insert date 1 year from publication of final rule] and Subparts A and C are effective beginning [insert date 30 days after the publication date of the final rule].

#### § 15.2 Definitions.

The following definitions apply in this part:

*Applicant.* An individual or organization that manufactures or controls the production of an explosive or a sheathed explosive unit and who applies to MSHA for approval of that explosive or sheathed explosive unit.

*Approval.* A document issued by MSHA which states that an explosive or sheathed explosive unit meets the requirements of this part and which authorizes the use of an approval marking identifying the explosive or sheathed explosive unit as approved.

*Explosive.* A substance, compound, or mixture, the primary purpose of which is to function by explosion.

*Extension of Approval.* A document issued by MSHA which states that the change to a product previously approved by MSHA under this part meets the requirements of this part and

which authorizes the continued use of the approval marking after the appropriate extension number has been added.

*Post-approval product audit.*

Examination, testing, or both by MSHA of approved products selected by MSHA to determine whether those products meet the requirements of the approval.

*Sheath.* A chemical compound or mixture incorporated as a separate layer over an explosive in a sheathed explosive unit and which is intended to form a flame inhibiting cloud on detonation of the explosive.

*Sheathed explosive unit.* A device consisting of an approved explosive covered by a sheath of flame inhibiting material encased in a sealed covering.

*Test detonator.* A detonator that is commercially available for use in underground coal mines.

**§ 15.3 Observers at tests and evaluations.**

Only personnel of MSHA and the Bureau of Mines, U.S. Department of the Interior, representatives of the applicant, and other such persons as agreed upon by MSHA and the applicant shall be present during tests and evaluations conducted under this part.

**§ 15.4 Application procedures and requirements.**

(a) *Application.* Request for an approval or an extension of approval shall be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, P.O. Box 251, Industrial Park Road, Triadelphia, West Virginia 26059.

(b) *Fees.* Fees calculated in accordance with Part 5 of this chapter shall be submitted in accordance with § 5.20.

(c) *Original approval for explosives.* Each application for approval of an explosive shall include—

(1) A technical description of the explosive, including the chemical composition of the explosive with tolerances for each ingredient;

(2) The brand or trade name under which the applicant will market the explosive;

(3) The lengths and diameters of explosive cartridges for which approval is requested;

(4) The proposed minimum firing temperature of the explosive; and

(5) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(d) *Original approval for sheathed explosive units.* Each application for

approval of a sheathed explosive unit shall include—

(1) A technical description of the sheathed explosive unit which includes the chemical composition of the sheath, with tolerances for each ingredient, and the types of material used for the outer covering;

(2) The minimum thickness, weight, and specific gravity of the sheath and outer covering;

(3) The brand or trade name, weight, specific gravity, and minimum firing temperature of the explosive approved to be used in the units;

(4) The ratio of the weight of the sheath to the weight of the explosive; and

(5) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(e) *Subsequent approval of a similar explosive or sheathed explosive unit.* Each application for approval of an explosive or sheathed explosive unit similar to one for which the applicant already holds an approval shall include—

(1) The approval number of the product which most closely resembles the new one;

(2) The information specified in paragraphs (b) and (c) of this section for an original approval, except that any document which is the same as the one listed by MSHA in the prior approval need not be submitted but shall be noted in the application; and

(3) An explanation of all changes from the existing approval.

(f) *Extension of an approval.* (1) Any change in an approved explosive or sheathed explosive unit from the specification on file at MSHA shall be submitted for approval prior to implementing the change.

(2) Each application for an extension of approval shall include—

(i) The MSHA-assigned approval number for the explosive or sheathed explosive unit for which the extension is sought;

(ii) A description of the proposed change to the approved explosive or sheathed explosive unit; and

(iii) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(3) MSHA will determine what tests, additional information, samples, or material, if any, are required to evaluate the proposed change.

(4) When a change involves the chemical composition of an approved explosive or sheathed explosive unit which affects the firing characteristics, MSHA may require the explosives or

sheathed explosive units to be distinguished from those associated with the former composition.

**§ 15.5 Test samples.**

(a) *Submission of test samples.* (1) The applicant shall not submit explosives or sheathed explosive units to be tested until requested to do so by MSHA.

(2) The applicant shall submit 150 pounds of 1¼ inch diameter cartridges.

(3) If approval is requested for cartridges in diameters less than 1¼ inches, the applicant shall submit an additional 50 cartridges of each smaller diameter.

(4) If approval is requested for cartridges in diameters larger than 1¼ inches, the applicant shall submit an additional 10 cartridges of each larger diameter.

(5) If approval is requested for cartridges in more than one length, the applicant shall submit an additional 10 cartridges for each additional length and diameter combination.

(6) Each applicant seeking approval of sheathed explosive units shall submit 140 units.

