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# Federal Register

Friday
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**CORRECTIONS**

Beginning with the **Federal Register** of Wednesday, November 19, 1986, editorial corrections of previously published documents and Code of Federal Regulations volumes appear in a separate section called "Corrections." The Corrections section follows the Sunshine Act Meetings section.

These corrections in the past have appeared in the Rules and Regulations, Proposed Rules, or Notices section of the issue depending on the classification of the document corrected. They are now appearing in a separate section because of new production procedures.

Agency-prepared corrections are issued as signed documents and will continue to appear in the appropriate section elsewhere in the issue.

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# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 907

**[Navel Orange Reg. 635]**

### Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 635 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period November 21 through 27, 1986. Such action is needed to balance the supply of fresh navel oranges with the demand for such period, due to the marketing situation confronting the orange industry.

**DATE:** Regulation 635 (§ 907.935) is effective for the period November 21 through 27, 1986.

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

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

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

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

This rule is issued under Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1986–1987 adopted by the Navel Orange Administrative Committee. The committee met publicly on November 18, 1986, at Lindsay, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 7 to 4, a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports that demand has declined.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. To effectuate the declared purposes of the act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

### List of Subjects in 7 CFR Part 907

Agricultural Marketing Service, Marketing agreements and orders, California, Arizona, Oranges (navel).

1. The authority citation for 7 CFR Part 907 continues to read:

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

2. Section 907.935 Navel Orange Regulation 635 is hereby added to read:

**§ 907.935 Navel Orange Regulation 635.**

The quantities of navel oranges grown in California and Arizona which may be handled during the period November 21 through November 27, 1986, are established as follows:

(a) District 1: 854,066 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: Unlimited cartons;
(d) District 4: Unlimited cartons.

Dated: November 19, 1986.

**Thomas R. Clark,**

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

[FR Doc. 86–26454 Filed 11–20–86; 8:45 am]
BILLING CODE 3410–02–M

### 7 CFR Part 910

**[Lemon Reg. 536]**

### Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 536 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 230,000 cartons during the period November 23 through November 29, 1986. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 536 (§ 910.836) is effective for the period November 23 through November 29, 1986.

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

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

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

The purpose of the RFA is to fit regulatory actions to the scale of

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

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

This regulation is consistent with the marketing policy for 1986–1987. The committee met publicly on November 18, 1986, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a vote of 11 to 0, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that demand is very light for larger sizes of lemons. However, demand is expected to remain steady during the Thanksgiving holiday period.

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

**List of Subjects in 7 CFR Part 910**

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

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

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

2. Section 910.836 is added to read as follows:

**§ 910.836 Lemon Regulation 536.**

The quantity of lemons grown in California and Arizona which may be handled during the period November 23 through November 29, 1986, is established at 230,000 cartons.

Dated: November 19, 1986.

**Thomas R. Clark,**

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

[FR Doc. 86–26453 Filed 11–20–86; 8:45 am]

BILLING CODE 3410–02–M

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Part 100

### Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule designates Mariposa, Arizona as a class "A" port of entry and thereby properly identifies the facility as a port of entry designated for entry of all aliens. A full range of immigration services is available at Mariposa and the port is regularly staffed by inspectors of the United States Immigration Service.

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

**FOR FURTHER INFORMATION CONTACT:** Loretta J. Shogren, Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633–3048.

For specific information: Kathryn E. Sheehan, Immigration Inspector, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633–2725.

**SUPPLEMENTARY INFORMATION:** Under the present Service organization, Nogales, Arizona is one port of entry, encompassing Mariposa, Arizona. The Mariposa port, located five miles west of Nogales, has been operational since October 18, 1982. It is open daily for fourteen hours, and via two vehicle and one pedestrian lane, over 1.5 million entries are processed each year with traffic crossing expected to increase as nearby population centers continue to grow. The creation of two separate ports of entry would facilitate budget and resource allocations, staffing, and administrative functions.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this final rule will not have a significant economic impact on a substantial number of small entities. This order is not a rule within the definition of section 1(a) of E.O. 12291 as it relates solely to agency management.

**List of Subjects in 8 CFR Part 100**

Administrative practice and procedure, Organization and functions (government agencies).

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

## PART 100—STATEMENT OF ORGANIZATION

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

Authority: Sec. 103 of the Immigration and Nationality Act; 8 U.S.C. 1103.

2. In § 100.4(c)(2), the introductory text and District No. 18 are revised as follows:

**§ 100.4 Field service.**

* * * * *

(c) * * *

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted. The ports are listed according to location by districts and are designated either Class A, B, or C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid alien registration receipt cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in Part 212 of this chapter. Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term

is defined in section 101(a)(10) of the Act with respect to vessels.

* * * * *

District No. 18—Phoenix, Ariz.

*Class A*

*Douglas, Ariz.
*Lukeville, Ariz.
*Mariposa, Ariz.
*Naco, Ariz.
*Nogales, Ariz.
*Sasabe, Ariz.
*San Luis, Ariz.

* * * * *

Dated: November 4, 1986.

**Richard E. Norton,**

*Associate Commissioner, Examinations, Immigration and Naturalization Service.*

[FR Doc. 86-26240 Filed 11-20-86; 8:45 am]

BILLING CODE 4410-10-M

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 9 CFR Part 77

**[Docket No. 86-109]**

### Tuberculosis in Cattle; State Designations

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This document amends the regulations governing the interstate movement of cattle because of tuberculosis by raising the designation of Illinois from a modified accredited area to an accredited-free State. It has been determined that Illinois meets the criteria for designation as an accredited-free State.

The regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from either accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers prefer to buy cattle from accredited-free States.

**DATES:** Interim rule effective November 21, 1986. We will consider your comments if we receive them on or before January 20, 1987.

**ADDRESSES:** Send written comments to Steven R. Poore, Acting Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 86-109. Written comments may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ralph L. Hosker, Domestic Programs Support Staff, VS, APHIS, USDA, Room 815, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8438.

**SUPPLEMENTARY INFORMATION:**

#### Background

The "Tuberculosis in Cattle" regulations (contained in 9 CFR Part 77 and referred to below as the regulations) regulate the interstate movement of cattle because of tuberculosis. The requirements of the regulations concerning the interstate movement of cattle not known to be affected with or exposed to tuberculosis are based on whether the cattle are moved from jurisdictions designated as accredited-free States, modified accredited areas, or nonmodified accredited areas. The criteria for determining the status of States (the term State is defined to mean any State, territory, the District of Columbia, or Puerto Rico) or portions of States are contained in a document captioned "Uniform Methods and Rules—Bovine Tuberculosis Eradication," which has been made part of the regulations by incorporation by reference. Generally the status of States or portions of States is determined based on the rate of tuberculosis infection present and the effectiveness of a tuberculosis control and eradication program.

Sections 77.7 and 77.8 of the regulations provide the following with respect to the interstate movement of cattle not known to be affected with or exposed to tuberculosis:

*Section 77.7 Movement from accredited-free States and modified accredited areas.*

Cattle not known to be affected with or exposed to tuberculosis, originating in an accredited-free State or a modified accredited area, may be moved interstate without restriction.

*Section 77.8 Movement from nonmodified accredited areas.*

Cattle not known to be affected with or exposed to tuberculosis, originating in a nonmodified accredited area, shall only be moved interstate if:

(a) Such cattle are accompanied by a certificate stating that such cattle have been classified negative to an official tuberculin test, which was conducted within 30 days prior to the date of movement. All cattle not individually identified by a registration name and number shall be individually identified by a Veterinary Services approved metal eartag or tattoo; or

(b) Such cattle are from an accredited herd and they are accompanied by a certificate showing the cattle to be from such a herd; or

(c) Such cattle are moved interstate directly to slaughter to an establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

Prior to the effective date of this document, Illinois, among other States, was designated under § 77.5 of the regulations as modified accredited area. The Deputy Administrator has determined that Illinois meets the criteria for designation as an accredited-free State. Therefore, this document amends the regulations by adding Illinois to the list of accredited-free States in § 77.4.

As noted above, the regulations do not impose restrictions on the interstate movement of cattle not known to be affected with or exposed to tuberculosis from accredited-free States or modified accredited areas. However, the designation for any given jurisdiction can affect the marketability of cattle from that jurisdiction, since some prospective cattle buyers often prefer to buy cattle from accredited-free States.

#### Executive Order 12291 and Regulatory Flexibility Act

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

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

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the status of the State of Illinois will not cause a significant effect on marketing patterns

and will not have a significant economic impact on those persons affected by this document.

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

**Executive Order 12372**

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

**Emergency Action**

Dr. John K. Atwell, Deputy Administrator of the Animal and Plant Health Inspection Service for Veterinary Services, has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comment. It is necessary to change the regulations immediately so that they accurately reflect the current tuberculosis status of Illinois and thereby provide prospective cattle buyers with accurate and up-to-date information which may affect the marketability of cattle.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest, and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document. A document discussing comments received and any amendments required will be published in the **Federal Register.**

**List of Subjects in 9 CFR Part 77**

Animal diseases, Cattle, Transportation, Tuberculosis.

## PART 77—TUBERCULOSIS IN CATTLE

Accordingly, 9 CFR Part 77 is amended as follows:

1. The authority citation for Part 77 continues to read as set forth below:

**Authority:** 21 U.S.C. 111, 114, 114a, 115–117, 120, 121, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 77.4, paragraph (b) is revised to read as follows:

**§ 77.4 Accredited-free States.**

* * * * *

(b) The following States are hereby designated accredited-free States: Alaska, Arizona, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Wisconsin, Wyoming, and the Virgin Islands of the United States.

Done in Washington, DC, this 18th day of November, 1986.

**B.G. Johnson,**

*Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.*

[FR Doc. 86-26311 Filed 11-20-86; 8:45 am]

BILLING CODE 3410-34-M

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## Packers and Stockyards Administration

## 9 CFR Part 202

## Rules of Practice Governing Proceedings Under the Packers and Stockyards Act; Rules Applicable to Reparation Proceedings

**AGENCY:** Packers and Stockyards Administration, U.S.D.A.

**ACTION:** Final rule

**SUMMARY:** Amends § 201.111 of the existing "Rules of Practice Governing Proceedings Under the Packers and Stockyards Act—Reparation Proceedings". This amendment limits the right to oral hearing to cases involving ten thousand dollars ($10,000) or more in alleged damages. In cases involving less than that amount, an oral hearing may be held at the discretion of the presiding officer.

**EFFECTIVE DATE:** December 22, 1986. Reparation proceedings pending on such date in which oral hearings have not been scheduled shall be handled pursuant to the rules as amended herein. Other such proceedings shall be handled pursuant to the rules as previously in effect.

**FOR FURTHER INFORMATION CONTACT:** Harold W. Davis, Director, Livestock Marketing Division, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6951.

**SUPPLEMENTARY INFORMATION:** Section 309 of the Packers and Stockyards Act, 1921, as amended, provides, among other things, for reparation cases, private actions for damages for certain violations, in which the Secretary adjudicates claims for monetary damages. The Department's decision in any such cases is subject to judicial review, that is, it can be contested further in court by any party.

An analysis was made of reparation cases handled by the Department since January 1980. The amounts involved ranged from $250.00 to over $500,000.00. Forty-four percent (44%) involved less than $10,000. Many of these cost more to litigate than the amount involved. The cost, to all parties, including the Agency, of an oral hearing is estimated to generally range from $5,000 to $10,000. Providing discretionary authority to grant oral hearings in cases involving less than $10,000 will significantly decrease the cost of such proceedings to the Department and also to the private parties in the cases.

Justice will continue to be served in cases where less than $10,000 is involved. Such cases will be handled by written hearings, which are already authorized in the current rules.

Public participation in this amendment is not believed to be necessary because the amendment is expected to have little, if any, impact other than to provide the same action more efficiently.

Notice of proposed rulemaking is not required by law for this amendment on the basis that it constitutes "rules of agency * * * procedure, or practice" under 5 U.S.C. 553(b)(A).

The amendment is not within the Department's criteria for designating rules as "significant," published at 43 FR 21986 *et seq.* in compliance with Executive Order 12044 on "Improving Government Regulations."

About proceedings pending on the effective date of this amendment, we believe the fact that any such proceeding is handled pursuant to the rules as amended will not affect its outcome.

**Executive Order**

Regulatory impact analysis is not required for this amendment because it has been determined not to be a "major" rule as defined by section 1(B) of E.O. 12291. It will not have an annual effect on the economy of $100 million or more, will not result in major increases in costs or prices for consumers, individual industries, Government agencies, or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign based enterprises in domestic or export markets.

**Regulatory Flexibility Act**

This amendment has been determined not to have a significant economic impact on a substantial number of small entities.

**Paperwork Reduction Act of 1980 (44 U.S.C. 250)**

No information collection requirements are affected by this amendment.

**List of Subjects in 9 CFR Part 202**

Administrative practice and procedure, Reparation proceedings.

Done at Washington, DC, this 18th day of November, 1986.

**B.H. (Bill) Jones,**

*Administrator, Packers and Stockyards Administration.*

**PART 202—[AMENDED]**

Accordingly, Title 9 CFR Part 202 is amended as set forth below:

1. The authority citation for Part 202 continues to read as follows:

Authority: Sec. 407, 42 Stat. 169, as amended, 72 Stat. 1750, 77 Stat. 79, and 90 Stat. 1252–3 (7 U.S.C. 228); 7 CFR 2.17, 2.56.

2. Section 202.111 is revised to read as follows:

**§ 202.111 Rule 11: Hearing, oral or written.**

(a) *When held.* A hearing, oral or written, shall be held unless: (1) Each respondent admits or is deemed to admit sufficient allegations of the complaint to support the full amount claimed by the complainant as reparation; (2) each respondent admits liability to the complainant in the full amount claimed by the complainant as reparation; (3) before a hearing has been completed the parties agree in writing that the proceeding may be decided on the basis of the record as it stands at the time such agreement is filed; or (4) before a hearing has been completed the parties settle their dispute or the complainant withdraws the complaint.

(b) *Whether oral or written.* The hearing provided for in paragraph (a) of this section shall be oral if: (1) $10,000 or more is in controversy and any respondent files a written request for an oral hearing with such respondent's answer; or (2) $10,000 or more is in controversy and any complainant files a written request for an oral hearing on or before the 10th day after service on such complainant of notice that no respondent has filed a timely request for an oral hearing; or (3) less than $10,000 is in controversy and the presiding officer determines, upon written request by any party thereto, that an oral hearing is necessary to establish the facts and circumstances giving rise to the controversy. The hearing shall be written if not oral.

(c) *Withdrawal of request.* If $10,000 or more is in controversy and a party has timely filed a request for oral hearing, such party may withdraw such request at any time prior to completion of an oral hearing. If such a withdrawal leaves no pending request for oral hearing in the proceeding, and if the presiding officer has not decided that the hearing should be oral, each other party shall be served with notice of this and shall be given 10 days to request an oral hearing. If any party files a request for oral hearing in such time, the hearing shall be oral in accordance with paragraph (b) of this section.

(d) *Presiding Officer's recommendation.* The presiding officer may recommend voluntary withdrawal of a request for oral hearing, timely filed. Declining to make such withdrawal shall not affect the rights or interests of any party.

(e) *Representation.* Any party may appear in an oral hearing, or file evidence in a written hearing, in person or by counsel or other representative. For unethical or contumacious conduct in or in connection with a proceeding, the presiding officer may preclude a person from further acting as attorney or representative for any party to the proceeding; any such order of the presiding officer shall be served on the parties; an appeal to the Judicial Officer may be taken from any such order immediately.

[FR Doc. 86–26254 Filed 11–20–86; 8:45 am]
BILLING CODE 3410–02–M

## NATIONAL CREDIT UNION ADMINISTRATION

**12 CFR Ch. VII**

**Joint Policy Statement on Basic Financial Services; Interpretive Ruling and Policy Statement Number 86–2**

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Interpretive Ruling and Policy Statement Number 86–2.

**SUMMARY:** The NCUA Board has adopted as its statement of general policy for federally insured credit unions the Federal Financial Institutions Examination Council (FFIEC) policy entitled "Joint Policy Statement on Basic Financial Services."

**EFFECTIVE DATE:** November 4, 1986.

**ADDRESS:** National Credit Union Administration Board, 1776 G Street, NW., Washington, DC 20456.

**FOR FURTHER INFORMATION CONTACT:** Nicholas Veghts, Office of Examination and Insurance, at the above address, or telephone: (202) 357–1065.

**SUPPLEMENTARY INFORMATION:** At their October 2, 1986, meeting, the FFIEC approved a recommendation to the five regulatory financial agencies to adopt the Joint Policy Statement on Basic Financial Services. This Statement encourages efforts of trade associations and individual depository institutions toward the offering of basic financial services that would be accessible to low and moderate-income customers. It does not identify any particular accounts or services that institutions should offer. Instead, it identifies in broad terms the basic concepts that should be considered:

- A safe place to keep money
- A way to get cash; and
- A way to make third-party payments.

The Statement also states that any programs offered should be consistent with safe and sound business practices.

Dated this 4th day of November 1986.

By the National Credit Union Administration Board.

**Rosemary Brady,**

*Secretary of the Board.*

**Interpretive Ruling and Policy Statement Number 86–2; Joint Policy Statement on Basic Financial Services**

NCUA wishes to encourage such efforts by trade associations and individual credit unions that promote the offering of basic financial services, consistent with safe and sound business practices. While the specific types of services will, of course, vary because of differences in local needs and in the characteristics of individual credit unions, we encourage efforts to meet certain minimum needs of all consumers, in particular:

- The need for a safe and accessible place to keep money;
- The need for a way to obtain cash (including, for example, the cashing of government checks);
- The need for a way to make third party payments.

We believe that industry trade associations have a key role to play in this effort, and are in a position to encourage a constructive response without the rigidities of legislation or regulation. We realize that some associations have such programs already underway.

These programs could usefully:

1. Encourage members to offer and appropriately publicize low-cost basic

financial services such as those listed above.

2. Survey the current availability of such services among member credit unions.

3. Make available to members not providing such services material reflecting the successful experiences of other organizations.

[FR Doc. 86-26253 Filed 11-20-86; 8:45 am]
BILLING CODE 7535-01-M

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 620 and 621

### Disclosure to Shareholders; Accounting and Reporting Requirements

**AGENCY:** Farm Credit Administration.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration Board (FCA Board) adopted final amendments to existing regulations Part 620—Disclosure to Shareholders, and Part 621—Accounting and Reporting Requirements. The amendments to Part 620 delete certain disclosure requirements; limit specified disclosures to particular relevant situations; and make various related and technical changes. The amendments to Part 621 correct certain accounting provisions that may result in the misclassification of some loans in the financial statements of Farm Credit System (System) institutions.

**EFFECTIVE DATE:** These regulations shall become effective November 21, 1986; however, an officer or director who resigns from office before July 1, 1987, and does not stand for reelection in 1987 shall not be required to make disclosures otherwise required under § 620.3(j)(3) of the regulations.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Norton, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020.

**SUPPLEMENTARY INFORMATION:**

#### Part 620—Discussion

On March 13, 1985, the Farm Credit Administration (FCA) adopted final regulations requiring the preparation and distribution of financial and operating reports to shareholders. See 51 FR 8644 (March 13, 1986). The final regulations established standards for the form, content, and distribution of annual reports by System banks and associations to shareholders. These regulations were further supplemented to require quarterly financial reporting as well. See 51 FR 21336 (June 12, 1986). Prior to the adoption of these regulations, no uniform standards existed and there was considerable variation in the reports of System institutions. The FCA regulations are modeled after regulations of Federal bank regulatory agencies and the Securities and Exchange Commission (SEC) applicable to banks and bank holding companies that are public companies under the Securities Exchange Act of 1934 (1934 Act), but are tailored to take into account structural and operational differences between System institutions and other federally chartered financial institutions and the value of disclosure to the participation of shareholders in their cooperative lending institutions.

Since the regulations were adopted, the FCA received a number of comments related to paragraph (j)(3) of § 620.3 regarding disclosures of indebtedness to the institution by senior officers and directors, their immediate families, and affiliated organizations.

This paragraph of the regulation requires that the reporting institution state in its annual report to shareholders, if true, that there have been loans outstanding during the last fiscal year to date to senior officers and directors that were made in the ordinary course of business on the same terms available to other persons for comparable transactions and that do not involve more than a normal risk of collectibility. Disclosure of loans to senior officers and directors, and their immediate families, and affiliated organizations need be made only if the loans do not meet these criteria. If a loan to any of the specified persons meets any of the disclosure criteria under the regulation, the person's name and the particulars of the loan as specified in the regulation must be described.

The comments received fall primarily into several categories. Some of the commentators objected to any disclosures of loans to officers, directors, their immediate families, and affiliates to shareholders, believing such disclosure constitutes an invasion of their privacy. Some of these commentators appear to believe that disclosure is routinely required even if the loans are performing loans, made in the ordinary course of business and on the same terms available to other borrowers. The majority of the other commentators do not object to some disclosure of senior officers' and directors' loans, but disagree with requiring the disclosure of loans made to immediate family members and affiliated organizations that meet the disclosure criteria. These commentators believe that such disclosure constitutes an inappropriate invasion of privacy of persons who have nothing to do with management of the institution; interferes with the control of immediate family members and affiliated organizations over disclosures of their private business affairs; is inconsistent with the alleged understanding by such persons at the time the loans were executed that the loan terms would be kept confidential; and will result in a flood of litigation. A number of commentators recommended that if a disclosure of loans to family members is to be made, disclosure only be required where a business relationship between such family members exists.

Another category of commentators suggested that no disclosures of the type described be required with respect to an officer or director who resigns or otherwise leaves office during the fiscal year or declines to stand for reelection. These commentators believe no useful purpose is served in requiring such disclosure if the persons involved have no further connection with the management or board of the institution.

Many of the comment letters reflect a lack of familiarity with the disclosure requirements for public companies, asserting incorrectly that FCA regulations are more extensive than those of other Federal regulators of publicly held financial institutions. While there are minor differences between the regulators, the basic regulatory framework and disclosure format is substantially similar to that of the other Federal regulators.

While the FCA has not taken a position on whether the voting stock of System institutions constitutes a security under the 1934 Act, the FCA's regulation is premised upon the belief that the System as an interdependent unit, whose stock is widely held and whose debt securities are widely distributed to and traded by the public, should be subject to disclosure requirements similar to those required of other public companies. The stock of System institutions does represent an economic interest in, and obligation to the respective institutions which carries attendant risks. In addition, such disclosure is needed to provide shareholders with sufficient information to hold directors and officers accountable for the performance of their fiduciary duties, to alert them to conflicts of interests or potential conflicts of interest, and to act as a prophylactic to keep such conflicts from arising. Further, the Board believes that since stockholders of System institutions

are also borrowers from those institutions, FCA disclosure requirements can be viewed as protecting borrowers rights to full information concerning the operations of the institutions and the relationship and dealing of director and officers, and their associates, to the institution.

The FCA Board considered and rejected assertions that the requirements of the regulation amount to an interference with, or an invasion of personal rights of privacy. The System is part of the larger financial community and, as such, must be prepared to operate by standards similar to those that apply to other financial institutions such as bank holding companies, commercial banks, savings and loan associations, savings banks, and finance companies whose equities and debt obligations are widely held by the public. For years, the officers and directors of those other publicly owned institutions have been subject to the same type of disclosure required under the subject regulations. The public policy decision was made long ago that one who chooses to serve as an officer or director of a public financial institution must accept the fact that his or her direct and indirect interests in or relationships with the institution should be subject of disclosure to persons to whom a fiduciary duty is owed. It should be noted that in spite of these and other factors, public financial institutions have not been unable to attract qualified persons to serve as officers and directors, and there is no reason to believe that the System will not be able to continue to do so once those participating in its management and boards adjust to comparable regulation.

The FCA Board also considered the purposes and value of the regulation in the context of the agency's changed regulatory approach which is designed to reflect the mandate of the Farm Credit Amendments Act of 1985 that the agency operate as an arm's-length regulator. The FCA believes that approaches such as disclosure to shareholders can provide an appropriate market-type substitute for more direct FCA regulation in some areas.

Some commentators noted the existence of State privacy laws which they allege may be violated by the disclosure regulations. The FCA Board notes that such State laws do not in any way interfere with the application of the disclosure regulations of any of the various Federal financial regulators. Where a Federal agency lawfully adopts such regulations, State laws on the subject are preempted to the extent they interfere with the application of the regulations. The fact that this issue has long ago been resolved is evidenced by the historic compliance with similar Federal disclosure regulations by banks, thrift institutions, and public companies located in the States where the concerned communicators reside.

The FCA Board has determined that, notwithstanding the soundness of the basis for and approach of the regulations some changes can be made in the regulations, to respond to the concerns of the commentators without compromising the effectiveness of the regulation.

First, since the purpose of the disclosure is to provide sufficient information to shareholders to evaluate the performance of directors and senior officers of their fiduciary duties, the FCA Board has determined that it is not necessary to name a family member whose loan is required to be disclosed. Rather, it is sufficient to disclose: (1) The name of the officer or director involved; (2) the fact that a loan has been made by the institution to a member of his or her immediate family or affiliated organization that meets the disclosure criteria; and (3) the information about the loan specified in the regulation. The FCA Board has further determined that in order to accomplish the purposes of the regulation, the definition of immediate family should include, consistent with the practice of the other Federal financial institution regulators, spouse, mothers- and fathers-in-law, brothers- and sisters-in-law, and sons- and daughters-in-law. This change would further protect the privacy of immediate family members by expanding the class of persons to whom the disclosure could be attributable, thereby making the individual less likely to be identifiable.

In addition, the FCA Board has determined that certain of the specific disclosures required are relevant only in certain situations. For example, the interest rate and repayment terms are pertinent only if the loan was made on preferential terms. The amount past due and the reason the loan involves more than a normal risk of collectibility is pertinent only if the loan is disclosed because it involves more than a normal risk of collectibility.

Accordingly, the FCA Board amends 12 CFR 620.3(j)(3) so that where the regulation requires disclosure of loans made by the institution to a family member or affiliated organization of an officer or director, the name of the family member or organization need not be stated. Instead, the revised regulation requires only the disclosure of (1) the name of the senior officer or director, (2) the fact that the loan to an immediate family member meets one of the regulatory criteria for disclosure, and (3) the specific information concerning the loan required by the regulation. Similarly, the FCA Board amends § 620.3(j)(2)—Transactions other than loans, to delete the requirement to disclose the name of the immediate family member or an affiliated organization. In addition, the FCA Board amends § 620.3(j)(3)(i) to clarify that the provision applies to members of the immediate family and affiliated organizations of senior officers and directors.

Section 620.3(j)(3) is further amended to require that the loan interest rate and repayment terms be disclosed only if the loan is made on preferential terms, and to require that the amount past due and the reason the loan involved more than a normal risk of collectibility be disclosed only if the loan involves more than a normal risk of collectibility. It should be noted that this aspect of the modified disclosure applies also to loans of a senior officer or director which are required to be disclosed.

Finally, the FCA Board amends in 12 CFR 620.1(c) the definition of immediate family to include spouse, parents, children, siblings, mothers- and fathers-in-law, brothers- and sisters-in-law, and sons- and daughters-in-law.

With respect to the commentators' suggestion that the disclosure provisions should not apply to senior officers or directors who resign or otherwise leave office during the fiscal year, the FCA Board has determined that the effectiveness of the regulation would be compromised if officers and directors could avoid disclosure by leaving office prior to the end of the fiscal year. The preventive effect of the regulation would be undermined if this were permitted. Shareholders would be deprived of meaningful information about potential conflicts of interest which may have involved persons servicing the institution during the course of the year which would give them a basis for holding past and current members of management and board accountable. Also, shareholders would be deprived of relevant information that they would find useful were such persons to run for election at a later date. While disclosure is required of a nominee for director, such disclosure relates only to the prior fiscal year. For these reasons, the FCA Board declines to make the change requested by the commentators.

The FCA Board has determined that, as a transitional matter, it is appropriate to allow an officer or director who

resigns or otherwise leaves office prior to July 1, 1987, and does not stand for election in 1987 to avoid the requirements of § 620.3(j)(3). The FCA Board is persuaded by the argument that such persons originally undertook their duties without knowledge that in doing so they might be required to make disclosures concerning their financial affairs and those of their immediate families and affiliated organizations. Therefore, the FCA will not consider as a violation of the regulation the omission of disclosure otherwise required by the regulation with respect to senior officers or directors who resign or otherwise leave office prior to the end of fiscal 1986 and who do not intend to run for reelection in 1987.

**Part 621—Discussion**

Existing regulation § 621.2(a)(15)(iv) defines "nonaccrual loan" to include (1) all loans 90 days past due unless adequately secured and in process of collection and (2) all loans past due for 180 days without regard to the adequacy of the security or collection efforts. This definition is consistent with the definition of nonaccrual loans used by other Federal bank regulators except that other regulators do not use the 180-day criterion. The 180-day criterion was designed to encourage prompt servicing of past due loans by limiting the phrase "in process of collection" to servicing actions which have corrected deficiencies within 180 days.

The FCA Board believes loans should be classified as nonaccrual if they are not fully collectible with respect to principal and interest. The FCA Board has determined that a criterion that is based solely on time past due may result in the classification of some loans as nonaccrual even if they are fully collectible. The FCA Board believes there are other methods of encouraging prompt collection that do not have this effect.

Accordingly, the FCA Board adopts an amendment to the regulation that eliminates the 180-day criterion and defines "in process of collection" more broadly to encourage prompt collection and establish clearly definable minimum standards for System institutions to follow in determining whether past due loans are in process of collection. The existing regulation provides that a loan is in process of collection when collection of the debt is proceeding in due course through legal action or, in appropriate circumstances, through collection efforts not involving formal legal action that are reasonably expected to result in repayment of the debt in full or in its restoration to current status. Under the revised rule, a loan will be considered in process of collection only if a written plan of collection meeting the requirements of the regulation has been adopted by the institution and is documented in the loan file, the borrower and the institution have acted substantially in accordance therewith, and collection efforts are proceeding in due course. The regulation requires that the plan specify (1) the reasons the selected collection method was chosen over other methods; (2) the approvals necessary to implement the plan in accordance with the institution's policies and procedures; and (3) the actions necessary to collect the debt and the dates by which such actions must be accomplished. Where actions by the borrower are necessary, the plan must include the borrower's written agreement to complete the actions by the specified dates. The requirement to specify the reasons the selected collection method was chosen is intended to encourage consideration of various alternatives for correcting delinquencies, including restructurings.

Under both the current and the revised regulation, a loan past due 90 days or more but not well secured must be transferred to nonaccrual status regardless of whether it is "in process of collection."

The FCA Board finds, pursuant to 5 U.S.C. 553(b), that a notice and comment period is impracticable, unnecessary, and contrary to the public interest and adopts the amendments in final. A notice and comment period is unnecessary for Part 620 because the Board adopts the amendments in response to concerns raised by comments received after the regulation was adopted in final and with respect to Part 621 because the issue has been the subject of extensive informal comment and discussion with the commentators overwhelmingly in favor of deleting the 180-day requirement, and the amendments relax a reporting requirement. A notice and comment period is impracticable and contrary to the public interest for Part 620 because it would create uncertainty about the regulation's requirements at a time when institutions should be gearing up for the preparation of the 1986 annual report to shareholders and the resulting delay could interfere with the distribution of annual reports to shareholders in a timely manner. A notice and comment period is impracticable and contrary to the public interest for Part 621 because the delay that would result could cause nonaccrual loans to be overstated in yearend 1986 financial statements. These changes are in no way detrimental to the broader public interest in that they do not compromise in any way the effectiveness of the regulations in serving their intended purposes.

The FCA Board has further determined that in light of the adjournment of Congress and the urgent need for this regulation to become effective, it is necessary to invoke the emergency provision contained in § 5.17(b)(2) of the Farm Credit Act of 1971, as amended. By invoking this exception, the effective date of the regulation will not be delayed until the expiration of the 30 days during which either or both Houses of Congress are in session.

For the same reasons that a notice and comment period is impracticable, unnecessary and contrary to the public interest, the FCA Board has determined, pursuant to 5 U.S.C. 553(d), that the 30-day period specified therein should be waived so that the amendments will be effective immediately upon publication in the **Federal Register.**

**List of Subjects in 12 CFR Parts 620 and 621**

Disclosure to shareholders, Annual reports, Quarterly reports, Association annual meeting information statement, Accounting and reporting requirements, Reporting and recordkeeping requirement, Report of condition and performance.

For the reasons set forth in the preamble, Chapter VI, Title 12, of the Code of Federal Regulations is amended as follows:

## PART 620—DISCLOSURE TO SHAREHOLDERS

1. The authority citation for Part 620 is revised to read as follows:

**Authority:** Secs. 5.17(9) and (10), Pub. L. 99-205, 99 Stat. 1678, 12 U.S.C. 2252.

### Subpart A—Annual Reports to Shareholders

2. Section 620.1 is amended by revising paragraph (c) to read as follows:

**§ 620.1 Definitions.**

* * * * *

(c) "Immediate family" means spouse, parents, siblings, children, mothers- and fathers-in-law, brothers- and sisters-in-law, and sons- and daughters-in-law.

* * * * *

3. Section 620.3 is amended by revising paragraphs (j)(2), (j)(3)(i), (3) (ii) introductory text, (3)(ii)(A), (B), (D), (E), (F), and (G), and by removing

paragraphs (j)(3)(ii) (H) and (I), to read as follows:

**§ 620.3 Contents of the annual report to shareholders.**

* * * * *

(j) * * *

(2) Transactions other than loans. For each person who served as a senior officer or director on January 1 of the year following the fiscal year of which the report is filed, or at any time during the fiscal year just ended, describe briefly any transaction or series of transactions other than loans that occurred at any time since the last annual meeting between the institution and such person, any member of the immediate family of such person, or any organization with which such person is affiliated. State the name of the officer or director who entered into the transaction or whose immediate family member or affiliated organization entered into the transaction, the nature of the person's interest in the transaction, and the terms of the transaction. No information need be given where the purchase price, fees, or charges involved were determined by competitive bidding or where the amount involved in the transaction (including the total of all periodic payments) does not exceed $5,000, or the interest of the person arises solely as a result of his or her status as a stockholder of the institution and the benefit received is not a special or extra benefit not available to all stockholders.

(3) * * *

(i) To the extent applicable, state that the institution has had loans outstanding during the last full fiscal year to date to its senior officers and directors, their immediate family members, and any organizations with which such senior officers or directors are affiliated.

* * * * *

(ii) If the conditions stated in paragraph (j)(3)(i) of this section do not apply to the loan(s) of any person who has served as a senior officer or director since the start of the previous fiscal year, or any member of such person's immediate family, or any organization with which such person is or has been affiliated since the start of the previous fiscal year, state:

(A) The name of the officer or director to whom the loan was made or to whose relative or affiliated organization the loan was made.

(B) The largest aggregate amount of each indebtedness outstanding at any time during the last fiscal year.

(C) * * *

(D) The amount outstanding as of the lastest practicable date.

(E) The reasons the loan does not comply with the criteria contained in paragraphs (j)(3(i)(A) through (C) of this section.

(F) If the loan does not comply with paragraph (j)(3)(i)(B) of this section, the rate of interest payable on the loan and the repayment terms.

(G) If the loan does not comply with paragraph (j)(3)(i)(C) of this section, the amount past due, if any, and the reason the loan is deemed to involve more than a normal risk of collectibility.

* * * * *

## PART 621—ACCOUNTING AND REPORTING REQUIREMENTS

4. The authority citation for Part 621 is amended to read as follows:

**Authority:** Sec. 5.17 (9) and (10), Pub. L. 99–205, 99 Stat. 1678, 12 U.S.C. 2252(a)(9), (10).

### Subpart A—Accounting Requirements

5. Section 621.2 is amended by removing paragraph (a)(15)(iv) and by revising paragraphs (a)(11), (15)(iii), and (18)(ii) to read as follows:

**§ 621.2 Definitions.**

(a) * * *

(11) A debt shall be considered in process of collection only if all of the following conditions are met:

(i) A written plan of collection, reasonably expected to result in repayment of the debt or in its restoration to current status, has been prepared by the lending institution setting forth clearly:

(A) The reasons the selected method of collection was chosen over alternate methods,

(B) All approvals necessary to implement the entire plan in accordance with the lending institution's policies and procedures, and

(C) The specific actions that must be taken by the lending institution and the borrower in order to achieve collection in full, or restoration to current status, together with the dates by which each of those actions is expected to be completed.

(ii) If full collection of the debt or its restoration to current status is dependent upon completion of any action by the borrower, the plan shall include the borrower's written agreement to complete all such actions by the dates set forth in the plan of collection.

(iii) It is severely past due and not adequately secured, not in process of collection, and not fully collectible with respect to all principal and interest.

(iv) Collection efforts are proceeding in due course.

* * * * *

(15) * * *

(iii) The plan is documented in the loan filie and the institution and the borrowers(s) have acted substantially in accordance therewith.

* * * * *

(18) * * *

(ii) Are past due 90 days or more but adequately secured and in process of collection; or

* * * * *

**Kenneth J. Auberger,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 86–26252 Filed 11–20–86; 8:45 am]

BILLING CODE 6705–01–M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 425

### Regulatory Flexibility Act Review of the Trade Regulation Rule for Use of Negative Option Plan by Sellers in Commerce

**AGENCY:** Federal Trade Commission.

**ACTION:** Announcement of results of review of Rule under Regulatory Flexibility Act.

**SUMMARY:** In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) and a published Plan for Periodic Review of Commission Rules (46 FR 35118 (1981)), the Federal Trade Commission has conducted a review of the Rule on the Use of Negative Option Plans by Sellers in Commerce (16 CFR Part 425). The Commission concludes that based on its review: there is a continued need for the Rule; there is no reason to believe that the Rule has had a significant economic impact on a substantial number of small entities; and the Rule should not be changed.