(b) *Storage.* Explosives and sheathed explosive units will be stored in a magazine for at least 30 days before gallery tests are conducted. This storage period would determine how explosives would react when exposed to conditions similar to those in the mining environment.

(c) *Condition and composition.* (1) Explosives and sheathed explosive units will not be tested that—

(i) Contain chlorites, chlorates, or substances that will react over an extended time and cause degradation of the explosive or sheathed explosive unit;

(ii) Are chemically unstable;

(iii) Show leakage; or

(iv) Use aluminum clips to seal the cartridge.

(2) Explosives without aluminum and which contain more than 5 percent water shall not contain more than 5 percent perchlorate.

(i) Explosives that contain less than 5 percent water shall not contain any perchlorate.

(ii) Explosives containing aluminum shall not contain any perchlorate.

**§ 15.6 Issuance of approval.**

(a) After completing the evaluation and testing provided for by this part, MSHA will issue an approval or a notice that approval is denied.

(b) An applicant shall not advertise or otherwise represent an explosive or

sheathed explosive unit as approved until MSHA has issued an approval.

#### § 15.7 Quality assurance.

(a) Applicants granted an approval or an extension of approval under this part shall manufacture the explosive or sheathed explosive unit as approved.

(b) Applicants shall report to the MSHA Approval and Certification Center, Office of Quality Assurance, any knowledge of explosives or sheathed explosive units that have been distributed that do not meet the specifications of the approval.

#### § 15.8 Approval marking.

(a) An approved explosive or sheathed explosive unit shall be marketed only under the brand or trade name specified in the approval.

(b) The wrapper of each cartridge and each case of approved explosives shall be legibly labeled as follows:

"[insert brand or trade name], MSHA approved Explosive".

(c) The outer covering of each sheathed explosive unit and each case of approved sheathed explosive units shall be legibly labeled as follows:

"[insert brand or trade name], MSHA approved Sheathed Explosive Unit".

#### § 15.9 Disclosure of information.

(a) All information concerning product specifications and performance submitted to MSHA by the applicant shall be considered proprietary information.

(b) MSHA will notify the applicant of requests for disclosure of the information concerning their product and shall give the applicant an opportunity to provide MSHA with a statement of its position prior to any disclosure.

#### § 15.10 Post-approval product audit.

(a) Approved explosives or sheathed explosive units shall be subject to periodic audits by MSHA for the purpose of determining conformity with the technical requirements upon which the approval was based. Any approved explosive or sheathed explosive unit which is to be audited shall be selected by MSHA and be representative of those distributed for use in mines. The approval-holder may obtain any final evaluation report resulting from such audits.

(b) No more than once a year except for cause, the approval holder, at MSHA's request, shall make one case of explosives or 25 sheathed explosive units available at no cost to MSHA for an audit which would be held at a mutually agreeable site and time. The

approval-holder may observe any audit-related tests conducted during this audit.

(c) An approved product shall be subject to audit for cause at any time the agency believes that it is not in compliance with the technical requirements upon which the approval was based.

#### § 15.11 Revocation.

(a) MSHA may revoke for cause an approval issued under this part if the product—

(1) Fails to meet the applicable technical requirements; or  
(2) Creates a hazard when used in a mine.

(b) Prior to revoking an approval, the approval-holder shall be informed in writing of MSHA's intention to revoke. The notice shall—

(1) Explain the specific reasons for the proposed revocation; and  
(2) Provide the approval-holder an opportunity to demonstrate or achieve compliance with the product approval requirements.

(c) Upon request, the approval-holder shall be afforded an opportunity for a hearing.

(d) If a product poses an imminent hazard to the safety or health of miners, the approval may be immediately suspended without a written notice of the agency's intention to revoke. The suspension may continue until the revocation proceedings are completed.

### Subpart B—Explosives

#### § 15.20 Technical requirements.

(a) *Chemical composition.* The chemical composition of the explosive shall be within the tolerances furnished by the applicant.

(b) *Rate-of-detonation test.* The explosive shall propagate completely in the rate-of-detonation test. The test is conducted with a test detonator on—

(1) A 50-inch column of 1¼ inch diameter cartridges; and  
(2) A 50-inch column of the smallest diameter cartridges less than 1¼ inches submitted for testing.

(c) *Air-gap sensitivity.* The air-gap sensitivity of the explosive shall be at least 2 inches at the minimum firing temperature and 3 inches at a temperature between 68 and 86 °F, and the explosive shall propagate completely.

(1) Air-gap sensitivity of the explosive is determined in the explosion-by-influence test using the 7-inch cartridge method. The air-gap sensitivity is determined for 1¼ inch diameter cartridges and each cartridge diameter smaller than 1¼ inches. Explosives are initiated with a test detonator.

(2) The test is conducted at a temperature between 68 and 86 °F and at the minimum firing temperature proposed by the applicant, or 41 °F, whichever is lower. The test temperature at which the explosive propagates completely will be specified in the approval as the minimum firing temperature at which the explosive is approved for use.

(d) *Gallery test 7.* The explosive shall yield in gallery test 7 a value of at least 450 grams for the lower 95 percent confidence limit ( $L_{95}$ ) on the weight for 50 percent probability of ignition ( $W_{50}$ ) and shall propagate completely. The  $L_{95}$  and  $W_{50}$  values for the explosive are determined by using the Bruceton up-and-down method. A minimum of 20 trials are made with explosive charges of varying weights, including wrapper and seals. Each charge is primed with a test detonator, then tamped and stemmed with one pound of dry-milled fireclay into the borehole of a steel cannon. The cannon is fired into air containing 7.7 to 8.3 percent of natural gas. The air temperature is between 68 and 86 °F.

(e) *Gallery test 8.* The explosive shall yield in gallery test 8 a value of at least 350 grams for the weight for 50 percent probability of ignition ( $W_{CDG}$ ) and shall propagate completely. The ( $W_{CDG}$ ) value for the explosive is determined using the Bruceton up-and-down method. A minimum of 10 tests are made with explosive charges of varying weights, including wrapper and seals. Each charge is primed with a test detonator, then tamped into the borehole of a steel cannon. The cannon is fired into a mixture of 8 pounds of bituminous coal dust predispersed into 640 cubic feet of air containing 3.8 to 4.2 percent of natural gas. The air temperature is between 68 and 86 °F.

(f) *Pendulum-friction test.* The explosive shall show no perceptible reaction in the pendulum-friction test with the hard fiber-faced shoe. Ten trials of the test are conducted by releasing the steel shoe from a height of 59 inches. If there is evidence of sensitivity, the test is repeated with the hard fiber-faced shoe.

(g) *Cartridge diameter and length changes.* (1) For proposed changes to an approved explosive involving only cartridge diameter or length, MSHA will determine what tests, if any, will be required.

(2) When a proposed change to an approved explosive involves a smaller diameter than that specified in the approval, the rate-of-detonation and air-gap sensitivity tests will be conducted.

(3) No test will be conducted on cartridges with diameters the same as or smaller than those that previously failed to detonate in the rate-of-detonation test.

(h) *Modification of requirements.* MSHA may approve an explosive that incorporates technology for which the requirements of this part are not applicable, if the Agency determines by testing and evaluation that the explosive performs as safely as those which meet the requirements of this part.

#### § 15.21 Tolerances for ingredients.

Tolerances for each ingredient in an explosive, which are expressed as a percentage of the total explosive, shall not exceed the following:

(a) Aluminum and physical sensitizers—The tolerances established by the applicant;

(b) Carbonaceous materials— $\pm 3$  percent; and

(c) Moisture and other ingredients—The tolerances specified in Table I.

TABLE I.—TOLERANCES FOR MOISTURE AND OTHER INGREDIENTS

Quantity of ingredient (as percent of total explosive or sheath)	Tolerance percent( $\pm$ )
0 to 5.0	1.2
5.1 to 10.0	1.5
10.1 to 20.0	1.7
20.1 to 30.0	2.0
30.1 to 40.0	2.3
40.1 to 50.0	2.5
50.1 to 55.0	2.8
55.1 to 100.0	3.0

#### § 15.22 Tolerances for performance, wrapper, and specific gravity.

(a) The rate of detonation of the explosive shall be within  $\pm 15$  percent of that specified in the approval.

(b) The weight of wrapper per 100 grams of explosive shall be within  $\pm 2$  grams of that specified in the approval.

(c) The apparent specific gravity of the explosive shall be within  $\pm 7.5$  percent of that specified in the approval.

#### Subpart C—Sheathed Explosive Units

##### § 15.30 Technical requirements.

(a) *Quantity of explosive.* The sheathed explosive unit shall contain not more than  $1\frac{1}{2}$  pounds of an approved explosive.

(b) *Chemical composition.* The chemical composition of the sheath shall be within the tolerances furnished by the applicant.

(c) *Detonator well.* The sheathed explosive unit shall have a detonator well that—

(1) Is protected by a sealed covering;

(2) Permits an instantaneous detonator to be inserted in the unit with the explosive portion of the detonator completely imbedded in the explosive;

(3) Is provided with a means of securing the detonator in the well; and

(4) Is clearly marked.

(d) *Drop test.* The outer covering of the sheathed explosive unit shall not tear or rupture and the internal components shall not shift position or be damaged in the drop test.

(1) The drop test is conducted on at least 10 sheathed explosive units. Each unit is dropped on its top, bottom, and edge from a height of 6 feet onto a concrete surface. The drop test is performed with the unit at the minimum firing temperature established for the explosive used in the unit.

(2) At least four units which have been drop-tested will be cut open and examined.

(3) At least six units which have been drop-tested will be subjected to gallery test 9 and 10 as provided in paragraphs (e)(1) and (e)(2) of this section.