**FOR FURTHER INFORMATION CONTACT:** Lewis Franke, Attorney, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, DC 20580. Tel (202) 376–2891.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act requires the Federal Trade Commission to conduct a periodic review of rules issued by the Commission which have or will have a significant economic impact upon a substantial number of small entities and, if it has such impact, whether the particular rule should be amended to

minimize any significant economic impact on small entities (5 U.S.C. 610).

The Negative Option Rule was promulgated by the Commission on February 15, 1973 and became effective on June 7, 1974 (38 FR 4896 (1973)).

The Rule requires sellers who use negative option plans to comply with certain requirements with respect to their promotional materials, the sending and return of merchandise, and the cancellation of memberships. A negative option plan refers to a plan under which a seller periodically sends to subscribers of the plan an announcement which identifies the merchandise the seller intends to send to subscribers and subscribers are later billed for the merchandise unless the subscriber, by a specified date, instructs the seller not to send the merchandise.

For the purposes of this review, on March 31, 1986 the Commission published a notice in the **Federal Register** soliciting comments on the Rule's impact on small entities (51 FR 11883–11884 (1986)). Questions were posed on: (1) Whether the Rule has had a significant economic impact on a substantial number of small entities; (2) the continued need for the Rule; (3) what burdens, if any, compliance with the Rule (including certain time limitations placed on sellers) places on small entities; (4) what changes if any should be made to the Rule to minimize the economic impact on small entities; (5) to what extent the Rule overlaps, duplicates or conflicts with other laws; and (6) whether any changed conditions have occurred that affect the Rule.

Five organizations submitted comments. Based on the comments received, the Commission has no basis to conclude that the rule has had a significant economic impact on a substantial number of small entities.

The comments further indicate that there is a continuing need for the Rule, that the Rule is accomplishing the objectives contemplated by the Commission, that the Rule serves the interests of both consumers and industry, and that compliance with the Rule, including the time limitations, imposes no undue burdens on industry.

**List of Subjects in 16 CFR Part 425**

Federal Trade Commission, Trade practices, Advertising.

By direction of the Commission.

**Emily H. Rock,**

*Secretary.*

[FR Doc. 86–28259 Filed 11–20–86; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 133

**[Docket No. 85P–0182]**

### Grated Cheeses; Amendment of the Standard of Identity; Confirmation of Effective Date

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule; confirmation of effective date.

**SUMMARY:** The Food and Drug Administration (FDA) is confirming the effective date for compliance with the final rule amending the standard of identity for grated cheeses. The final rule amending this standard was published in the **Federal Register** of August 25, 1986 (51 FR 30210).

**DATES:** Effective November 21, 1986, for all affected products initially introduced or initially delivered for introduction into interstate commerce on or after this date. Voluntary compliance may have begun October 24, 1986.

**FOR FURTHER INFORMATION CONTACT:** Karen L. Carson, Center for Food Safety and Applied Nutrition (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0110.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of August 25, 1986 (51 FR 30210), FDA issued a final rule amending the standard of identity for grated cheeses (21 CFR 133.146) to provide for the use of safe and suitable anticaking agents, including powdered cellulose. This action was based on a petition from the National Cheese Institute, the Kroger Co. (Pace Dairy Foods), Sargento Cheese Co., Inc., Schreiber Foods, Inc., and Paniplus Co. (a wholly-owned subsidiary of Continental Baking Co., Inc.).

Any person who would be adversely affected by the regulation could have, at any time on or before September 24, 1986, filed written objections to the final regulation and requested a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received.

**List of Subjects in 21 CFR Part 133**

Cheese, Food standards.

**PART 133—CHEESES AND RELATED CHEESE PRODUCTS**

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Food Safety and Applied Nutrition (21 CFR 5.62), notice is given that Part 133, as amended in the **Federal Register** of August 25, 1986 (51 FR 30210), will become effective November 21, 1986. Voluntary compliance may have begun October 24, 1986.

Dated: November 7, 1986.

**Sanford A. Miller,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86–26237 Filed 11–20–86; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

### 24 CFR Parts 200, 215, 235, 236, 247, 812, 880, 881, 882, 883, 884, 886 and 912

**[Docket No. R–86–974; FR–1588]**

### Restriction on Use of Assisted Housing

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of deferred effective date.

**SUMMARY:** In accordance with the HUD appropriation for fiscal year 1987, this document defers, until at least October 1, 1987, the previously announced effective date for a final rule published on April 1, 1986, entitled "Restriction on Use of Assisted Housing" (commonly referred to as the "alien rule"), and of technical amendments to the rule. HUD will publish further notice concerning the effective date of the alien rule.

**FOR FURTHER INFORMATION CONTACT:** *With reference to today's publication:* Grady J. Norris, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, Washington, DC 20410; telephone (202) 755–7055.

*For Parts 200, 215, 236, 247, 812, 880, 881, 883, 884 and 886:* James Tahash, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Washington, DC 20410; telephone (202) 426–3944.

*For Part 235:* John Coonts, Single Family Development Division, Office of Single Family Housing, Department of Housing and Urban Development, Washington, DC 20410; telephone (202) 755–6720.

*For Part 912:* Edward Whipple, Rental and Occupancy Branch, Office of Public Housing, Department of Housing and Urban Development, Washington, DC 20410; telephone (202) 426–0744.

*For Part 882:* Madeline Hastings, room 6124, Existing Housing Division, (202) 755–6887, or Gerald Benoit, Room 6128, Voucher Housing Division, (202) 755–6477.

(These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

**History**

Section 214 of the Housing and Community Development Act of 1980 (as amended by section 329(a) of the Housing and Community Development Amendments of 1981) (42 U.S.C. 1436a) prohibits the Secretary from making financial assistance available under the United States Housing Act of 1937 (Public Housing and section 8), sections 235 and 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965 (rent supplement), for the benefit of any alien who is not a lawful resident of the United States.

On April 1, 1986, the Department published a final alien rule (51 FR 11198) to implement section 214. Corrections and technical amendments to the April 1, 1986 alien rule were published on April 25, 1986 (51 FR 15611), July 16, 1986 (51 FR 25687), July 28, 1986 (51 FR 26876), and September 29, 1986 (51 FR 34570).

The originally announced effective date of the April 1, 1986 alien rule was July 30, 1986. Two extensions of the effective date were previously announced:

(1) On July 28, 1986, the effective date of the alien rule was delayed to September 30, 1986 (51 FR 26876) in response to a request by several Members of Congress in view of the possible enactment of pending legislation, containing amendments to section 214, during the 1986 Congressional session.

(2) On September 29, 1986, the effective date of the alien rule was further delayed to December 31, 1986 (51 FR 34570), in response to a second Congressional request. At the time of the extension, several legislative proposals for amendment of section 214 were being considered by the Congress. The September 29, 1986 notice of extension explained that the purpose of the extension action was to allow additional time for HUD to take any appropriate action in response to legislation which might be enacted in the ninety-ninth Congress (and to address concerns raised in pending litigation on the alien rule).

**New Laws**

Two new laws affecting the implementation of section 214 were in fact enacted at the end of the Congressional session.

The first law is HUD's appropriation for fiscal year 1987, section 101(g), Pub. L. 99–500 (signed by the President on October 18, 1986), making appropriations as provided for in H.R. 5313, under H. Rept. No. 99–977 (filed in the House of Representatives October 7, 1986), which restricts use of appropriated funds for implementation or enforcement of the April 1, 1986 alien rule.

The second law is the 1986 immigration reform, which directly amends section 214. The amendments require that: (1) An individual must declare in writing whether he or she is a citizen or legal alien, (2) an alien must present documentation of legal immigration status, and (3) HUD must establish procedures for verification of alien status from automated and other systems of the Immigration and Naturalization Service (INS) (Immigration Reform and Control Act of 1986, sections 121(a)(4), 121(b)(6), 121(c)(4), Pub. L. 99–603, signed by the President on November 6, 1986).

**Statutory Moratorium on HUD Implementation or Enforcement of Alien Rule: HUD Appropriation for Fiscal Year 1987**

The HUD appropriation for FY 87 provides (section 101(g) of Pub. L. 99–500) that:

> None of the funds appropriated by this or any other Act shall be used to implement or enforce the regulations published on April 1, 1986, at 51 FR 11198–11231 [the HUD alien rule].

This appropriation language originated in the appropriation bill reported by the House Committee on Appropriations (H.R. 5313). The Appropriations Committee Report (H. Rep. 99–731, July 31, 1986, p. 20) states:

> Legislation revising the underlying requirements for verification of eligibility is under consideration by the Congress. The [appropriation] bill includes language prohibiting the implementation of HUD regulations that would restrict the eligibility of aliens for Federal housing assistance during fiscal year 1987. This language would prevent the hardship that would needlessly result from imposing the regulations without giving the Congress sufficient time to assess the full implications of HUD's proposed actions. (H.R. Rep. No. 731, 99th Cong., 2d Sess. (1986), 20).

**Immigration Reform Act**

The Immigration Reform Act (section 121 of Pub. L. 99–603) amends section 214 to require HUD to verify the legal status of an alien for whom HUD provides the benefit of HUD housing assistance. An individual must declare whether he or she is a citizen or a legal alien. If an alien, the individual must submit documents to show eligible status. The documents must be sent to INS for verification. If an individual is not eligible, assistance must be denied or terminated after affording the opportunity for a fair hearing. The Act also authorizes HUD to pay 100 percent of costs incurred by a public housing agency (PHA) in implementing the alien status verification system. The Act allows HUD to waive use of the INS systems for verification of legal status if a particular verification program would not be cost-effective, or would be redundant.

**Deferral of Effective Date**

In accordance with the HUD appropriation for fiscal year 1987, this document defers, until at least October 1, 1987, and subject to any intervening legislative changes, the previously announced effective date of the alien rule published on April 1, 1986 and the subsequently published amendments to the rule.

In addition, the alien rule will not be made effective until promulgation, after notice and opportunity for public comment, of regulation revisions to implement the amendments of section 214 contained in the Immigration Reform Act. HUD is currently examining what regulatory action may be necessary to implement these amendments.

It is the position of the Department that the statutory prohibition on housing assistance for illegal aliens, which is contained in section 214 as amended by the 1986 immigration reform legislation, is not self-implementing. Owners and PHAs may not take any action to deny or terminate assistance pursuant to section 214 before the effective date of a HUD regulation implementing this statute.

HUD will subsequently publish further notice concerning the effective date of the alien rule.

Dated: November 13, 1986.

J. Michael Dorsey,

*Acting Secretary.*

[FR Doc. 86–26177 Filed 11–20–86; 8:45 am]

BILLING CODE 4210–32–M

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Part 812**

**[Docket No. R-86-1205; FR-1829]**

## Shared Housing in the Section 8 Existing Housing Program; Correction

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects a final rule that was published on June 11, 1986 (51 FR 21300) and previously corrected on July 3, 1986 (51 FR 24324) and on August 18, 1986 (51 FR 29463). Amendatory language contained in this final rule with respect to § 812.2 relied upon the anticipated prior effectiveness of a change to be made in the format by another final rule entitled "Restriction on Use of Assisted Housing," which was originally published on April 1, 1986 (51 FR 11198). That rule has not been made effective, and the terms of the Department's appropriation for Fiscal Year 1987 (section 101(g), Pub. L. 99500 (approved October 18, 1986)) prohibit implementation of the April 1, 1986 rule until at least October 1, 1987. Therefore, this correction revises the format of § 812.2 so that the amendatory instruction of the June 11 rule makes sense. In addition, this correction eliminates an obsolete reference to a defined term for "nonimmigrant student alien"—a change that would have been accomplished by the earlier effectiveness of the April 1, 1986 rule.

**EFFECTIVE DATE:** The rule published June 11, 1986, which this document corrects, has not yet become effective. HUD will publish a notice of the effective date in a future issue of the **Federal Register.**

**FOR FURTHER INFORMATION CONTACT:** Grady J. Norris, Assistant General Counsel for Regulations, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-0500. (This is not a toll-free number.)

### PART 812—[CORRECTED]

Accordingly, the Department corrects FR Document 86-13126 published on June 11, 1986, as set forth below. With respect to § 812.2, this correction supersedes the correction published on August 18, 1986 at 51 FR 29463.

**§ 812.2 [Corrected]**

In the rule published on June 11, on page 21307, column 3, the amendatory instruction for item 2 is corrected to read:

"2. Section 812.2 is amended as follows:

a. By removing paragraph (d)(2) and paragraph (g);

b. By removing the alphabetical designations in front of the defined terms and by alphabetizing the list of definitions;

c. By removing the designation "(1)" from the term "Family" and redesignating subparagraphs (i), (ii), and (iii) as paragraphs (a), (b), and (c).

d. By revising the definitions of disabled person, displaced person, elderly family, family, handicapped person and single person; and by adding definitions of elderly person and live-in aide, to read as follows:".

Dated: November 17, 1986.

**Grady J. Norris,**

*Assistant General Counsel for Regulations.*

[FR Doc. 86-26176 Filed 11-20-86; 8:45 am]

**BILLING CODE 4210-27-M**

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**24 CFR Part 885**

**[Docket No. N-86-1652; FR-2302]**

## Loans for Housing for the Elderly or Handicapped; Fiscal Year 1987 Interest Rate

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice of section 202 loan interest rate-fiscal year 1987.

**SUMMARY:** This Notice establishes 9.25 percent per annum as the interest rate for loans that are made during Fiscal Year 1987 for housing for the elderly or handicapped under section 202 of the Housing Act of 1959.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Wilden, Director, Assisted Elderly and Handicapped Housing Division, 451 Seventh Street SW., Room 6116, Washington, DC 20410-8000, telephone (202) 426-8730. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** Under 24 CFR 885.410(g)(2), the Secretary of Housing and Urban Development is required to publish an annual notice establishing the interest rate for loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959. This interest rate may not exceed either:

(1) A rate determined by the Secretary of the Treasury to be the average interest rate on all interest-bearing obligations of the United States then forming a part of the public debt computed at the end of the fiscal year immediately prior to the date on which the loan is made, plus an allowance to cover administrative costs and probable losses under the program. (This allowance has been determined by the Secretary of Housing and Urban Development to be one-fourth of one percent (.25%) per annum for both the construction and permanent loan periods); or

(2) Any statutory ceiling on interest rates or allowances for administrative costs and probable losses for such loans as may be applicable. (24 CFR 885.410(g)(1).)

On September 30, 1986, the President signed Joint Resolution 353 (Pub. L. 99-430). This law provides that section 202 loans made in Fiscal Year 1987 shall bear an interest rate that does not exceed 9.25 percent per annum (including the allowance for administrative costs and probable losses).

The interest rate on the described interest-bearing obligations of the United States at the end of Fiscal Year 1986 (as determined by the Secretary of the Treasury) was 9.25 percent per annum. This rate plus the .25 percent per annum allowance for administrative costs and probable losses yields an interest rate of 9.50 percent per annum, a rate in excess of 9.25 percent per annum. Accordingly, this Notice announces that the Secretary of HUD has established the interest rate for section 202 loans made during Fiscal Year 1987 at the statutory ceiling of 9.25 percent per annum.

Under 24 CFR 50.20(1) an environmental finding is not necessary because the statutorily required establishment of interest rates is among matters that are categorically excluded from the environmental requirements of 24 CFR Part 50.

Authority: Sec. 202, Housing Act of 1959, U.S.C. 1701q; Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 13, 1986.

**Thomas T. Demery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 86-26242 Filed 11-20-86; 8:45 am]

**BILLING CODE 4210-27-M**

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1978**

## Rules Implementing Section 405 of the Surface Transportation Assistance Act of 1982; Interim Final Rule; Request for Comments

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

**ACTION:** Interim rule; adoption of rules of procedure; request for comments.

**SUMMARY:** Section 405 of the Surface Transportation Assistance Act of 1982 (hereinafter the "STAA"), Pub. L. 97–424, 96 Stat. 2097, 2157–58, enacted January 6, 1983 (49 U.S.C. 2301 *et seq.)*, provides protection to employees in the trucking industry from discrimination on account of activity related to commercial motor vehicle safety. Interpretive rules for section 405 will be proposed in Subpart A of Part 1978, which will be published at a later date. This subpart sets forth rules of practice and procedure for implementing section 405. Although this rule is procedural in nature and, thus, not subject to the notice and comment procedures of the Administrative Procedure Act, OSHA invites those concerned with this interim final rule to submit comments. A final rule will be published after the Agency receives and reviews the public's comments.

**DATES:** These rules are effective December 22, 1986. Comments, in duplicate, must be received on or before December 22, 1986.

**ADDRESS:** Send comments, in duplicate, to: Eugene A. Lopez, Office of the Solicitor, Room S–4004, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** James Foster, Office of Information, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3637, Washington, DC 20210, (202–523–8151).

**SUPPLEMENTARY INFORMATION:**

### I. General Information

Pursuant to section 405 a covered employee who believes he or she has been discriminated against because of activity related to commercial motor vehicle safety or health may file a complaint with the Secretary of Labor (Secretary) within 180 days after the alleged discrimination. The Secretary will then investigate the complaint and within sixty days after it was filed issued findings as to whether there is reason to believe that section 405 has been violated.

If the Secretary finds that the complaint has merit he will also issue a preliminary order requiring, where appropriate, abatement of the violation, reinstatement with back pay and related compensation, the payment of compensatory damages, and the payment of the employee's expenses in bringing the complaint. Either the employee or the person named in the complaint may object to the findings, the preliminary order, or both, but the filing of an objection does not operate as a stay of a reinstatement order. If no objection is filed within thirty days, the findings and the preliminary order are final. However, if a timely objection is filed the objecting party is entitled to a hearing on the objection. Within 120 days of the conclusion of the hearing a final order will be issued. A party aggrieved by the final order may seek judicial review in a court of appeals within sixty days after the order. The Secretary may seek enforcement of preliminary and final orders in the federal district courts. The validity of a final order may not be challenged in enforcement proceedings.

Pursuant to Secretary's Order No. 9–83, 48 FR 35736 (August 5, 1983) the Assistant Secretary for Occupational Safety and Health (OSHA) has been delegated the authority of the Secretary to administer section 405, with certain exceptions, because he has the responsibility of administering section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. 660(c). Section 11(c) is similar to section 405 in that both sections protect employees against discrimination on account of activity related to occupational safety or health. Administrative law judges of the Department of Labor conduct hearings under section 405 and the Secretary may review their decisions. The Office of the Solicitor of Labor provides legal advice to the Assistant Secretary, and represents the Assistant Secretary in administrative litigation and represents the Secretary in the Federal courts.