(e) *Gallery tests.* No sheathed explosive unit shall cause an ignition in gallery tests 9, 10, 11, or 12. Ten trials in each gallery test shall be conducted and each sheathed explosive unit shall propagate completely in all tests.

(1) Gallery test 9 is conducted in each trial with three sheathed explosive units placed in a row 2 feet apart. One of the trials is conducted with sheathed explosive units which have been subjected to the drop test as provided in paragraph (d)(3) of this section. The units are placed on a concrete slab, primed with test detonators and fired in air containing 7.7 to 8.3 percent natural gas or 8.7 to 9.3 percent methane. The air temperature is between 41 and 86 °F.

(2) Gallery test 10 is conducted in each trial with three sheathed explosive units placed in a row 2 feet apart. One of the trials is conducted with sheathed explosive units which have been subjected to the drop test as provided in paragraph (d)(3) of this section. The units are placed on a concrete slab, primed with test detonators and fired in air containing 3.8 to 4.2 percent natural gas, or 4.3 to 4.7 percent methane, mixed with 0.2 ounces per cubic foot of predispersed bituminous coal dust. The air temperature is between 41 and 86 °F.

(3) Gallery test 11 is conducted in each trial with three sheathed explosive units arranged in a triangular pattern with the units in contact with each other. The units are placed in a simulated crevice formed between two

square concrete slabs, each measuring 24 inches on a side and 2 inches in thickness. The crevice is formed by placing one slab on top of the other and raising the edge of the upper slab at least 4 inches. The sheathed explosive units are primed with test detonators and fired in air containing 7.7 to 8.3 percent natural gas or 8.7 to 9.3 percent methane. The air temperature is between 41 and 86 °F.

(4) Gallery test 12 is conducted in each trial with three sheathed explosive units arranged in a triangular pattern with the units in contact with each other. The units are placed in a corner formed by three square steel plates, each measuring 24 inches on a side and one inch in thickness. The sheathed explosive units are primed with test detonators and fired in air containing 7.7 to 8.3 percent natural gas or 8.7 to 9.3 percent methane. The air temperature is between 41 and 86 °F.

(f) *Detonation test.* Each of 10 sheathed explosive units shall propagate completely when fired at the minimum firing temperature for the explosive. The units are initiated with test detonators.

(g) *Modification of requirements.* MSHA may approve a sheathed explosive unit that incorporates technology for which the requirements of this part are not applicable, if the Agency determines by testing and evaluation that the sheathed explosive unit performs as safely as those which meet the requirements of this part.

#### § 15.31 Tolerances for ingredients.

Tolerances established by the applicant for each ingredient in the sheath shall not exceed the tolerances specified by Table I of § 15.21 of this part.

#### § 15.32 Tolerances for weight of explosive, sheath, wrapper, and specific gravity.

(a) The weights of the explosive, the sheath, and the outer covering shall be within  $\pm 7.5$  percent of that specified in the approval.

(b) The ratio of the weight of the sheath to that of the explosive shall be within  $\pm 7.5$  percent of that specified in the approval.

(c) The specific gravity of the explosive and sheath shall be within  $\pm 7.5$  percent of that specified in the approval.

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# Department of Energy Federal Register

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Wednesday  
November 12, 1986

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## Part III

# Department of Energy

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Office of Fossil Energy

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Clean Coal Technology Program  
Announcement; Notice

## DEPARTMENT OF ENERGY

## Office of Fossil Energy

Clean Coal Technology Program  
Announcement

## Introduction

The United States Department of Energy (DOE), Office of Fossil Energy (FE), is issuing this Announcement pursuant to Pub. L. No. 99-500, the Department of the Interior and Related Agencies Appropriations Act, 1987, which requires that DOE solicit brief Statements of Interest in, and Informational Proposals for, projects employing emerging clean coal technologies that are capable of retrofitting, repowering, or modernizing existing facilities. The Act further provides that projects submitted in response to this Program Announcement must meet the cost-sharing criteria provided for the Clean Coal Technology Program in Pub. L. No. 99-190. DOE expects to analyze the information submitted and to prepare two reports to Congress. The first report is due by March 6, 1987, and will consist of a summary of the responses received based on the completed forms provided in this Announcement. The second report, which will be transmitted to the Congress within 120 days from the deadline for responses to this Announcement, will contain the analyses and assessments described in the "Objective" section of this Announcement.

It should be emphasized that DOE has no monies to fund any of the projects that may be proposed, does not anticipate funding any proposals pursuant to this Announcement, and cannot reimburse submitters for any expenses they may incur in responding to this Announcement. This solicitation is being conducted, as required by law, so that Congress may have additional information with which to consider the need for further funding in support of a second competitive clean coal technology solicitation.