These rules, together with those rules set forth at 29 CFR Part 18, set forth procedures for the submission of complaints under section 405, investigations, issuance of findings and preliminary orders, objections thereto, litigation before administrative law judges, post-hearing administrative review, withdrawals and settlements, judicial review, and judicial enforcement. The procedures are designed to achieve the just and speedy resolution of section 405 cases.

### II. Regulatory Impact Analysis

In accordance with Executive Order 12291 (46 FR 13193, February 17, 1981), OSHA has carefully assessed the potential impact of these rules of procedure for section 405 cases. OSHA has concluded that this regulation is not a "major" rule under Executive Order 12291 which would necessitate further economic impact evaluation and the preparation of a regulatory analysis.

Finally, OSHA finds that the provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 98–353, 94 Stat. 1164, 5 U.S.C. 601 *et. seq.*) do not apply because these rules, procedural in nature, are not subject to the notice and comment procedures of the Administrative Procedure Act.

### III. Paperwork Reduction Act

OSHA has determined that the provisions of the Paperwork Reduction Act of 1980, (44 U.S.C. Chapter 35), do not apply to these rules because they govern the conduct of administrative actions and investigations involving an agency against specific individuals or entities. 5 CFR 1320.3(c).

### IV. Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW., Washington, DC 20210. These rules are issued pursuant to section 405 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97–424), 49 U.S.C. 2301 *et seq.*) and Secretary of Labor's Order No. 9–83, 48 FR 35736, and No. 18–75, December 10, 1975, and with respect to the procedures dealing with the relationship between section 405 and section 11(c) procedures, pursuant to section 11(c)(2) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 660(c)(2)] and section 8(g)(2) of the OSH Act [29 U.S.C. 657(g)(2).]

Accordingly, pursuant to section 405 of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 49 U.S.C. 2305, sections 11(c)(2) and 8(g)(2) of the Occupational Safety and Health Act of 1970, 29 U.S.C. 660(c)(2) and 657(g)(2), 5 U.S.C. 553, and Secretary's Order No. 9–83, 48 FR 35736, Part 1978 is added to Title 29 of the Code of Federal Regulations as set forth below. No notice or opportunity for comments need be provided because these rules are rules of practice and

procedure and, therefore, are exempt from rulemaking procedures under section 553(b)(A) of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). However, public comments are invited for a period of 30 days following publication of this interim rule. Comments raising significant issues will be addressed at the time of issuance of a final rule.

**List of Subjects in 29 CFR Part 1978**

Employer-employee relations; Administrative practice and procedure, Labor; Occupational safety and health.

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

**John A. Pendergrass,**

*Assistant Secretary.*

## PART 1978—RULES FOR IMPLEMENTING SECTION 405 OF THE SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982 (STAA)

**Subpart A—Interpretive Rules—[Reserved]**

**Subpart B—Rules of Procedure**
**Complaints, Investigations, Findings and Preliminary Orders**

Sec.



**Litigation**



**Miscellaneous Provisions**



**Authority:** Sec. 405 of the Surface Transporation Assistance Act of 1982 (Pub. L. 97-424, 49 U.S.C. 2301 *et seq.*) and Secretary of Labor's Order No. 9-83, 48 FR 35736, and No. 18-75, December 10, 1975, and with respect to the procedures dealing with the relationship between sec. 405 and section 11(c) procedures, pursuant to sec. 11(c)(2) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(c)(2)) and sec. 8(g)(2) of the OSH Act (29 U.S.C. 657(g)(2)).

**Subpart A—Interpretive Rules—[Reserved]**

**Subpart B—Rules of Procedure**
**Complaints, Investigations, Findings and Preliminary Orders**

### § 1978.100 Purpose and scope.

(a) This subpart implements the procedural aspects of section 405 of the Surface Transportation Assistance Act of 1982, 49 U.S.C. 2305, which provides for employee protection from discrimination because the employee has engaged in protected activity pertaining to commercial motor vehicle safety and health matters.

(b) Procedures are established by this subpart pursuant to the statutory provision set forth above for the expeditious handling of complaints of discrimination made by employees, or persons acting on their behalf. These rules, together with those rules set forth at 29 CFR Part 18, set forth the procedures for submission of complaints under section 405, investigations, issuance of findings and preliminary orders, objections thereto, litigation before administrative law judges, post-hearing administrative review, withdrawals and settlements, judicial review and enforcement, and deferral to other forums.

### § 1978.101 Definitions.

(a) "Act" means the Surface Transportation Assistance Act of 1982 (STAA) (49 U.S.C. 2301 *et seq.*).

(b) "Secretary" means Secretary of Labor or persons to whom authority under the Act has been delegated.

(c) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health or the person or persons to whom he or she delegates authority under the Act.

(d) "Employee" means (i) a driver of a commercial motor vehicle (including an independent contractor while in the course of personally operating a commercial motor vehicle); (ii) a mechanic; (iii) a freight handler; or (iv) any individual other than an employer; who is employed by a commercial motor carrier and who in the course of his employment directly affects commercial motor vehicle safety, but such term does not include an employee of the United States, any State, or a political subdivision of a State who is acting within the course of such employment.

(e) "OSHA" means the Occupational Safety and Health Administration.

(f) "Complainant" means the employee who filed a section 405 complaint or on whose behalf a complaint was filed.

(g) "Named person" means the person alleged to have violated section 405.

(h) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any group of persons.

### § 1978.102 Filing of discrimination complaint.

(a) *Who may file.* An employee may file, or have filed by any person on the employee's behalf, a complaint alleging a violation of section 405.

(b) *Nature of filing.* No particular form of complaint is required.

(c) *Place of filing.* The complaint should be filed with the OSHA Area Director responsible for enforcement activities in the geographical area where the employee resides or was employed, but filing with any OSHA officer or employee is sufficient. Addresses and telephone numbers for these officials are set forth in local telephone directories.

(d) *Time for filing.* (1) Section 405(c)(1) provides that an employee who believes that he has been discriminated against in violation of section 405 (a) or (b) ". . . may, within one hundred and eighty days after such alleged violation occurs," file or have filed by any person on the employee's behalf a complaint with the Secretary.

(2) A major purpose of the 180-day period in this provision is to allow the Secretary to decline to entertain complaints which have become stale. Accordingly, complaints not filed within 180 days of an alleged violation will ordinarily be considered to be untimely.

(3) However, there are circumstances which will justify tolling of the 180-day period on the basis of recognized equitable principles or because of extenuating circumstances, *e.g.*, where the employer has concealed or misled the employee regarding the grounds for discharge or other adverse action; or where the discrimination is in the nature of a continuing violation. The pendency of grievance-arbitration proceedings or filing with another agency are examples of circumstances which do not justify a tolling of the 180-day period. *International Union of Electrical Workers* v. *Robbins & Meyers*, 429 U.S. 229 (1976). The Assistant Secretary will not ordinarily investigate complaints which are determined to be untimely.

(e) *Relationship to section 11(c) complaints.* A complaint filed by an employee within thirty days of the alleged violation or otherwise timely filed pursuant to section 11(c) of the OSH Act, which alleges discrimination relating to safety or health, shall be deemed to be a complaint filed under both section 405 and section 11(c).

Normal procedures for investigations under both sections will be followed, except as otherwise provided.

(f) Upon receipt of a valid complaint, OSHA shall notify the named person of the filing of the complaint, and of his or her rights under 29 CFR 1978.102(b).

**§ 1978.103 Investigation.**

(a) OSHA shall investigate and gather data concerning the case as it deems appropriate.

(b) Within twenty days of his or her receipt of the complaint the named person may submit to OSHA a written statement and any affidavits or documents explaining or defending his or her position. Within the same twenty days the named person may request a meeting with OSHA to present his or her position. The meeting will be held before the issuance of any findings or preliminary order. At the meeting the named person may be accompanied by counsel and by any persons with information relating to the complaint, who may make statements concerning the case.

**§ 1978.104 Issuance of findings and preliminary orders.**

(a) After considering all the relevant information collected during the investigation, the Assistant Secretary will issue, within sixty days of the filing of the complaint, written findings as to whether there is reasonable cause to believe that the named person or others have discriminated against the complainant in violation of section 405 (a) or (b). If the Assistant Secretary concludes that there is reasonable cause to believe that a violation has occurred, he shall accompany his findings with a preliminary order providing the relief prescribed in section 405(c)(2)(B). Such order will include, where appropriate, a requirement that the named person abate the violation; reinstatement of the complainant to his or her former position, together with the compensation (including back pay), terms, conditions and privileges of the complainant's employment; and payment of compensatory damages. At the complainant's request the order may also assess against the named party the complainant's costs and expenses (including attorney's fees) reasonably incurred in filing the complaint.

(b) The findings and the preliminary order shall be sent by certified mail, return receipt requested, to all parties of record. The letter accompanying the findings and order shall inform the parties of the right to object to the findings and/or the order and shall give the address of the Chief Administrative Law Judge. At the same time, the Assistant Secretary shall file with the Chief Administrative Law Judge, U.S. Department of Labor, the original complaint and a copy of the findings and/or order.

(c) Upon the issuance of findings that there is reasonable cause to believe that a violation has occurred, any pending section 11(c) complaint will be suspended until the section 405 proceeding is completed. When the section 405 proceeding is completed the Assistant Secretary will determine what action, if any, is appropriate on the section 11(c) complaint. If the Assistant Secretary's findings indicate that a violation has occurred, the Assistant Secretary shall make a separate determination as to whether section 11(c) has been violated.

**§ 1978.105 Objections to the findings and the preliminary order.**

(a) *Basic procedures.* Within thirty days of receipt of the findings or preliminary order the named person or the complainant, or both, may file objections to the findings or preliminary order providing relief or both and request a hearing on the record. The objection and request shall be in writing and shall state whether the objection is to the findings or the preliminary order or both. Such objection shall also be considered a request for a hearing. The date of the postmark shall be considered to be the date of filing. Objections shall be filed with the Chief Administrative Law Judge, U.S. Department of Labor, Washington, DC and copies of the objections shall be mailed at the same time to the other parties of record, including the Assistant Secretary's designee who issued the findings and order.

(b) *Effective date of findings and preliminary order and failure to object.* (1) The findings and the preliminary order shall be effective thirty days after the named person's receipt thereof, or on the compliance date set forth in the preliminary order, whichever is later, unless an objection to the findings or preliminary order has been timely filed. However, the portion of any preliminary order requiring reinstatement shall be effective immediately upon the named person's receipt of the findings and preliminary order, regardless of any objections thereto.

(2) If no timely objection is filed with respect to either the findings or the preliminary order, such findings or preliminary order, as the case may be, shall become final and not subject to judicial review.

**Litigation**

**§ 1978.106 Scope of rules; applicability of other rules; notice of hearing.**

(a) Except as otherwise noted, hearings shall be conducted in accordance with the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges promulgated at 29 CFR Part 18, 48 FR 32538 (July 15, 1983), amended at 49 FR 2739 which are hereby incorporated by reference. Hearings shall be conducted as hearings *de novo*.

(b) Upon receipt of an objection, the Chief Administrative Law Judge shall immediately assign the case to a judge who shall, within seven days following the receipt of the objection, notify the parties, by certified mail, of the day, time, and place of hearing. The hearing shall commence within 30 days of the filing of the objection, except upon a showing of good cause or unless otherwise agreed to by the parties.

(c) If both complainant and the named person object to the findings and/or order, the objections shall be consolidated and a single hearing shall be conducted. If the objections are not received simultaneously, the hearing shall commence within 30 days of the receipt of the later objection.

(d) At the time the hearing order issues, the judge may order the prosecuting party to file a prehearing statement of position, which shall briefly set forth the issues involved in the proceeding and the remedy requested. Such prehearing statement shall be filed within three days of the receipt of the hearing order and shall be served on all parties by certified mail. Thereafter, within three days of receipt of the prosecuting party's prehearing statement, the other parties to the proceeding shall file prehearing statements of position.

**§ 1978.107 Parties.**

(a) In any case in which only the named person objects to the findings or the preliminary order the Assistant Secretary ordinarily shall be the prosecuting party. In such a case the complainant shall also be a party and may engage in discovery, present evidence or otherwise act as a party. The named person shall be the party-respondent. If, at any time after the named person files objections, the Assistant Secretary and complainant agree, the complainant may present the case to the judge. Under such circumstances the case will be handled as if it had arisen under paragraph (b) of this section.

(b) In any case in which only the complainant objects to findings that the complaint lacks merit, to the preliminary order, or to both, the complainant shall be the prosecuting party. The Assistant Secretary may as of right intervene as a party at any time in proceedings under this paragraph. The named person shall be the party-respondent.

(c) In any case in which both the complainant and the named person object to the preliminary order the Assistant Secretary shall be the prosecuting party. The complainant and the named person shall be party-respondents. In any such case, if the named person also objected to the findings the Assistant Secretary, complainant, and named party shall each have the party status, rights, and responsibilities set forth in paragraph (a) of this section with respect to the findings.

**§ 1978.108 Captions; titles of cases.**

(a) Cases described in § 1978.106(a) shall be titled: *Assistant Secretary of Labor for Occupational Safety and Health, Prosecuting Party* and (*Name of Complainant), Complainant* v. (*Name of named person), Respondent.*

(b) Cases described in § 1978.106(b) shall be titled: *(Name of complainant), Complainant* v. (*Name of named person), Respondent.*

(c) Cases described in § 1978.106(c) shall be titled: *Assistant Secretary of Labor for Occupational Safety and Health, Prosecuting Party* v. (*Name of person), Respondent.*

* * * * *

(*Name of Complainant), Complainant* v. (*Name of named person), Respondent.*

(d) The titles listed in paragraphs (a), (b), and (c) of this section shall appear at the left upper portion of the intitial page of any pleading or document (other than exhibits) filed.

**§ 1978.109 Decisions and orders.**

(a) *Administrative Law Judge decisions.* The administrative law judge shall issue a decision within 30 days after the close of the record. The close of the record shall occur no later than 30 days after the filing of the objection, except upon a showing of good cause or unless otherwise agreed to by the parties. For the purposes of the statute the issuance of the judge's decision shall be deemed the conclusion of the hearing. The decision shall contain appropriate findings, conclusions, and an order pertaining to the remedy which, among other things, may provide for reinstatement of a discharged employee and also may include an award of the complainant's costs and expenses (including attorney's fees) reasonably incurred in bringing and litigating the case, if the complainant's position has prevailed. The decision shall be forwarded immediately, together with the record, to the Secretary for review by the Secretary or his or her designee. The decision shall be served upon all parties to the proceeding.

(b) The administrative law judge's decision and order concerning whether the reinstatement of a discharged employee is appropriate shall be effective immediately upon receipt of the decision by the named person. All other portions of the judge's order are stayed pending discretionary review by the Secretary.

(c) *Final order.* (1) Within 120 days after issuance of the administrative law judge's decision and order, the Secretary shall issue a final decision and order based on the record and the decision and order of the administrative law judge.

(2) The parties may file with the Secretary briefs in support of or in opposition to the administrative law judge's decision and order within thirty days of the issuance of that decision unless the Secretary, upon notice to the parties, establishes a different briefing schedule.

(3) The findings of the administrative law judge with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be considered conclusive.

(4) Where the Secretary determines that the named party has not violated the law, the final order shall deny the complaint.

(5) The final decision and order of the Secretary shall be served upon all parties to the proceeding.

**§ 1978.110 Judicial review.**

(a) Within 60 days after the issuance of a final order under § 1978.108, any person adversely affected or aggrieved by such order may file a petition for review of the order in the United States Court of Appeals for the circuit in which the violation allegedly occurred or the circuit in which the person resided on the date of the violation (49 U.S.C. 2305(d)(1)).

(b) A final order of the Secretary shall not be subject to judicial review in any criminal or other civil proceedings (49 U.S.C. 2305(d)(2)).

(c) The record of a case, including the record of proceedings before the administrative law judge, shall be transmitted by the Secretary to the appropriate court pursuant to the rules of such court.

**§ 1978.111 Withdrawal of section 405 complaints, objections, and findings; settlement.**

(a) At any time prior to the filing of objections to the findings or preliminary order, an employee may withdraw his or her section 405 complaint by filing a written withdrawal with the Assistant Secretary. The Assistant Secretary shall thereafter determine whether the withdrawal shall be approved. The Assistant Secretary shall notify the named person of the approval of any withdrawal.

(b) The Assistant Secretary may withdraw his findings or a preliminary order at any time before the expiration of the 30-day objection period, provided that no objection has yet been filed, and substitute new findings or preliminary order. The date of the receipt of the substituted findings or order shall begin a new 30-day objection period.

(c) At any time before the findings or order become final, a party may withdraw his objections to the findings or order by filing a written withdrawal with the administrative law judge or, if the case is on review, with the Secretary. The judge or the Secretary, as the case may be, shall affirm any portion of the findings or preliminary order with respect to which the objection was withdrawn.

(d) At any time after the filing of a section 405 complaint by an employee and before the findings and/or order become final, the case may be settled if the Assistant Secretary, the complainant, and the named person agree to a settlement. If such settlement is reached after objections have been filed pursuant to § 1978.104, notice of settlement shall be filed with the administrative law judge or the Secretary, as the case may be. However, if the named person makes an offer to settle the case which the Assistant Secretary, when acting as the prosecuting party, deems to be a fair and equitable settlement of all matters at issue and the complainant refuses to accept the offer, the Assistant Secretary may decline to assume the role of prosecuting party as set forth in § 1978.106(a). In such circumstances, the Assistant Secretary shall immediately notify the complainant that his review of the settlement offer may cause the Assistant Secretary to decline the role of prosecuting party. After the Assistant Secretary has reviewed the offer and when he or she has decided to decline the role of prosecuting party, the Assistant Secretary shall immediately notify all parties of his decision in writing and, if the case is before the administrative law judge, or the

Secretary on review, a copy of the notice shall be sent to the appropriate official. Upon receipt of the Assistant Secretary's notice, the parties shall assume the roles set forth in § 1978.106(b).

**Miscellaneous Provisions**

**§ 1978.112 Arbitration or other proceedings.**

(a) *General.* (1) An employee who files a complaint under section 405 of the Act may also pursue remedies under grievance arbitration proceedings in collective bargaining agreements. In addition, the complainant may concurrently resort to other agencies for relief, such as the National Labor Relations Board. The Secretary's jurisdiction to entertain section 405 complaints, to investigate, and to determine whether discrimination has occurred, is independent of the jurisdiction of other agencies or bodies. The Secretary may proceed with the investigation and the issuance of findings and orders regardless of the pendency of other proceedings. *MacDonald* v. *City of West Branch, Michigan,* ____ U.S. ____, 104 S. Ct. 1799 (1984). See *Alexander* v. *Gardner-Denver Co.,* 415 U.S. 36 (1974).

(2) However, the Secretary also recognizes the national policy favoring voluntary resolution of disputes under procedures in collective bargaining agreements. See, e.g., *Barrentine* v. *Arkansas-Best Freight System,* 450 U.S. 728, (1981); *Boys Markets, Inc.* v. *Retail Clerks,* 398 U.S. 235 (1970); *Republic Steel Corp.* v. *Maddox,* 379 U.S. 650 (1965); *Carey* v. *Westinghouse Corp.,* 375 U.S. 261 (1964). By the same token, due deference should be paid to the jurisdiction of other forums established to resolve disputes which may also be related to section 405 complaints.

(3) Where complainant is in fact pursuing remedies other than those provided by section 405, the Secretary may, in his or her discretion, postpone a determination of the section 405 complaint and defer to the results of such proceedings. See *Burlington Truck Lines, Inc.* v. *U.S.,* 371 U.S. 156 (1962).

(b) *Postponement of determination.* When a complaint is under investigation pursuant to § 1978.102, postponement of determination would be justified where the rights asserted in other proceedings are substantially the same as rights under section 405 and those proceedings are not likely to violate rights guaranteed by section 405. The factual issues in such proceedings must be substantially the same as those raised by a section 405 complaint, and the forum hearing the matter must have the power to determine the ultimate issue of discrimination. See *Rios* v. *Reynolds Metals, Co.,* 467 F.2d 54 (5th Cir., 1972); *Spielberg Manufacturing Co.,* 112 NLRB 1080 (1955).

(c) *Deferral to outcome of other proceedings.* A determination to defer to the outcome of other proceedings initiated by a complainant must necessarily be made on a case-by-case basis, after careful scrutiny of all available information. Before the Secretary defers to the results of other proceedings, it must be clear that those proceedings dealt adequately with all factual issues, that the proceedings were fair, regular, and free of procedural infirmities, and that the outcome of the proceedings was not repugnant to the purpose and policy of the Act. See *Spielberg Manufacturing Company,* 112 NLRB 1080, 1082 (1955). In this regard, if such other actions initiated by a complainant are dismissed without adjudicatory hearing thereof, such dismissal will not ordinarily be regarded as determinative of the section 405 complaint.

**§ 1978.113 Judicial enforcement.**

Whenever any person has failed to comply with a preliminary order of reinstatement or a final order or the terms of a settlement agreement, the Secretary may file a civil action seeking enforcement of the order in the United States district court for the district in which the violation was found to occur.

**§ 1978.114 Statutory time periods.**

The time requirements imposed on the Secretary by these regulations are directory in nature. While every effort will be made to meet these requirements, there may be instances when it is not possible to meet these requirements. Failure to meet these requirements does not invalidate any action by the Assistant Secretary or Secretary under section 405.

**§ 1978.115 Special circumstances; waiver of rules.**

In special circumstances not contemplated by the provisions of these rules, or for good cause shown, the judge or the Secretary on review may, upon application, after 3 days notice to all parties and intervenors, waive any rule or issue such orders as justice or the administration of section 405 requires.

[FR Doc. 86-26350 Filed 11-20-86; 8:45 am]

BILLING CODE 4510-26-M

## DEPARTMENT OF DEFENSE

**48 CFR Parts 204, 223, and 252**

**Federal Acquisition Regulation Supplement Concerning Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities**

**AGENCY:** Department of Defense (DOD).

**ACTION:** Interim rule and request for comments.

**SUMMARY:** The Defense Acquisition Regulatory Council has approved temporary revisions to the Defense Federal Acquisition Regulation Supplement (DFARS) which address requirements specified within DoDI 5220.30, entitled "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," dated 26 September 1984. The DFARS revisions prescribe a contract clause for uniform use in all contracts involving arms, ammunition and explosives, which clause incorporates DoD Instruction 5220.30 by reference. Unless sooner rescinded or extended the DFARS revisions expire 30 September 1987, which period will allow sufficient time for conversion of the physical security standards within DoDI 5220.30 to an appropriate military specification or military standard.

**DATES:** *Effective date:* The interim rule is effective October 31, 1986, and expires on September 30, 1987, unless sooner rescinded.

*Comments:* Interested parties are invited to submit written comments on or before January 20, 1987, to the Executive Secretary, DAR Council, at the address below. Comments received will be considered in revising the interim rule which will be implemented by Departmental guidance. Please cite DAR Case 85-102 in all correspondence related to this subject.

**ADDRESS:** Interested parties should submit written comments to: Defense Acquisition Regulatory Council, Attn: Mr. Charles W. Lloyd, Executive Secretary, ODASD(P)DARS, c/o OASD(A&L)(MRS), Room 3C841, The Pentagon, Washington, DC 20301-3062.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697-7266.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Recent investigation by the DOD Inspector General has revealed a lack of uniform compliance by DOD contracting

personnel in ensuring that the physical security standards prescribed by DoDI 5220.30 are incorporated within DOD contracts involving the manufacture or use of arms, ammunition and explosives. These standards were first made applicable to DOD contractors by DoDI 5100.84, entitled "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," dated 23 September 1980. The present successor DoDI 5220.30 embodies physical security standards prescribed earlier by DoDI 5100.84; by DOD 5100.76–M entitled, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives," dated 1 June 1978; and, by regulations issued by the Treasury Department, Bureau of Alcohol, Tobacco and Firearms (BATF) pursuant to 18 U.S.C. 842(j), codified at 27 CFR Part 55. Unless sooner rescinded or extended, the DFARS revisions will expire on 30 September 1987 which will allow sufficient time for adoption of an appropriate military specification or standard replacing the physical security standards presently prescribed within DoDI 5220.30.

The DFARS revisions approved by the DAR Council include a contract clause which highlights principal aspects of DoDI 5220.30 such as (1) the requirement that contractors allow representatives of the Defense Investigative Service (DIS) access to facilities at reasonable time for compliance reviews, and (2) the requirement that subcontractors must comply with DoDI 5220.30 where subcontracts involve arms, ammunition or explosives. Pending conversion to a military specification or standard, which will be available to contractors from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, contracting officers are directed by the revisions to provide a copy of DoDI 5220.30 to contractors/offerors upon request. Use of the DoDI will facilitate contractor compliance with BATF storage standards codified at 27 CFR Part 55, which have been inserted within the DoDI.

**B. Determination To Issue an Interim Rule**

Theft or loss of sensitive DoD arms, ammunition and explosives, made possible by inadequate contractor physical security, could potentially result in loss of life or the diversion of these items for illegal purposes. Therefore, DoD concludes that compelling reasons exist and require issuance of an interim rule without prior publication for public comment.

**C. Regulatory Flexibility Act**

The interim rule incorporates by reference, in standard contract format, requirements which have been prescribed previously by the Treasury Department and by the DoD pursuant to statutory authority, and which have been applicable to DoD contracts since 23 September 1980. However, recent investigations by the DoD IG revealed a lack of uniform compliance by DoD contracting officers in incorporating the appropriate physical security standards in contracts. This interim rule establishes uniform procedures for use by Government personnel in implementing these long standing procedures. Accordingly, the Department certifies that this rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq. A regulatory flexibility analysis has therefore not been performed. Comments are invited from small entities and other interested parties.

**D. Paperwork Reduction Act**

The interim rule incorporates previously established information collection requirements within the meaning of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., as implemented by regulations prescribed within 5 CFR Part 1320, and does not require additional information collection efforts by contractors. Accordingly, the Act is inapplicable and approval by OMB of the interim rule is not required. Nothwithstanding the inapplicability of the Act, the interim rule has been adopted in a manner consistent with DoD policy of reducing paperwork burdens on the public by directing that contracting officers provide a copy of DoDI 5220.30 to contractors/offerors upon request. Additionally, the DoDI incorporates BATF standards published in 27 CFR Part 55 which are not otherwise readily available to contractors. The intended conversion of DoDI 5220.30 to a military specification or standard by 30 September 1987, available through the U.S. Naval Publications and Forms Center, will further facilitate public access.

**List of Subjects in 48 CFR Parts 204, 223, and 252**

Government procurement.

Charles W. Lloyd,

*Executive Secretary, Defense Acquisition Regulatory Council.*

Therefore, the DoD FAR Supplement contained in 48 CFR Parts 204, 223 and 252 is amended as set forth below.

1. The authority citation for 48 CFR Parts 204, 223 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

## PART 204—ADMINISTRATIVE MATTERS

2. Section 204.202 is amended by adding to paragraph (c), paragraph (6) to read as follows:

**204.202 DoD distribution requirements.**

* * * * *

(c) * * *

(6) One copy or an extract to the cognizant Defense Investigative Service (DIS) office as listed in DoDI 5220.30, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities whenever the clause prescribed at 223.7103 is included in the contract.

* * * * *

3. Section 204.470 is added to read as follows:

**240.470 Physical security of conventional arms, ammunition, and explosives.**

Policies and procedures regarding physical security requirements peculiar to selected Conventional Arms, Ammunition, and Explosives are addressed in Subpart 223.71.

## PART 223—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

4. A new Subpart 223.71, consisting of sections 223.7100 through 223.7105, is added to read as follows:

**Subpart 223.71—Safeguarding Conventional Arms, Ammunition, and Explosives Within Industry**

Sec.



### Subpart 223.71—Safeguarding Conventional Arms, Ammunition, and Explosives Within Industry

**223.7100 Scope of subpart.**

This subpart prescribes policy, procedures, responsibilities and requirements for safeguarding Conventional Arms, Ammunition, and Explosives (AA&E) located at contractor or subcontractor facilities.

**223.7101 Definitions.**

Conventional arms, ammunition, and explosives as used in this subpart means only those items covered by DoDI 5220.30, Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities. In general, these items include sensitive (attractive to criminal elements), conventional (non-nuclear) material which are man portable and easily employed with little modification, or associated firing components.

**223.7102 Policy.**

The physical security requirements of DoDI 5220.30, "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," are to be applied to all contracts involving conventional AA&E.

**223.7103 Preaward responsibilities.**

(a) Techical or requirements organizations initiating purchase requests must identify when AA&E is involved and which physical security requirements in DoDI 5220.30 apply; and

(b) The contracting officer prior to award of a contract involving AA&E shall request the cognizant Defense Investigative Service (DIS) Industrial Security office to evaluate and certify the prospective contractor's ability to safeguard AA&E consistent with DoDI 5220.30. This should be accomplished as part of the normal Preaward Survey process by completing Item "G" section III and Block 23 of the Standard Form 1403.

**223.7104 Notification to DIS.**

Whenever the clause 252.223-7003 is included in a contract, the contracting activity shall provide an extract or a copy of the contract to the cognizant DIS office (see 204.203(c)(6)).

**223.7105 Clause.**

The contracting officer shall insert the clause at 252.223-7003, Safeguarding Arms, Ammunition, and Explosives in all solicitations and contracts involving any AA&E covered by DoDI 5220.30. The clause need not be included in contracts performed in Government-Owned Contractor Operated ammunition production facilities. The contracting officer shall provide a copy of DoDI 5220.30 to each contractor/offeror upon request.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.223-7003 is added to read as follows:

**252.223-7003 Safeguarding arms, ammunition, and explosives.**

As prescribed in 223.7105, insert the following clause:

**Safeguarding Arms, Ammunition, and Explosives (Oct 1986)**

(a) The Contractor shall comply with the applicable requirements of Enclosure (2) to DoDI 5220.30, entitled "Physical Security of Sensitive Conventional Arms, Ammunition, and Explosives at Contractor Facilities," in effect on the date of award of this contract. A copy of the DoD Instruction is available from the contracting officer upon request.

(b) The Contractor shall allow representatives of the Defense Investigative Service (DIS) access, at all reasonable times, into its facilities for purposes of reviewing its compliance with the physical security standard applicable to this contract.

(c) The Contractor shall insert this clause, including this paragraph (c) with appropriate changes in the designation of the parties, in all subcontracts hereunder which involve Conventional Arms, Ammunition, and Explosives (AA&E) as defined in section 223.7101 of the DoD FAR Supplement.

(d) The Contractor shall provide a copy of any subcontract involving AA&E to the cognizant DIS office within ten (10) days after issuance of the subcontract.

(e) Nothing contained herein shall relieve the Contractor from complying with applicable Federal, state and local laws, ordinances, codes and regulations (including the obtaining of licenses and permits) in connection with performance of this contract. Nothing contained herein shall be construed as relieving the Contractor from its responsibilities for the physical security at contractor or subcontractor facilities.

(End of clause)

[FR Doc. 86-26302 Filed 11-20-86; 8:45 am]
BILLING CODE 3810-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1063

**[Ex Parte No. MC-95 (Sub-4)]**

### Practices of Motor Common Carriers of Passengers; Checked Baggage Prohibitions and Liability Exemptions

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has adopted a rule (proposed at 49 FR 26439, June 23, 1986) allowing motor passenger carriers to refuse to accept money as checked baggage and to disclaim liability for loss or damage to any money unknowingly accepted in checked baggage. The Commission has found the rule, requested by the National Bus Traffic Association, Inc., to be a commercially reasonable approach to an obvious problem. NBTA had asserted that the present liability for lost money harms motor passenger carriers both in terms of claims that they have been required to pay and because of enhanced security measures they have been required to invoke.

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

**FOR FURTHER INFORMATION CONTACT:**

James L. Brown, (202) 275-7898;
or
Louis E. Gitomer, (202) 275-7691.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

The Commission certifies that the adopted rules will not have a significant economic impact on a substantial number of small entities. The amendment will have a small beneficial impact on small passenger carriers by relieving them of some of the burden of questionable liability claims.

**List of Subjects in 49 CFR Part 1063**

Aged, Baggage, Blind, Buses, Handicapped, Motor carriers.

Decided: November 14, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

**Noreta R. McGee,**

*Secretary.*

**Appendix**

Title 49 of the Code of Federal Regulations is amended as follows:

## PART 1063—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY MOTOR COMMON CARRIER PASSENGER SERVICE

1. The authority citation for 49 CFR Part 1063 is revised to read as follows:

**Authority:** 5 U.S.C. 533 and 559, and 49 U.S.C. 10102, 10321, 10701, 10702-10705, 10708, 10721, 10722, 10724, 10730, 10741, 10761, 10762, 10764, 10922, 11101, 11141-11145, 11701, 11702, 11707, 11708, 11901, 11904, 11906, 11909, 11910, and 11914.

2. Section 1063.4 is amended by revising paragraphs (c) (2) and (3) as follows:

**§ 1063.4 Baggage service.**

* * * * *

(c) * * *

(2) Carriers may refuse to accept as checked baggage and, if unknowingly accepted, may disclaim any liability for loss or damage to the following articles:

(i) Articles whose transportation as checked baggage is prohibited by law or regulation;

(ii) Fragile or perishable articles, articles whose dimensions exceed the size limitations in the carrier's tariff, receptacles with articles attached or protruding, guns, and materials that have a disagreeable odor;

(iii) Money; and

(iv) Those other articles that the Commission decides, on a case-by-case basis on petition by the carrier, may be transported with no liability or may be refused as part of checked baggage.

(3) All other articles must be accepted as checked baggage and liability for them may not be eliminated. However, carriers need not offer excess value coverage on valuable articles. "Valuable articles" include negotiable instruments, valuable papers, manuscripts, irreplaceable publications, documents, jewelry, watches, and other articles of extraordinary value.

* * * * *

[FR Doc. 86-26277 Filed 11-20-86; 8:45 am]

BILLING CODE 7035-01-M

## 49 CFR Part 1152

**[Ex Parte No. 274 (Sub-8) [1]]**

## Exemption of Out of Service Rail Lines

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rules.

**SUMMARY:** On reopening, the Commission is reaffirming its decisions to exempt from regulation under 49 U.S.C. 10903-05 rail line abandonments and trackage rights and service discontinuances where no traffic has originated or terminated on the line for at least 2 years, subject to certain conditions, including the standard labor protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979) (*OSL*). The Commission is also reaffirming its adoption of the rules at 49 CFR 1152.50 with an amendment to clarify that parties seeking greater labor protection than the standard conditions set forth in *OSL* must file a petition for partial revocation of the exemption. These actions are being taken following the findings of the U.S. Court of Appeals for the D.C. Circuit that the Commission's prior decision was inadequate in several areas.

**EFFECTIVE DATE:** The decision and rules are effective on December 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Joseph Dettmar, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** The final rules being reaffirmed in this decision were published at 48 FR 27547, June 16, 1983 and 49 FR 17002, April 23, 1984, as amended at 49 FR 396, January 4, 1984, 50 FR 8335, March 1, 1985 and 50 FR 24649, June 12, 1985.

Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC metropolitan area) or toll free (800) 424-5403.

The Commission certified, in the prior proceedings, that these actions will not have a significant economic impact on a substantial number of small entities. We reaffirm that finding.

This action will not significantly affect either the quality of the human environment or energy conservation.

**List of Subjects in 49 CFR Part 1152**

Administrative practice and procedure, Railroads, and Labor.

Decided: November 3, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Vice Chairman Simmons and Commissioner Lamboley dissented with separate expressions.

**Noreta R. McGee,**

*Secretary.*

### Appendix

Title 49 of the Code of Federal Regulations is amended as follows:

### PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

1. The authority citation for 49 CFR Part 1152 continues to read as follows:

**Authority:** 5 U.S.C. 553, 559, and 704; 16 U.S.C. 1247(d); 31 U.S.C. 9701; 45 U.S.C. 904 and 915; and 49 U.S.C. 10321, 10362, 10505, and 10903 *et seq.*

2. Section 1152.50 is amended by adding a new paragraph (d)(5) to read as follows:

**§ 1152.50 Exempt abandonments and discontinuances of trackage rights.**

* * * * *

(d) * * *

(5) To address whether the standard labor protective conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), adequately protect affected employees, a petition for partial revocation of the exemption under 49 U.S.C. 10505(d) must be filed.

[FR Doc. 86-26278 Filed 11-20-86; 8:45 am]

BILLING CODE 7035-01-M

[1] The instant decision embraces Ex Parte No. 274 (Sub-No. 8A), *Exemption of Out of Service Rail Lines*, 1 I.C.C. 2d 55 (1984).

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 20

## Migratory Bird Hunting: Nontoxic Shot Approval Procedures

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** Traditionally, shotshell loads used for hunting waterfowl have been made of lead. As a consequence, spent lead shot is deposited in feeding areas by hunters, where it is frequently mistaken for seeds or grit and ingested by migratory birds and other wildlife. Moreover, spent lead shot that is lodged in the body tissues or contained in the digestive tract of the prey of certain predators, such as bald eagles, is sometimes ingested by these predators as they consume their prey. Ingested lead pellets from both these sources are known to cause sickness and/or death to migratory birds and other wildlife.