This Announcement is open to emerging clean coal technologies for all market applications, including electric utility, industrial, commercial, transportation, and residential markets. Examples of eligible technologies include, but are not limited to, the following generic emission reduction technologies and processes or combinations that include one or more of these technologies or processes:

1. Coal cleaning,
2. Dry sorbent injection,
3. (a) Partial stack gas scrubbing, or  
(b) Advanced scrubbing techniques,

4. Nitrogen oxides controls, and
5. Repowering of existing equipment.

For purposes of this Announcement, while a proposed demonstration may be at a greenfield site or an existing facility, in all instances the technology to be demonstrated must be capable of retrofitting, repowering, or modernizing existing facilities. Retrofitting, repowering, or modernizing includes modifications to an existing power producing or consuming unit (e.g., industrial processes) to enable it to use, or continue to use, coal or a coal-based fuel to accomplish some stated purpose (e.g., convert from oil or gas to coal, reduce emissions, extend life, or increase capacity). For projects involving a retrofit to a coal-based fuel, the project may include modifications to the power-producing unit as well as the facility to produce the fuel. Proposals and Statements of Interest are not limited to those connected with electric power generating technologies.

Note, however, that this Announcement is not open to emerging clean coal technology projects that duplicate either current or previous demonstrations, or the nine projects selected for award of cooperative agreements pursuant to the February 17, 1986, Program Opportunity Notice (PON) for Clean Coal Technology Demonstration Projects (DE-PS01-86FE60966) (see Section entitled "Previous Respondents").

## Previous Respondents

Prospective submitters are advised that previous respondents to either the November 1984 "Program Announcement for Information Regarding Emerging Clean Coal Technologies," also known as the "Section 321" announcement, or the aforementioned February 17, 1986, PON, are welcome to submit a Statement of Interest or Informational Proposal in response to this Announcement. Respondents may propose projects previously submitted or similar projects, if such projects otherwise satisfy the requirements set forth in this Announcement including, but not limited to, the proscription against duplication of current or previous demonstration projects. It is important to note that submittals provided in response to either of the earlier announcements will not be evaluated or considered in any way with regard to this Announcement, unless they are resubmitted under this solicitation. Prospective submitters are advised, therefore, that they must submit a new Statement of Interest or Informational Proposal if they wish to offer clean coal

technologies for consideration in the context of the present Announcement.

## Objective

The objective of this Announcement is to request Statements of Interest in, and Informational Proposals for, projects employing emerging clean coal technologies that are capable of retrofitting, repowering, or modernizing existing facilities. These submittals are being requested for the sole purpose of allowing the Department of Energy to prepare and submit to Congress two reports, as follows:

1. A summary report on the number, nature, and contents of the responses received, based on the Public Abstract and Project Summary forms described in the "Special Instructions" portion of this Announcement. This first report will be submitted to the Congress no later than March 6, 1987.

2. A second report, which will be submitted to the Congress no later than 120 days after the deadline date for receipt of submittals in response to this Announcement, that:

- Analyzes the information contained in such Statements of Interest and Informational Proposals, and
- Assesses the potential usefulness and commercial viability of each emerging clean coal technology for which a Statement of Interest or Informational Proposal has been received.

## Statements of Interest and Informational Proposals

Statements of Interest and Informational Proposals submitted in response to this Announcement shall propose a project employing at least one emerging clean coal technology that is capable of retrofitting, repowering, or modernizing existing facilities and that meets the cost-sharing criteria described in the section of this Announcement entitled, "Government Financial Participation." As previously noted, no monies currently are available to fund proposals for projects submitted in response to this Announcement. Statements of Interest and Informational Proposals shall be brief, shall not exceed a total of ten (10) 8½" x 11" pages, and should, if known, include descriptions of the:

- (1) Specific technology, including (a) the application(s) proposed for both the demonstration project and the commercialized technology, (b) whether best suited for retrofit, for repowering, or for modernization of existing facilities, and (c) how it differs from other known demonstrations that may be similar;

- (2) Site, if known,

- (3) Type(s) of coal to be used, including typical sulfur content, both for the

demonstration project and as envisioned for the commercialized technology:

- (4) Project size, e.g., generating capacity, coal consumption rate, etc.;
- (5) Total estimated project cost and the cost-share that would be offered;
- (6) Environmental performance of the technology(s) with respect to estimated wastes and releases of emissions and effluents for both the demonstration project and the commercialized version. Information should be included with respect to air emissions as follows:

- Emissions reduction measured as a percentage of sulfur dioxides and oxides of nitrogen removed;
- Cost of achieving these emission reductions expressed in dollars per ton;
- Applicability to existing sources utilizing high sulfur coal; and
- Market potential for retrofit application.

(7) Economic and technical performance of the technology in comparison with competing technologies.

Respondents are advised that DOE is not requesting extensive data on technical performance, project design, partnership arrangements, project economics, or environmental impacts as part of any proposed submission under this Announcement.

### Special Instructions

Statements of Interest and Informational Proposals shall be prepared to comply with the special instructions provided below, and shall be structured in the following order:

- (1) Statement/Proposal Cover Sheet (Appendix A; see Special Instruction No. 1, below).
- (2) Public Abstract (Appendix B; see Special Instruction No. 2, below).
- (3) Project Summary (Appendix C; see Special Instruction No. 3, below), and
- (4) Statement of Interest/Informational Proposal Narrative Text.

#### 1. Statement/Proposal Cover Sheet

Appendix A of this Announcement provides a form that shall be used for the preparation of the cover sheet of the Statement of Interest or Informational Proposal. Submitters are required to complete the form in accordance with the instructions that follow, and then to photocopy that form for use as Page 1 of each copy of the submittal. Instructions for the form are provided below:

- (1) Copy number. Each submittal shall be provided in one (1) original and six (6) copies. In this space, indicate the copy number of the particular volume, using number 1 for the original and numbers 2 through 7 for the six copies.
- (2) Technology. Identify the emerging clean coal technology(s) employed in your project.
- (3) Title. Provide the full title of the Statement of Interest or Informational Proposal. The title should reflect the substance of the project.

(4) Submitter Name(s). Identify the name(s) of the submitting entity or entities, listing the primary party first.

(5) (6) (7) (8) Full Mailing Address. Provide for the primary party, i.e., for the entity that DOE should contact, if necessary.

(9) Project Location(s). If known, identify the geographic location(s) of the proposed project(s) to the extent possible.

(10) Primary Contact. Enter the name of the person that DOE should contact, if the need arises.

(11) Phone Number(s). For the primary contact, area code first.

(12) Proprietary Information Instructions. Self-explanatory.

#### 2. Public Abstract

Submitters shall provide a Public Abstract for their submittal that provides an overview of the proposed project. Appendix B of this Announcement provides a form that shall be used for the preparation and submittal of the Public Abstract. One continuation sheet may be used if necessary, for a total length not to exceed two pages. The Public Abstract should describe the proposed project, the specific emerging clean coal technology proposed, the ability of the technology to be used for retrofitting, repowering, or modernizing existing facilities, the objective, methodology, sponsoring organization(s), time frame (project duration), total estimated project cost, and the cost-sharing that would be offered. Submitters are advised that this Public Abstract will be released to the public by DOE. Therefore, it shall not contain any proprietary data or confidential business information.

Submitters should include photocopies of the Public Abstract in each of the seven copies of their proposal or statement of interest.

Nothing should appear on the reverse side of any of the copies of the Public Abstract.

#### 3. Project Summary

Submitters also shall complete and include in their proposals and statements of interest the Project Summary form provided as Appendix C of this Announcement. As for Appendices A and B, photocopies of Appendix C should be included in each of the seven submittal copies. Please note that it is to the benefit of all those concerned to provide as specific information as possible. Detailed instructions for Appendix C follow:

- (1) Technology. Same as for the submittal cover sheet, Entry 2.
- (2) Project Title. Same as for the submittal cover sheet, Entry 3.
- (3) Submitter Name(s). Same as for the submittal cover sheet, Entry 4.

(4) Primary Submitter's Address. Same as for the submittal cover sheet, Entries 5, 6, 7, and 8.

(5) (6) Primary Contact and Telephone Number. Same as for the submittal cover sheet, Entries 10 and 11.

And, if known, please provide the following information:

(7) Project Location(s). Same as for the submittal cover sheet, Entry 9.

(8) County(ies). Corresponds to above Item 7.

(9) Application(s): Refers to the submitter's proposed emerging clean coal technology, e.g., retrofit to coal-fired industrial boiler, repowering of large electric utility generating unit, modernizing of coal-fired electric generating unit, etc.

(10) Types of Coal to be Used by the Proposed Demonstration Project and typical sulfur content, e.g., Pennsylvania bituminous (3%), Texas lignite (1%), etc.

(11) Coal Source(s). Refers to above Item 10; mine(s) and seam(s), if known.

(12) Coal Use Rate or Other Measure of Proposed Project Size, e.g., 10 tons of coal throughput/hour, 650 MWe power plant retrofit, etc.

(13) Environmental Performance Aspects. Summary of the portion of the submittal that addresses the environmental performance of the technology with respect to emissions.

(14) Proposed Project Duration by Phase, in months.

(15) Proposed Project Total Duration. Sum of the durations of the phases in above Item 14.

(16) Estimated Total Cost of the Project (Submitter and Government).

(17) Submitter's Estimated Cost-Share. State as a percentage of the total given for above Item 16.

(18) Estimated Project Costs by Phase. Self-explanatory, but must agree with above Items 16 and 17.

#### Number of Copies Required

Each submittal should consist of seven (7) copies, one original and six (6) photocopies. The original copy of the Informational Proposal or Statement of Interest shall contain all documents that bear original signatures.