A procedure was developed in 1976 for obtaining nontoxic status for shotshell loads that might be used as an alternative to lead shot (50 CFR 20.134). The Fish and Wildlife Service (FWS) had finalized at that time a regulation requiring nontoxic shot for waterfowl hunting in certain areas (50 CFR 20.21(j)). The descriptions of areas in which nontoxic shot is required are presented in 50 CFR 20.108. The only approved nontoxic shot at the present time is steel shot.

It is the responsibility of the Director, FWS, to determine the nontoxic status of shot materials to be used for migratory bird hunting (50 CFR 20.134(a)). Considerable information has accumulated on the subject of lead poisoning among birds since nontoxic shot approval procedures were first developed in 1976. The procedures developed in 1976 were reviewed in 1984 and found to be inadequate in several respects. A proposed rule was offered by the FWS on July 22, 1985 (50 FR 29706) as a revision of 50 CFR 20.134. Comments on the proposal were accepted until September 22, 1985. This final rule establishes toxicity testing procedures that will be followed to

determine if candidate shot can be approved by the Director, FWS, as nontoxic shot.

**EFFECTIVE DATE:** This final rule becomes effective on December 22, 1986.

**FOR FURTHER INFORMATION CONTACT:** Dr. Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240 (202/254–3207).

**SUPPLEMENTARY INFORMATION:** This revision differs from the former regulation in the following ways:

1. The former regulation required extensive ballistics and toxicity testing before an application could be made. This revision does not require ballistics testing and allows for exchanges of information between the developer and the Director, and guidance from the Director prior to extensive and relatively costly toxicity testing.

2. The former regulation was inflexible with respect to testing procedures. This revision allows for adjustments in procedures by the Director based upon information gathered during preliminary tests.

3. The former procedure compared the toxicity of the candidate material to the toxicity of lead. In this revision the candidate material is compared to steel shot and to lead shot.

4. The former rule had rigid timeframes for public comment and for decisions by the Director. This revision allows the Director to adjust these schedules to the information needs relating to a particular material being tested.

5. Both the former rule and the revision place responsibility for testing and the costs of testing on the developer. However, this revision establishes a procedure that allows the Director to consult with the developer to make certain that expenditures by the developer relate to questions essential to the Director's decision regarding the status of the shot material.

### Summary of Public Comment

This rule was published as a proposal for public comment on July 22, 1985 (50 FR 29706). Public comment was received for 60 days following that date. Eleven letters of comment and one phone call were received. Seven of these contacts were from State wildlife agencies, three were from private wildlife organizations, and one from a munitions manufacturer. The State agencies were Delaware Division of Fish and Wildlife; New Jersey Division of Fish, Game, and Wildlife; New York Department of Environmental Conservation; Indiana Department of Natural Resources; Illinois Natural History Survey Division; Nebraska Game and Parks Commission; and Kansas Fish and Game. Private wildlife conservation organizations offering comments were the National Wildlife Federation, Wildlife Legislative Fund of America, and Waterfowl Habit Owners Alliance. The Federal Cartridge Corporation provided a letter of comment. The following paragraphs summarize these comments and offer FWS responses.

*Comment:* Three States and one private organization expressed concern that under the new regulation the Director has too much latitude in approving or rejecting a candidate material.

*FWS response:* The Director was given this latitude in order to permit the termination of those tests found not to be necessary, or to add new tests, if necessary. The final rule has been modified to make it clearer that this latitude relates to testing procedures, not to approval of the candidate shot. A candidate must pass the described tests, or their equivalent, to be approved. In some cases the Director could be required to make major changes in the testing procedures, depending on the composition of the material being tested. Prior to fianl approval of a nontoxic shot, the Director will publish this proposed action for comment. Included in that proposal will be a summary of all test results relating to the proposed action. Consequently, the Director's decision will not be made without public participation, and that point is now included in the final rule.

*Comment:* Two States and one private organization expressed concern over the comparisons being made in tests and the manner in which acceptable or unacceptable levels of mortality are to be determined. These included (1) objections to using lead shot instead of steel shot as a benchmark, (2) use of an arbitrary percentage, and (3) use of no actual limit of acceptable mortality.

*FWS response:* The use of steel shot and lead shot in tests of the candidate shot allows several comparisons among a negative control (lead), acceptable control (steel), neutral control (sham-dose), and the candidate. This type of testing yields the most information possible for making decisions, and the FWS has decided to retain it in this final rule. With regard to statistical significance, the proposal permitted a range from 0.01 to 0.10. A more positive statement is made by setting this level at 0.05, and that is how the final rule is worded. A maximum mortality level of 20 percent of that occurring with similar doses of lead shot was included in the proposed rule. That level of mortality was criticized in comments as arbitrary and contrary to the statistical procedures that were outlined in the proposal. This percentage was introduced into the process to give a finite level of tolerance for mortality as compared to other statements of a statistical nature. However, the FWS agrees that the statistical statements are adequate for the decision process and has removed the statement regarding 20 percent of the mortality due to lead shot. Instead, judgments regarding the performance of the candidate shot are based on its performance relative to steel shot, lead shot, and sham-dosings, and the statistical significance of the various comparisons that result from this experimental design. The terms *significant* and *significantly,* as used in these test procedures, refer to a ($P < 0.05$) finding of significance. A statistical test that achieves a specified significance level provides objective support for the conclusion that the tested data sets are different. A significance level of 0.05 indicates that if the experiment were to be conducted 100 times under identical conditions, the results would be different from those observed not more than five times.

*Comment:* Two States and one private organization expressed concern over the term, *sublethal,* and how it is to be defined.

*FWS response:* We have deleted the term, *sublethal effects,* and replaced it in this final rule with, *effects on the previously mentioned physiological parameters.*

*Comments:* Two States requested a definition of the term *cold weather.*

*FWS response:* The FWS has revised the rule to utilize test sites where the mean monthly temperature (December-February) is between 30° and 40° F.

*Comment:* One State and one private organization expressed concern over the soft food diet used in Tests 1 and 3 and no grit accessibility.

*FWS response:* Commercially developed duck foods were chosen for Test 1 to provide an initial test that would not be a worst case situation (corn diet, cold weather) but would show mortality from lead shot at some but probably not all of the prescribed doses. A desired result of the first test was to establish a dose response that could be compared among controls, lead shot, and steel shot. Any candidate that did poorly here would not be tested further. If the candidate passed this test, it would be subjected to a worst case (corn diet, cold weather) in Test 2. A candidate shot would have to be relatively nontoxic in order to pass Tests 1 and 2. The final test, Test 3, is an

effort to determine if any effects on reproduction can be demonstrated.

Grit accessibility is omitted in the test design because; (1) it is not needed for a commercial food or corn diet, and (2) grit would have to be standardized to permit valid comparisons between tests peformed at different locations. For example, all grit must contain no calcium, or all grit must contain a fixed amount of calcium, and so on, or a variety of other elements. This would be difficult, if not impossible, to standardize. Consequently, we have chosen to remove grit from the tests.

*Comment:* A toxicity test for raptors should be included, since raptors are known to feed on crippled, sick, or dead waterfowl that contain lead shot.

*FWS response:* Toxicity tests for raptors would be desirable but have not been developed at this time. Captive stocks of raptors suitable for testing in this manner do not exist. Based on previous research, we believe it reasonable to assume that shot types that are nontoxic to ducks will be nontoxic to raptors.

*Comment:* The age of mallards to be tested should be standardized. The proposal implies all ages less than 8 months are acceptable.

*FWS response:* The age is now stated as approximately 6 to 8 months.

*Comment:* In Test 3 eggs are left to be incubated by the mallard female rather than collected and placed in an incubator. Captive mallard females are notoriously poor mothers, and this will confound results.

*FWS response:* In similar tests conducted at the FWS' Patuxent Wildlife Research Center, mallard females have not been poor mothers. In this test, we are more interested in the incubation behavior of the female than in the hatchability of the eggs.

*Comment:* Fluoroscopy is being used to check on the retention of dosed shot. Daily examination of feces would be a more positive check on this.

*FWS response:* The cost of pen construction and labor to examine the feces of each test animal on a daily basis was considered excessive in relation to the gains to be made over fluoroscopy.

*Comment:* The type of hand-reared mallard to be tested should be specified in the regulation.

*FWS response:* At this point we have no evidence that the genetic makeup of the test mallard is critical to the outcome of the tests. Wild mallards brought into captivity for this purpose are under stress and do not survive as well as birds that are accustomed to pens. It is important that the test animals be mallards of approximately the same size and plumage as wild mallards, and they should be hatched in captivity. We have reworded the regulation to make this point clear.

*Comment:* These tests are unrealistic with respect to numbers of pellets dosed that diets used. They do not simulate what is happening to wild waterfowl that consume lead shot.

*FWS response:* It is not the purpose of these tests to simulate what will happen to a wild duck that ingests a pellet. These tests have a single purpose of comparing the *relative* toxicity to mallards of lead, steel, and a candidate material under a standard set of experimental conditions.

*Comment:* The Federal Cartridge Corporation recommended a 6-part ballistics testing procedure for determining the ballistic performance and acceptability of a candidate shot type, that would strengthen those currently at § 20.134.

*FWS response:* The necessity for the FWS to set ballistics standards for candidate shot has been reconsidered and a determination made that the existing ammunition industry standards and market forces are sufficient to regulate ballistic acceptability of candidate shot types.

*Comment:* Numerous wording changes were recommended by the State Natural History Survey of Illinois and by the National Wildlife Federation. These changes were to clarify meaning or improve the instructions in various ways.

*FWS response:* Many of these wording changes have been incorporated into this final rule.

### Economic Assessment

In accordance with Executive Order 12291, it has been determined that this rule is not a major rule. Since no application has been received since 1976, and few applications are likely to occur in the future, it is unlikely that the current regulations or this proposed revision will have any economic effect on small entities. Therefore, in accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it was determined that this rule would not have a significant economic effect on a substantial number of small entities. A copy of the analysis relating to these decisions, the "Determination of Effects of Proposed Revision of Nontoxic Shot Approval Procedures," can be obtained from the U.S. Fish and Wildlife Service (MBMO), Washington, DC 20240.

### Paperwork Reduction Act

This final rule will result in the collection of information from, or place recordkeeping on, the public. The information collection requirements contained in § 20.134 (nontoxic shot approval procedures) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018.0067.

### Authorship

The primary author of this final rule is Keith A. Morehouse, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

## PART 20—[AMENDED]

In light of the foregoing, 50 CFR Part 20 is amended as follows:

1. The authority citation continues to read as follows:

**Authority:** Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 701–708h) sec. 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712); Alaska Game Act of 1925, 43 Stat. 739, as amended, 54 Stat. 1103–04, unless otherwise noted.

2. Section 20.134 is revised to read as follows:

### § 20.134 Nontoxic shot.

(a) *Approval.* (1) The information collection requirements contained in § 20.134 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0067. The information is being collected to provide a basis for which the Director, Fish and Wildlife Service, can conduct a methodical an objective review to approve/disapprove nontoxic shot status sought by an applicant. The information will be used for toxicity assessment of candidate shot submitted for approval by applicant. Response is required to obtain a benefit.

(2) The Director, U.S. Fish and Wildlife Service, shall determine that a specific type of shot material is acceptable for the purposes of 50 CFR 20.21(j), if after a review of applications and supporting data submitted in accordance with this section, together with all other relevant evidence, including public comment, it is concluded that the spent shot material does not impose a significant danger to migratory birds and other wildlife or their habitats.

(b) *Application and review.* (1) All applications under this section shall be submitted to the Director and shall include:

(i) A minimum of 25 pounds of the candidate shot in size equivalent to #4.

(ii) A description of the chemical composition of the candidate shot and a statement of the expected composition variability during large-scale production.

(iii) The applicant's assessment of the potential toxicity of the candidate shot to migratory birds and other wildlife species as compared to lead shot and steel shot.

(iv) The applicant's assessment of the environmental fate of the candidate shot when spent and of any human health or safety issues that may be of concern.

(2) If the Director concludes, on the basis of the technical and scientific data contained in the applicant's submission, that this candidate shot is worthy of further testing, the applicant is notified to submit a plan for conducting initial screening evaluations as outlined in paragraph (c) of this section. The Director shall specify what portion of paragraph (c)(1) should be conducted and any modifications to the procedures that might be necessary. The Director will then announce in the **Federal Register** that a candidate material that shows promise has been identified and further testing will be considered when the developer submits a satisfactory initial screening plan. This announcement will include a description of the chemical composition of the candidate shot.

(3) The initial screening plan submitted by the applicant will be reviewed by the Director. The Director may decline to approve the plan, or any part of it, if deficient in any manner with regard to timing, format, or content requirements that he has placed upon it. The Director, or authorized representative, may inspect laboratory facilities to be used.

(4) Initial screening tests, as described in paragraph (c)(1) of this section, will then be conducted, analyzed, and reported by the applicant to the Director.

(5) The Director will then review results, analytical procedures, and conclusions from screening tests. Within 30 days of receipt of the report, the Director will conditionally approve or unconditionally reject the candidate material and provide written explanation for these decisions.

(6) If the Director conditionally approves the candidate material, the applicant will be advised of the second phase of tests, as described in paragraph (c)(2) of this section. The applicant will be advised to develop and submit a plan for conducting a 30-day dosing test using mallards on a diet of commercial available duck food (paragraph (c)(2) of this section; Toxicity Test 1).

(7) The plan for conducting the 30-day dosing test (Toxicity Text 1) on a diet of commercially available duck food will be submitted to the Director for review and approval. The Director, or authorized representative, will then inspect the test facilities and review the test procedures.

(8) Toxicity Test 1, if approved, is then conducted, analyzed, and reported by the applicant to the Director.

(9) The Director reviews the results and within 30 days will conditionally approve or unconditionally reject the candidate material and provide written explanation for these decisions. If conditionally approved, guidance for further testing is provided the applicant.

(10) This process of requesting a plan, reviewing the plan, accepting or rejecting the plan, conducting tests, analyzing results, reporting results to the Director, followed by a decision by the Director to continue or terminate testing, with written explanation for the rationale, may be repeated as Tests 2 and 3 (described in paragraph (c)(2) of this section) are performed. Following satisfactory completion of Tests 1, 2, and 3, or their equivalent, and publication of a summary of results in the **Federal Register** for public comment, the candidate material is concomitantly proposed for inclusion in 50 CFR 20.21(j).

(11) For the purposes of § 20.134, the terms *significant* and *significantly* refer to a ($P \leq 0.05$) finding of significance.

(c) *Outline of procedures for testing*—(1) *Initial screening tests.* These tests will be performed on the candidate shot if the inital submission of information required under paragraphs (b)(1)(i) through (v) of this section by the applicant, indicates that it qualifies for further testing. The Director will provide instructions to the applicant concerning the conduct of the following tests.

(i) The candidate shot will be chemically analyzed by the Service or an independent laboratory and the results will be compared to the applicant's descriptions of shot composition and composition variability.

(ii) The candidate shot will be run thorugh a standardized test *in vitro* (see below) that will assess its erosion, in an environment simulating *in vivo* conditions of a waterfowl gizzard, and any release of components into a liquid medium. Erosion characteristics will be compared to those of lead shot and steel shot of comparable size.

**Standardized Test for Erosion Rate**

*Reference:* Kimball, W.H., and Munir, Z.A. 1971. The corrosion of lead shot in a simulated waterfowl gizzard. J. Wildl. Mgmt. 35(2):360–365.

**Materials**

Atomic absorption spectrophotometer.
Drilled aluminum block to support test tubes.
Thermostatically controlled stirring hot plate.
Small teflon coated magnets.
Hydrochloric acid (pH 2.0) and pepsin.
Capped test tubes.
Lead, steel, and candidate shot.

*Procedures*

Hydrochloric acid and pepsin are added to each capped test tube at a volume and concentration that will erode a single #4 lead shot at a rate of 5 mg/day. Three test tubes, each containing either lead shot, steet shot, or candidate shot, are placed in the aluminum block on the stirring hot plate. A teflon coated magnet is added to each test tube and the hot plate is set at 42°C and 500 rpm. Erosion of shot will be determined on a daily basis for 14 consecutive days by weighing the shot and analyzing the digestion solution with an atomic absorption spectrophotometer. The 14-day procedure will be replicated five times.

*Analysis*

Erosion rates of the three types of shot will be compared by appropriate analysis of variance and regression procedures. The statistical analysis will determine whether the rate of erosion of the candidate shot is significantly greater or less than that of lead and steel. This determination is important to any subsequent toxicity testing.

(2) *Toxicity tests.* The three tests described in this section represent an evaluation of three major categories of toxic effects: short-term periodic exposure; chronic exposure under adverse environmental conditions; and chronic exposure impact on reproduction. The detail of the experimental procedure can be modified, if necessary, to address the specific composition and erosion characteristics of the candidate shot. The inclusion of lead shot and steel shot control groups is considered necessary for dealing with the experimental variability associated with tests being performed by different laboratories under a variety of conditions beyond control of the experimental protocol. Statistical analyses will be performed on all data from each test. Toxicity tests 1–3 are designed for testing the effects of metal or metalloid shot. If the candidate is not metal or metalloid, other testing procedures will have to be developed to evaluate the effects of the components of the candidate shot. In every case, the test animals will be exposed to the candidate material:

(i) Both acutely and chronically;

(ii) Both stressed and non-stressed by diet and temperature; and

(iii) With comparisons made to lead and steel shot regarding mortality and sublethal effects.

When special consideration is given to potential impacts on species other than migratory birds and to the environmental fate of nonmetal or nonmetalloid candidate shot, further testing beyond that outlined in this paragraph (c) might be required.

Test 1 (Short-term, 30-day toxicity test using a commercially available duck food).

**Materials**

100 male and 100 female hand-reared mallards approximately 6 to 8 months old. These mallards must have plumage and body conformation that resemble wild mallards.
200 elevated, outdoor 1-meter square pens of vinyl-coated wire equipped with food containers and waterers.
Laboratory equipped to perform fluoroscopy, required blood and tissue assays, tissue metal analyses, and necropsies.
Commercial duck food.
Lead, steel, and candidate shot.

*Procedures*

Mallards will be housed individually in outdoor pens and given *ad libitum* access to food and water. After 3 weeks, they will be randomly assigned to 10 groups (10 males and 10 females/group) and sham-dosed (control) or dosed with two, four, or eight pellets of lead, steel or the candidate shot. Birds will be fluoroscoped 1 week after dosage to check for shot retention. Birds will be observed daily for signs of intoxication and mortality over a 30-day period. Body weight will be determined at the time of dosing, and at days 15 and 30 of the test.

On days 0, 3, 9, 15 and 30, blood will be collected by venipuncture for determination of hematocrit, hemoglobin concentration, red blood cell delta-aminolevulinic acid dehydratase, and zinc protoporphyrin concentration. All survivors will be sacrificed on day 30, and liver delta-aminolevulinic acid dehydratase, and total and protein bound glutathione concentration will be determined. The liver and other appropriate organs will be removed from the sacrificed birds and from other birds dying prior to sacrifice on day 30. The organs will be analyzed for lead and other metals contained in the steel and candidate shot. All birds dying prior to sacrifice will be necropsied to determine pathological conditions associated with death.