Cover Sheets, Public Abstracts, and Project Summaries should each be on separate sheets of paper that contain no writing or information of any kind on the reverse sides. In each instance, for all three items, no other information shall appear with or be added to that required in Appendices A, B, and C.

#### Government Financial Participation

Funds are not available for the support of, or to reimburse submitters for the cost of preparing, Informational Proposals and Statements of Interest received in response to this Announcement. The Department does not intend to enter into contracts or financial assistance awards with respondents to this Announcement, and

reiterates that the Statements of Interest and Informational Proposals received will be used solely for the purpose of analyzing and reporting to Congress. The need for further demonstrations will be considered by Congress after evaluating the information received under this solicitation.

Pub. L. No. 99-500 provides that projects submitted in response to this Announcement nevertheless must be able to satisfy the cost-sharing criteria that were established in Pub. L. No. 99-190. The pertinent portions of Pub. L. No. 99-190 are provided below for the convenience of prospective submitters:

Pub. L. No. 99-190 provided, in pertinent part, that:

... the Secretary [of Energy] shall not finance more than 50 per centum of the total costs of a project as estimated by the Secretary as of the date of award of financial assistance: Provided further, That cost-sharing by project sponsors is required in each of the design, construction, and operating phases proposed to be included in a project: Provided further, That financial assistance for costs in excess of those estimated as of the date of award of original financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and only up to 25 per centum of the original financial assistance: Provided further, That revenues or royalties from prospective operation of projects beyond the time considered in the award of financial assistance, or proceeds from prospective sale of the assets of the project, or revenues or royalties from replication of technology in future projects or plants are not cost-sharing for the purposes of this appropriation: Provided further, That other appropriated Federal funds are not cost-sharing for the purposes of this appropriation: Provided further, That existing facilities, equipment, and supplies, or previously expended

research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expensed in normal business practice.

#### *Proprietary Information*

Submitters should, to the extent possible, avoid including proprietary and confidential business information in their Statements of Interest and Informational Proposals. However, information provided by a submitter and identified as trade secret or confidential business information will be treated in confidence, to the extent permitted by law, provided that this information is clearly marked by the submitter with the term, "Confidential Proprietary Information," and provided that appropriate page numbers are inserted into the legend that is set forth below which must be placed on the submission cover sheet.

#### *Notice Re Restriction on Disclosure and Use of Data*

This submission includes data that constitute trade secrets or confidential business information and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to analyze information contained in this submission, except to the extent permitted or required by law. This restriction does not limit the Government's right to use information contained in these data if it is obtained from another source without restriction. The data that are subject to this restriction are contained in sheets \_\_\_\_\_ (insert page numbers or other identification of sheets).

Each sheet of data the submitter wishes to restrict must be marked with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the cover sheet of this submission.

#### *Submission Preparation Costs*

The Department is not able to reimburse submitters for any costs associated with the preparation of Statements of Interest or Informational Proposals.

**DATE:** The deadline for receipt of submittals at the addresses identified below is 3:30 p.m., e.s.t., on the 60th (sixtieth) day after the date of publication of this Program Announcement in the Federal Register. In the event that the 60th day coincides with a Saturday, Sunday, or Federal holiday, the deadline date shall be the first business day that follows thereafter.

**ADDRESSES:** Mailed submittals should be addressed to: Director, Office of Coal Combustion Systems, Fossil Energy, FE-23, GTN, U.S. Department of Energy, Washington, DC 20545.

Hand-delivered submittals should be brought Monday through Friday, except on Federal holidays, between the hours of 8:30 a.m. to 3:30 p.m., to: North Lobby, U.S. Department of Energy, Maryland Route 118, Germantown, Maryland, ATTN: Fossil Energy, FE-23.

**FOR FURTHER INFORMATION CONTACT:** Dr. Howard Feibus, Director, Office of Coal Combustion Systems, Fossil Energy, FE-23, GTN, U.S. Department of Energy, Washington, DC 20545, (301) 353-4348.

Issued in Washington, DC, November 5, 1986.

J. Allen Wampler,  
Assistant Secretary, Fossil Energy.

BILLING CODE 6450-01-M

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Appendix A

U.S. DEPARTMENT OF ENERGY

DOE USE ONLY

PROGRAM ANNOUNCEMENT  
for

--

Information Regarding Emerging Clean Coal Technologies  
Capable of Retrofitting, Repowering, or  
Modernizing Existing Facilities

STATEMENT/PROPOSAL COVER SHEET

(1) Copy No. \_\_\_\_\_

(2) Technology: \_\_\_\_\_

(3) Title: \_\_\_\_\_

\_\_\_\_\_

(4) Submitter Name(s): \_\_\_\_\_

(5) Mailing Address: \_\_\_\_\_

(6) City: \_\_\_\_\_ (7) State: \_\_\_\_\_ (8) Zip: \_\_\_\_\_

(9) Project Location(s): \_\_\_\_\_

(10) Primary Contact: \_\_\_\_\_

(11) Phone Number(s): \_\_\_\_\_

(12) Does this submittal contain proprietary or business-confidential information? Circle YES or NO

If your answer is YES, insert the "Notice re Restriction on Disclosure and Use of Data" (provided in the Program Announcement) in the space below:

NOTICE RE RESTRICTION ON DISCLOSURE AND USE OF DATA



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Appendix C

## U.S. DEPARTMENT OF ENERGY

## PROGRAM ANNOUNCEMENT

for

Information Regarding Emerging Clean Coal Technologies  
Capable of Retrofitting, Repowering, or  
Modernizing Existing Facilities

PROJECT SUMMARY
-----------------

- (1) Technology: \_\_\_\_\_  
\_\_\_\_\_
- (2) Project Title: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (3) Submitter Name(s): \_\_\_\_\_  
\_\_\_\_\_
- (4) Primary Submitter's Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (5) Primary Contact: \_\_\_\_\_
- (6) Telephone Number: \_\_\_\_\_
- (7) Project Location(s): \_\_\_\_\_  
\_\_\_\_\_
- (8) County(ies): \_\_\_\_\_
- (9) Application(s): \_\_\_\_\_  
\_\_\_\_\_
- (10) Types of Coal to be Used: \_\_\_\_\_  
\_\_\_\_\_
- (11) Coal Source(s): \_\_\_\_\_  
\_\_\_\_\_

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Appendix C

## PROJECT SUMMARY CONTINUED

(12) Coal Use Rate/Project Size: \_\_\_\_\_

(13) Environmental Performance Aspects: \_\_\_\_\_

(14) Proposed Project Duration, for Phase 1, Design and

Permitting \_\_\_\_\_ (months).

Phase 2, Construction and Startup ("Shakedown"): \_\_\_\_\_

Phase 3, Operation, Data Collection, Reporting, and

Disposition \_\_\_\_\_ (months).

(15) Proposed Project Total Duration: \_\_\_\_\_ (months).

(16) Estimated Project Total Cost: \$ \_\_\_\_\_

(17) Submitter's Estimated Cost-Share: \_\_\_\_\_ %

(18) Estimated Project Costs by Phase:

	<u>Cost (\$)</u>	<u>Submitter's Share (%)</u>	<u>Government Share (%)</u>
--	------------------	----------------------------------	---------------------------------

Phase 1, Design  
and Permitting:Phase 2, Construc-  
tion and Startup:Phase 3, Operation,  
Data Collection,  
Reporting, and  
Disposition:

TOTAL:

[FR Doc. 86-25480 Filed 11-10-86; 8:45 am]

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Vol. 51, No. 218

Wednesday, November 12, 1986

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### H.J. Res. 738/Pub. L. 99-591

Making continuing appropriations for the fiscal year 1987, and for other purposes. (Oct. 30, 1986; 389 pages) Price: \$11.00 (Note: See also Pub. L. 99-500)

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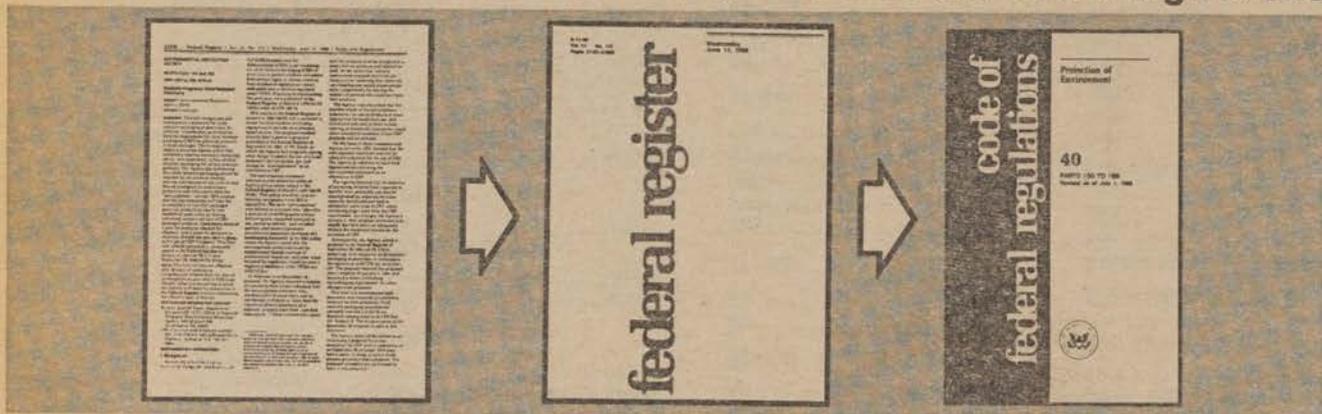
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