*Analysis*

Mortality among the specified groups will be analyzed with appropriate chi-square statistical procedures. Any effects on the previously mentioned physiological parameters caused by the candidate shot must be significantly less than those caused by lead shot and must not be significantly greater than those caused by steel shot. Physiological data and tissue residue data will be analyzed by analysis of variance or other appropriate statistical procedures to include the factors of shot type, dose, and sex. Comparisons between sacrificed birds and birds dying before sacrifice will be made whenever sample sizes are adequate for a meaningful comparison. The applicant will ensure that copies of all the raw data and statistical analyses accompany the report of this test when it is sent to the Director.

Test 2 (Chronic, 14-week toxicity test in cold weather using a nutritionally-deficient diet). This test will be conducted at a location where the mean monthly temperature during December, January, and February is between 30° and 40°F.

**Materials**

56 male and 56 female hand-reared mallards approximately 6 to 8 months old. The mallards must have plumage and body conformation that resemble wild mallards.
112 elevated, outdoor 1-meter square pens of vinyl/coated wire equipped with food containers and waterers.
Laboratory equipped to perform fluoroscopy, and required blood and tissue assays, tissue metal analysis, and necropsies.
Whole kernel corn.
Lead, steel, and candidate shot.

*Procedures*

Mallards will be individually assigned to outdoor, 1-meter square pens of vinyl-coated wire during the first week of December and acclimated to an *ad libitum* diet of whole kernel corn for 2 weeks. Birds will be randomly assigned to seven groups (8 males and 8 females/group) and sham-dosed (control) or dosed with one or four #4 pellets of lead, steel, or the candidate shot.

Birds will be weighed and fluoroscoped weekly. All recovered shot will be weighed to measure erosion. Blood parameters determined in Test 1 will be measured again in this test using blood samples drawn at the initiation of dosage, 24 hours after dosage, and at the end of weeks 1, 2, 4, 8 and 14. At the end of 84 days, all survivors will be sacrificed. The liver and other appropriate organs will be removed from the sacrificed birds and birds dying prior to sacrifice on day 84. The organs will be analyzed for lead and other metals contained in the steel and candidate shot. All birds dying prior to sacrifice will be necropsied to determine pathological conditions associated with death.

*Analysis*

Mortality among the specified groups will be analyzed with appropriate chi-square statistical procedures. Any effects on the previously mentioned physiological parameters caused by the candidate shot must be significantly less than those caused by lead shot and must not be significantly greater than those caused by steel shot. Physiological data and tissue residues will be analyzed by analysis of variance or appropriate statistical procedures to include the factors of shot type, dose, and sex. Comparisons between sacrificed birds and birds dying before sacrifice will be made whenever sample sizes are adequate for a meaningful comparison. The applicant will ensure that copies of all the raw data and statistical analyses accompany the report of this test when it is sent to the Director.

Test 3 (Chronic dosage study that includes reproductive assessment using a commercially available duck food diet).

**Materials**

200 male and 200 female hand-reared mallards that have not been through a reproductive season. These mallards must have plumage and body conformation that resemble wild mallards.
Pens capable of holding 5–10 ducks each.
200 elevated, outdoor pens at least 1-meter square, covered with vinly-coated wire, and equipped with feeders, waterers and nest boxes.
Laboratory equipped to perform fluoroscopy and required blood assays.
Commercial duck food (developer pellets, breeder pellets, and starter mash).
Lead, steel and candidate shot.

*Procedures*

Mallards will be randomly assigned to 10 groups (20 males and 20 females/group) in January and held in same-sex groups of 5–10 individuals until mid-February. The mallards will then be randomly paired, within each group, and moved to outdoor pens (one pair per pen). Ducks will be provided with an *ad libitum* diet of commercial developer pellets until initiation of laying, when the pairs will be switched to breeder pellets. Ducks will be sham-dosed (controls) or dosed with three #4 pellets of lead, steel or candidate shot. Dosing will occur using three different dosing schedules: (1) In January; 2 weeks after initiation of the study; (2) at the initiation of laying; and (3) at both times designated in (1) and (2). The single control group will be sham-dosed at both times.

Birds will be fluoroscoped 1 week after dosage to check shot retention, and weighed every 2 weeks. Blood parameters determined in Tests 1 and 2 will be measured again in this test using blood samples drawn at initiation of the study, at time of dosing, at initiation of incubation, and at sacrifice. All birds will be sacrificed when reaching 7 days of age.

Clutches will be candled to determine fertility of the eggs. Nests will be checked daily to determine the fate of eggs and ducklings. Ducklings will be provided with starter mash after hatching.

*Analysis*

Any mortality, reproductive inhibition, or effects on the previously mentioned physiological parameters must be significantly less than those caused by lead shot and must not be significantly greater than those caused by steel shot. Physiological and reproductive data will be analyzed by analysis of variance or other appropriate statistical procedures. The applicant will ensure that copies of all raw data and statistical analyses accompany the report of this test when it is sent to the Director. (Information collection requirements approved by the Office of Management and Budget under control no. 1018–0067)

Dated: October 24, 1986.

**William P. Horn,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 86–26292 Filed 11–20–86; 8:45 am]

BILLING CODE 4310–55–M

50 CFR Part 20

**Migratory Bird Hunting; Criteria and Schedule for Implementing Nontoxic Shot Zones for 1987–1988 and Subsequent Waterfowl Hunting Seasons.**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** When consumed by waterfowl, bald eagles and other migratory birds, spent lead shot often produce lead poisoning and death. As lead poisoning is a significant annual mortality factor for certain species of migratory birds that indirectly results from sport harvest of waterfowl, the annual process of deciding whether, where, and how migratory bird hunting will be allowed under the Migratory Bird Treaty Act must take into account where further curtailment of shot deposition is necessary to protect these species from lead shot exposure and the resultant mortality. To eliminate lead poisoning as a major mortality factor in waterfowl, bald eagles, and certain other migratory birds, the Fish and Wildlife Service (FWS) will ban the use of lead shot for hunting waterfowl and coots nationwide by the 1991–1992 season. This final rule describes the mechanism and schedule by which the nationwide ban on the use of lead shot for hunting waterfowl and coots will be implemented.

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

**FOR FURTHER INFORMATION CONTACT:** Dr. Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Matomic Building—Room 536, Washington, DC 20240 (202/254–3207).

**SUPPLEMENTARY INFORMATION:** Wildlife biologists and others have known at least for the last 100 years that spent lead shot deposited during hunting can cause sickness and death when ingested by waterfowl. In earlier decades, when waterfowl populations were greater in number, this incidental hunting-related mortality was judged too insignificant to warrant measures to attempt to eliminate the problem.

Increasingly, continental waterfowl populations have come under stress from destruction and degradation of their habitat, periodic adverse weather cycles and disease on crowded migration and wintering habitats. By the 1960's and 1970's it became obvious to wildlife managers that there was a need to find an alternative to lead shot because of its toxicity. In 1976, the Department of the Interior published a Final Environmental Statement (FES–76) on the proposed use of steel shot for hunting waterfowl in the United States. The action presented at that time sought to limit further deposition of lead shot in areas used by waterfowl in order to eliminate lead poisoning from ingested lead shot as a significant mortality factor among these birds. This action continues to be implemented 10 years after it was first presented.

Since 1976, nontoxic shot has been required for hunting waterfowl at numerous locations throughout the United States. These requirements are now reflected in both State and Federal hunting regulations. In 1985, about 30 percent of the average annual waterfowl harvest in the United States occurred in designated nontoxic shot zones in 33 States. In 1986, about 49 percent of the average annual waterfowl harvest in the United States will occur in nontoxic shot zones in 44 States.

The majority of wildlife managers and many hunters understand the need for conversion to a nontoxic shot in order to maintain waterfowl populations. However, there are those who believe that steel shot (currently the only approved nontoxic shot available) is not the answer, that it will damage their guns and cripple more waterfowl than lead shot. These concerns are true in part. Shotguns with thin-walled barrels or barrels made of soft steel should not be used for firing steel loads. However, modern shotguns available from the major American arms manufacturers and others are safe for use with steel shot. Numerous tests relating to crippling loss with steel shot have produced results as varied as their individual objectives. There is no clear evidence that a greater crippling loss results from use of steel shot.

Criticism about the need to convert to nontoxic shot also centers on the lack of hunter-observed, lead poisoning mortality. This results from the fact that most lead poisoning occurs after the hunting season when waterfowl can feed undisturbed on hunted areas where shot has been deposited recently and the fact that lead poisoning is a slow, debilitating disease that makes its victims susceptible to predation or other diseases. When encountered, these birds are often mistaken for cripples. Although these factors make it difficult to provide absolute numbers of lead poisoned birds, it is known that signficant losses are occurring annually across the nation, and they are controllable as an acceptable nontoxic substitute for lead shot is available.

In making the annual decision whether, where, and how migratory bird hunting will be allowed under the terms of the Migratory Bird Treaty Act, as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755), the Secretary of the Interior is required to determine the capability of waterfowl and other migratory bird resources to sustain a sport harvest throughout the various portions of their range. The Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; 87 Stat. 884) requires Federal agencies to conserve endangered species and avoid jeopardizing their continued existence; the Secretary must consider where it is necessary to require nontoxic shot in order to reduce exposure of bald eagles to lead shot in their waterfowl prey. If a determination is made that the use of lead shot must be avoided for the migratory bird hunting to remain in compliance with the requirements of these statutes, the Secretary must implement a program that meets those requirements.

As previously stated, the FWS has implemented a nontoxic shot program since 1976 to alleviate the lead poisoning problem in waterfowl. Only in the past few years, since FES–76 was completed, has it become apparent that lead poisoning from waterfowl hunting is manifesting itself in the endangered and threatened bald eagle populations of the United States. To date, 125 bald eagles have been diagnosed by the FWS' National Wildlife Health Center as dying from lead poisoning; the major source of this lead exposure is believed to be lead pellets embedded in or ingested by hunter-crippled or -killed waterfowl. Accordingly, the FWS has completed a Final Supplemental Environmental Impact Statement (SEIS) on the use of lead shot for hunting migratory birds in the United States, in which a complete review and analysis of the lead poisoning problem in migratory birds is made. Evidence is presented in the Final SEIS that lead poisoning among waterfowl and bald eagles is of sufficient magnitude that a program to ban the use of lead shot for waterfowl and coot hunting nationwide is necessary for the Secretary to comply with statutory requirements.

Information detailing the developing of the Final SEIS strategy to eliminate lead toxicity as a major mortality factor in waterfowl and coots appears in the preamble to the proposed rule for this final rule published in the **Federal Register** on Friday, June 27, 1986 (51 FR 23444). Information on the justification for selecting this strategy (Alternative $VII_3$) has also been set out in the Final SEIS; the June 27, 1986, **Federal Register** proposed rule for this final rule; and in the Record of Decision (ROD) confirming selection of the preferred alternative and published in the **Federal**

Register on August 20, 1986 (51 FR 29673). In compliance with 40 CFR 1505.2, the ROD was signed by the Director, FWS, and the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, on August 11, 1986.

This rule will fully implement the preferred alternative of the Final SEIS by setting criteria and a schedule for establishing nontoxic shot zones for the 1987–1988 waterfowl hunting season and beyond, culminating in a nationwide ban on the use of lead shot by the 1991–1992 hunting season. The decision criteria noted in the amendatory language of this rule (recommended to the FWS by comments of the International Association of Fish and Wildlife Agencies) are similar to those published at 50 FR 30849 and are discussed also in the Final SEIS. The current FWS strategy, utilizing criteria for identifying areas necessary for bald eagle and waterfowl protection, is an integral part of this alternative and will apply for the 1986–1987 waterfowl hunting season (see 51 FR 31429).

Since 1978, the FWS has not been able to implement or enforce nontoxic shot zones in a State without approval of the appropriate State authorities. This restriction on use of funds by the FWS has been contained in the Interior Department Appropriations Act each year since 1978 (Pub. L. 98–473, Section 305). As a consequence of this restriction the FWS can only implement and enforce nontoxic shot zones for waterfowl and coot hunting with the approval of State authorities. If States do not approve nontoxic shot zones when current FWS guidelines and criteria indicate that such zones are necessary to protect migratory birds, the FWS will not open the areas to waterfowl and coot hunting. This action is taken pursuant to the FWS' responsibilities under the Migratory Bird Treaty Act and, in the case of zones proposed for bald eagle protection, the Endangered Species Act, and the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. 668–668d; 54 Stat. 250).

**Summary of Comments on the Proposed Rule**

Over 175 comments on the proposed rule have been received; only 46 were received prior to comment period closure. Of those received subsequent to comment period closure, virtually all support FWS action to ban the use of lead shot nationwide by 1991–1992 for hunting waterfowl and coots. All letters have been reviewed for relevancy to this particular proposal and substantive comments are addressed in this final rule, or elsewhere as noted.

Of the 46 comments received during the comment period, 17 are from State fish and game organizations and the remainder are from national, State, or local conservation/wildlife organizations, a Member of Congress, a waterfowl hunting group, a Flyway Council, and private individuals. States providing comments are AZ, CA, DE, FL, GA, IL, MD, ME, MI, MO, NE, NH, NJ, RI, TX, VT, and WI. One copy of a letter to "State and Federal Fish and Wildlife Administrators" urging observance of the zone conversion schedule in Appendix N of the Final SEIS was received from the Federal Arms Corporation. Overall, 20 letters were in general support of the proposed rule, 22 generally against, 2 had no stated or obvious position, and 2 supported a nationwide lead to steel shot conversion but not as proposed by the FWS. Of the States responding, 11 supported the proposal, 3 States opposed the proposal, 2 States had no stated position for or against, and 1 State supported a conversion but not as proposed by the FWS in this rule. The comments noted below are represented in approximately 15–20 of the 46 letters, but not all cite each and every issue. These comments are not responded to in this final rule as they are similar, if not identical, to comments received from the general public on the proposed rule titled "Zones in which lead shot will be prohibited for waterfowl and coot hunting in the 1986–1987 hunting season" of January 6, 1986 (51 FR 409) and were responded to as a preliminary final rule in Appendix O of the Final SEIS on the use of lead shot for hunting migratory birds in the United States completed in June of 1986 and announced in the **Federal Register** on June 27, 1986 (51 FR 23443) and July 11, 1986 (51 FR 25249). This preliminary final rule (Appendix O), with comments and responses, was published as a final rule on September 3, 1986 (51 FR 31429). Further, most of the subjects listed are treated in the Final SEIS and referenced accordingly so that the reader may obtain and review scientific studies upon which this final rule action is taken. The list of issues (with the September 3, 1986 (51 FR 31429) 1986–1987 nontoxic shot zone rule Issue and/or SEIS reference) is as follows:

- Arguments against the lead shot-lead poisoning connection in waterfowl and bald eagles, including situations involving shooting over fields and over deep water, observers noting absence of carcasses, perceived documentation deficiencies, etc. (see, for example, Issues 1, 2, 7, and 8 and Chapter III of the SEIS);
- Relative merits of the "hotspots" approach vs. the current phase-in strategy (see, for example, Issue 5 and Chapters II and IV of the SEIS);
- Crippling and shooting performance of lead vs. steel shot (see, for example, Issue 12 and Chapter III, page 86, of the SEIS);
- Cost of steel vs. lead shot and availability of steel shot (see, for example, Issue 14 and Chapter III, page 90, of the SEIS);
- Compatibility of steel shot with weapons and safety (see, for example, Issue 13 and Chapter IV, pages 11–15 of the SEIS);
- Feasibility of implementing a nationwide ban earlier than the 1991–1992 hunting season (see, specifically, page S–3 and Chapter IV of the SEIS);
- General allegations of arbitrariness in FWS' actions to eliminate lead poisoning as a mortality factor in waterfowl and coot (see, for example, Issue 3);
- Enforcement concerns (see, Chapter IV, page 57, of the SEIS);
- Proposed adoption of alternatives which were discussed in the SEIS (see, page S–3 and Chapter IV of the SEIS);
- Proposal that the FWS should redouble efforts to find a suitable nontoxic alternative to lead (see, for example, Issue 14 and Chapter III, page 90, of the SEIS); and
- An argument that the FWS, through this and other actions establishing nontoxic (steel) shot zones, is violating the Stevens amendment to the Interior Department Annual Appropriations Act (see, for example, Issue 22).

Other, specific issues raised by commentors and not previously publicly analyzed by the Service are responded to as follows:

**Responses to General Comments on the Proposed Rule**

*Issue 1:* The National Wildlife Federation (NWF) commented that the FWS should promulgate a single, final steel shot regulation (zones) for all years for the reasons that: (a) It will help assure adequate ammunition inventories; (b) it will assist the interpretation and education (I&E) efforts of the States; (c) it will be an affirmative action that will reinforce public confidence in the FWS' intent to phase out lead shot by 1991–92; and (d) "up to the minute biological factors" are not considered in establishing steel shot zones.

*Response:* The FWS believes that it would be neither appropriate nor time effective to attempt to promulgate one

rule that covers all zones for all hunting years through the nationwide ban year of 1991–1992. "Up to the minute biological factors" may not be a prominent part of the strategy to establish nontoxic shot zones; however, it is quite likely that the zone establishment process leading to a nationwide ban will be a dynamic one. It is anticipated that the acceleration and deferral provisions of this final rule, especially the former, will create some State-by-State deviation from the proposed schedule published in Appendix N of the SEIS. Acceleration and/or deferral within the schedule would necessitate amending the NWF's suggested single, total phase-in encompassing rule on an annual basis, in effect requiring unnecessary and burdensome replication of State and Federal efforts. Further, the Stevens amendment to the Department's annual appropriations act, that requires State concurrence on implementation and enforcement on an annual basis, would be in conflict with such an action. Too, there may yet be future Congressional repeal or other modification of the Stevens Amendment to the Interior Department Annual Appropriations Act that would impact this rulemaking process.

The FWS believes that there is adequate advance notice within Appendices N and O of the SEIS to facilitate supply of nontoxic shot ammunition in 1986–1987 and in future years, and to allow the States to be effective in their I&E, programs. There has been no request by the major American ammunition manufacturers for a single rule to facilitate their distribution of ammunition supplies; their only concern has been for a 12–14 month period over which to plan for yearly distribution.

In light of this final rule and other recent developments, there should remain little doubt what the intentions of the Department and the FWS are in regard to the elimination of lead toxicity as a significant mortality factor in certain migratory birds.

*Issue 2:* The National Rifle Association of America and the Wisconsin Department of Natural Resources stated that these nontoxic shot restrictions should be placed on shotshells only and, thus, allow the use of lead shot by muzzleloading waterfowl and coot hunters.

*Response:* The FWS believes that a "fairness" principle should be a primary consideration; lead shot from muzzleloading contributes to the lead poisoning problem. Thus, the FWS will require *all* waterfowlers using firearms to use nontoxic shot in established nontoxic shot zones. Further, the FWS believes that it is unnecessary to make this exemption given what is known about pressures that are generated by muzzleloading weapons. However, as with those using shotshells, it is likely not a good safety practice to use firearms with thin-walled barrels. At least one reloading manual provides data on steel shot loading in muzzleloading shotguns; this source acknowledges that the data were developed using a barrel that will accommodate higher than normal pressures (i.e., a pressure barrel) but that this use is a common practice in loading data development.

For this current 1986–1987 hunting year, a contradiction within the regulations, those at 50 CFR 20.108 and those in the "taking" section (§ 20.21), will allow muzzleloading waterfowl hunters to use lead shot. However, the FWS intends to resolve this contradiction in favor of steel shot for 1987 and beyond by amending § 20.21(j) in a separate rulemaking.

*Issue 3:* The Central Flyway Council, Delaware Department of Natural Resources and Environmental Control, Maine Department of Inland Fisheries and Wildlife, New Jersey Department of Environmental Protection, Rhode Island Department of Environmental Management, Texas Parks and Wildlife Department, and Vermont Department of Fish and Game all expressed in some way concern that counties were not necessarily logical units on which to base nontoxic shot zone establishment.

*Response:* The FWS agrees that adhering strictly to county boundaries may confuse or otherwise make difficult management and enforcement of nontoxic shot zones. However, maintaining the integrity of the strategy to convert in a systematic and priority manner is of paramount importance. Thus, to accommodate problems where, for example, county boundaries are indistinct and where enforcement may be difficult, a provision has been added in § 20.143 that allows States, at their prerogative, to extend nontoxic shot zones into adjacent counties to complete logical ecological units, or for other reasons. Nonetheless, the minimum unit that must be converted, according to the schedule, will be the county listed for that particular year. This provision is consistent with that allowing acceleration of the schedule.

*Issue 4:* The Central Flyway Council, Maine Department of Inland Fisheries and Wildlife, Michigan Department of Natural Resources, and Missouri Department of Conservation each expressed a desire to allow a State to move forward to conversion on an independent schedule or to maintain current zones as status quo until a statewide conversion date could be targeted.

*Response:* The FWS believes that the acceleration option of this strategy provides sufficient flexibility needed by a State to develop a statewide conversion plan consistent with the national plan. For the purposes of converting areas in priority order, there is a need to preserve the integrity of the strategy that was adopted by the majority of the International Association of Fish and Wildlife Agencies' member States and subsequently recommended to the FWS and selected as the strategy for eliminating lead toxicosis as a major mortality in certain migratory birds.

*Issue 5:* One commentor stated that the most effective means of obtaining compliance with a ban on lead shot is to place restrictions on ammunition manufacture and import.

*Response:* The FWS is not authorized to regulate the manufacture of shot, but only the manner and extent of migratory bird hunting. Moreover, the FWS believes that manufacture and import restrictions are not viable means of obtaining compliance with nontoxic shot use in nontoxic shot zones. Lead shot loads in sizes that would be affected are legally used in upland gamebird shooting (pheasants, turkey) and in hunting marshbirds (crane, gallinule, rail) and other wildlife species as well. Thus, it would not be reasonable to simply ban the manufacture or import of certain lead shot sizes such as those larger than 4's or 6's, for example.

*Issue 6:* One commentor requested clarification of the use of eagle criteria and eagle zoning beyond the 1986–1987 waterfowl hunting season, and the New Jersey Department of Environmental Protection also asked if existing nontoxic shot zones would be eligible for study and deferral.

*Response:* There is no provision for utilizing eagle criteria for expanding nontoxic shot zones after the 1986–1987 waterfowl hunting season; the expansion of zoning for nontoxic shot use after this season is based only on waterfowl harvest density. Inasmuch as the conversion to nontoxic shot for 1987 and beyond is based on waterfowl harvest density, beginning with the most and ending with the least dense areas, this strategy should also provide a priority protection for bald eagles utilizing lead shot contaminated waterfowl in their food base.

This adopted strategy (51 FR 29673) calls for all established nontoxic shot zones to remain for the 1987–1988 and future waterfowl hunting seasons.

Further, the schedule provides a 2-year lag period between study and deferral for data collection, data synthesis, and reporting of results in a manner that is sensitive to the need for public awareness. It will not be possible to study an area in 1986–1987 for deferral in 1987–1988; the study, analyses, reporting and negotiation aspects would leave insufficient time for publication and scheduling. The SEIS has clearly stated (page II–13) that the schedule has progressed beyond the point in time that 20+ zones would be triggered for monitoring, i.e., they would have had to have been studied in 1985–1986.

Under this new strategy the rules changed sufficiently that areas having met the former criteria but that do not meet current criteria are exempt from conversion, except as per the schedule given in Appendix N of the SEIS. The FWS is discontinuing its Lead Poisoning Monitoring Program activities on Federal refuges.

There is no provision for rescinding nontoxic shot zones in the future as both the FWS and the Department are committed to the newly adopted strategy and schedule for eliminating lead toxicosis in waterfowl and other migratory birds caused by the use of lead shot in waterfowling. Section 20.143 has been changed to reflect that there will be no deferral or rescission of established nontoxic shot zones.

*Issue 7:* The New Jersey Department of Envinronmental Protection (NJDEP) requested information on the source of the harvest data used to derive the conversion schedule.

*Response:* It is assumed that this reference by the NJDEP is to the list of converting counties by year contained in Appendix N of the SEIS that resulted from the schedule in the proposed rule for this final rule. The harvest data per county was obtained from Carney et al. 1983 (Distribution of waterfowl species harvested in States and counties during 1971–1980. U.S. Fish and Wildlife Ser. Spec. Sci. Rpt.—Wildl. No. 254). The county area database, that included both land and water areas, was obtained from the U.S. Bureau of the Census. These data will be used in determining at what point in time a county must convert. The county harvest densities, i.e., the prioritized schedule of counties converting, obtained when using the U.S. Bureau of the Census database may vary from those results obtained when using county area data from other sources.

*Issue 8:* The Florida Game and Fresh Water Fish Commission suggested that to avoid confusion, inasmuch as "triggered" has been used in the past in a different context, "converted" should be substituted for that term in § 20.143(d).

*Response:* Section 20.143(d) of the proposed rule, now (f) of the final rule, has been rewritten accordingly.

*Issue 9:* The Delaware Department of Natural Resources and Environmental Control has requested that some explanation be made for moving the 3-dead-waterfowl criteria from triggering for monitoring to [triggering for] conversion.

*Response:* The FWS believes that the 3-dead-bird criterion for converting areas being studied for deferral is a valid determination of an area's potential for lead shot exposure, and, therefore, lead poisoning in waterfowl and coots. The FWS will retain this criterion as a threshold for nondeferral; this is consistent with the way that the selected strategy is presented in the Final SEIS.

As a result of the foregoing public input and other supplementary information, three significant textual changes have been made to the proposed rule. These changes, contained in an expanded § 20.134, are as follows:

- For clarification, it is noted that established nontoxic shot zones may not be monitored for deferrral or rescission from conversion in any manner;
- For clarification and to provide flexibility, States may accelerate conversion on less than a county basis for purposes of completing a biological or enforcement/management unit; however, the minimum conversion unit (county) must be adhered to; and
- For clarification, when a county is converted to nontoxic shot status it will be added to the list of nontoxic shot zones contained in § 20.108 and all the existing prohibitions on use of lead shot will apply.

Other changes made in proposed rule are editorially minor in nature.

### Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

In accordance with Executive Order 12291, a determination has been made that this rule is not a major rule. In accordance with the Regulatory Flexibility Act, a determination has been made that this rule, if implemented without adequate notice, could result in lead shot ammunition supplies for which there would be no local demand. Conversely, nontoxic shot zones could conceivably be established where little or no nontoxic shot ammunition would be available to hunters. The FWS believes, however, that adequate notice has been provided and that sufficient supplies of nontoxic shot ammunition will be available to hunters. Therefore, this rule would not have a significant economic effect on a substantial number of small entities.

### Paperwork Reduction Act

This rule will not result in the collection of information from, or place recordkeeping requirements on, the public under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

### Environmental Considerations

As noted above, pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)), a Final SEIS on the use of lead shot for hunting migratory birds in the United States has been completed. As previously noted herein, a ROD on the SEIS has been completed as required by 40 CFR 1505.2. Pursuant to the Endangered Species Act, as section 7 consultation was done on the potential impacts of this action on bald eagles and is included in the Final SEIS. These documents are available for public inspection and copying in Room 536 Matomic Building, 1717 H Street NW., Washington, DC 20240, or may be obtained by mail, addressing the Director at the above location.

### List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

Accordingly, Part 20, Subchapter B, Chapter I of Title 50 of the Code of Federal Regulations is amended as set forth below:

## PART 20—[AMENDED]

1. The authority citation for Part 20 continues to read as follows:

**Authority:** Migratory Bird Treaty Act, sec. 3, Pub. L. 65–186, 40 Stat. 755 (16 U.S.C. 701–708h); sec. 3(h), Pub. L. 95–616, 92 Stat. 3112 (16 U.S.C. 712); Alaska Game Act of 1925, 43

739, as amended, 54 Stat. 1103–04, unless otherwise noted.

2. Subpart M is added to read as follows:

**Subpart M—Criteria and Schedule for Implementing Nontoxic Shot Zones for the 1987–1988 and Subsequent Waterfowl Hunting Seasons**

Sec.
20.140 Purpose and scope.
20.141 Definitions.
20.142 Applicability.
20.143 Criteria and schedule for conversion to nontoxic shot.

## Subpart M—Criteria and Schedule for Implementating Nontoxic Shot Zones for the 1987–1988 and Subsequent Waterfowl Hunting Seasons

### § 20.140 Purpose and scope.

The regulations of this subpart apply to the designation, implementation and enforcement of nontoxic shot zones for waterfowl hunting in the United States for the 1987–1988 and subsequent hunting seasons. The regulations of this Subpart do not apply to the issuance of regulations under Part 21 of this title or under Subparts A through J and L and N of this part.

### § 20.141 Definitions.

As used in this subpart:

(a) "Nontoxic Shot" means any shot-type that does not cause sickness and death when ingested by migratory birds as determined by criteria established under § 20.134. The only nontoxic shot currently approved by the Director, U.S. Fish and Wildlife Service, is steel shot.

(b) "Nontoxic Shot Zones" means all land and water areas within the boundaries of the United States where the use of nontoxic shot is required for waterfowl hunting. A zone may be all or part of a county designated and/or established for nontoxic shot use.

(c) "Waterfowl" means the Anatidae (ducks, geese [including brant], and swans) and coots (*Fulica americana*).

### § 20.142 Applicability.

This subpart applies to persons of all ages engaged in waterfowl hunting in the established nontoxic shot zones and to all of the boroughs, counties, or parishes within the separate States, without exception. Possession and use of nontoxic shot (including shotshells and loose shot for use in muzzleloading), for all legal gauges of shotguns, is required for waterfowl hunting in nontoxic shot zones. The Secretary of the Interior, acting through the Fish and Wildlife Service, will not open a zone to waterfowl hunting where the Fish and Wildlife Service is prevented from establishing the zone as a nontoxic shot zone under the criteria of this subpart.

### § 20.143 Criteria and schedule for conversion to nontoxic shot.

The criteria and procedures specified below will be followed in the conversion nationwide to the use of nontoxi shot for waterfowl hunting. As of the 1991–1992 season, nontoxic shot will be required in *all* waterfowl hunting in the United States.

(a) Beginning in the 1987–1988 water fowl hunting season, implementation of nontoxic shot zones is on a decremental basis with regard to the intensity of average annual waterfowl harvest per square mile of a particular county; the initial harvest level triggering monitoring/conversion is 20 or more birds per square mile, decreasing by 5 birds per square mile each successive waterfowl hunting season until the nationwide ban season is reached in 1991–1992. Data on average annual waterfowl harvest are from Carney et al. 1983; data on county size have been obtained from the U.S. Bureau of the Census. Table I illustrates the schedule for conversion to nontoxic shot.

TABLE I.—SCHEDULE FOR MONITORING AND/OR CONVERTING COUNTIES TO NONTOXIC SHOT ZONES FOR HUNTING WATERFOWL

| Average annual waterfowl harvest per mi ²* (by county) | Hunting season in which— | | |
|---|---|---|---|
| | Monitoring must begin to defer implementation | Qualifying areas converted | Nontoxic shot required in deferred areas |
| 20 or more | 1985–86 | 1987–88 | 1991–92 |
| 15 or more | 1986–87 | 1988–89 | 1991–92 |
| 10 or more | 1987–88 | 1989–90 | 1991–92 |
| 5 or more | 1988–89 | 1990–91 | 1991–92 |
| less than 5 | 1989–90 | 1991–92 | 1991–92 |

* Average harvest is based on Carney et al. 1983 (Distribution of waterfowl species harvested in states and counties during 1971–80 hunting seasons. U.S. Fish and Wildlife Service Special Scientific Report—Wildlife No. 254).

(b) If States, through monitoring, demonstrate during annual Fish and Wildlife Service Regulations Committee meetings that neither of the following two decision criteria are met in a county scheduled for conversion to a nontoxic shot zone, that conversion can be deferred until (but not beyond) the 1991–92 hunting season (monitoring of the latter must include a sample of at least 100 birds of waterfowl species susceptible to lead poisoning):

(1) Dead waterfowl; 3 or more individual specimens confirmed as lead-poisoned during the monitoring year, nor

(2) Ingested shot in gizzards; 5 percent or greater of the sample have gizzards with 1 or more lead shot, and

(i) Liver lead; 5 percent or greater of the sample have livers with concentrations of lead 2 ppm or higher (wet weight), or

(ii) Blood lead; 5 percent or greater of the sample have blood with concentrations of lead 0.2 ppm or higher (wet weight),

(iii) Protoporphyrin; 5 percent or greater of the sample have blood with protoporphyrin concentrations of 40 ug/dl or higher.

(c) Established nontoxic shot zones will not be eligible for deferral or rescission from conversion in any manner.

(d) There is no deferral past the 1991–1992 nationwide conversion year. States may elect to forgo monitoring and/or otherwise convert to nontoxic shot zones on an accelerated basis, i.e., less than a county, countywide or statewide.

(e) States may accelerate conversion on less than a county basis for purposes of completing a biological or enforcement/management unit; however, the minimum conversion schedule [set out in the June, 1986, Final Supplemental Environmental Statement on the use of lead shot for hunting migratory birds in the United States, Appendix N] will be adhered to.

(f) Where a portion, but not all, of a county is included in nontoxic shot zones for the 1986–87 or later waterfowl hunting season, the remainder of the county will convert in the year that it would otherwise be converted on the basis of its total county waterfowl harvest density.

(g) When a county is converted to nontoxic shot status under this paragraph, it will be added to the list of nontoxic shot zones contained in §20.108 and all the prohibitions of §20.21(j) will apply.

Dated: October 24, 1986.

**William P. Horn,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 86–26291–Filed 11–20–86; 8:45 am]

BILLING CODE 4310–55–M

# Proposed Rules

Federal Register
Vol. 51, No. 225
Friday, November 21, 1986

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

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

### 7 CFR Part 400

[Doc. No. 3182S]

### General Administrative Regulations, Suspension and Debarment

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) hereby proposes to amend 7 CFR Part 400, General Administrative Regulations, by adding a new Subpart E, to be known as 7 CFR Part 400-Subpart E, Suspension and Debarment. The intended effect of this proposed rule is to provide procedures for the suspension and debarment of individuals and firms from contracting with FCIC. Under the provisions of this proposed rule, FCIC would, for all procurement and non-procurement activities and programs, adopt, with limited reservations, the suspension and debarment regulations issued by the Department of Agriculture. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

**DATE:** Written comments, data, and opinions on this proposed rule must be submitted not later than January 20, 1987, to be sure of consideration.

**ADDRESS:** Written comments on this rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is November 1, 1991.

E. Ray Fosse, Manager, FCIC, (1) has determined that this action is not a major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of $100 million or more; (b) major increases in costs or prices for consumers, individual industries, federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 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.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Under the authority contained in section 506(e) of the Federal Crop Insurance Act, as amended, FCIC may adopt, amend, and repeal bylaws, rules and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed. (7 U.S.C. 1506(e).)

In accordance with this authority, FCIC proposes to issue a new Subpart E, to 7 CFR Part 400, setting forth the procedures under which FCIC may suspend or debar individuals and firms from contracting with FCIC. In order to conform FCIC's suspension and debarment procedures with those of the U.S. Department of Agriculture, FCIC preposes, for all procurement and non-procurement activities and programs, to adopt the Department's suspension and debarment regulations found at 48 CFR 409.403 *et seq.*, since the regulations land procedures are similar for both procurement and non-procurement activities and programs. The regulations are proposed to be adopted, as outlined herein, except that, (1) FCIC's suspension and debarment proceedings shall not be applicable to contracts for crop insurance entered into between the Corporation and individuals in their capacity as insured producers, and (2) the authority to suspend or debar is reserved to the Manager, FCIC, or the Manager's designee.

FCIC is soliciting public comment on this proposed rule for 60 days following its publication in the **Federal Register.** Written comments received pursuant to this notice will be available for public inspection in the Office of the Manager, Federal Crop Insurance Corporation, Room 4096, South Building, U.S. Department of Agriculture, Washington, DC 20250, during regular business hours, Monday through Friday.

### List of Subjects in 7 CFR Part 400

General administrative regulations; Crop insurance, Administrative practice and procedure, Government contracts, Penalties.

### Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend 7 CFR Part 400, General Administrative Regulations, by adding a new Subpart E—Suspension and Debarment, to read as follows:

## PART 400—GENERAL ADMINISTRATIVE REGULATIONS

* * * * *

### Subpart E—Suspension and Debarment

Sec.
400.40 Purpose.
400.41 Suspension and debarment.
400.42 Scope.

### Subpart E—Suspension and Debarment

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

**§ 400.40 Purpose.**

This part prescribes the terms and conditions under which persons or business entities may be suspended or debarred from contracting with the Federal Crop Insurance Corporation (FCIC).

**§ 400.41 Suspension and debarment.**

The provisions of 48 CFR 409.403 *et seq.* shall be applicable to all FCIC suspension and debarment proceedings, except that, the authority to suspend or debar is reserved to the Manager, FCIC, or the Manager's designee.

**§ 400.42 Scope.**

FCIC suspension and debarment proceedings shall not be applicable to a contract for crop insurance entered into between FCIC and individuals in their capacity as insured producers, or a contract for crop insurance entered into between a multi-peril insurance company and individuals in their capacity as insured producers, for which such contract is reinsured by FCIC.

Done in Washington, DC on November 13, 1986.

Edward Hews,

*Acting Manager, Federal Crop Insurance Corporation.*

[FR Doc. 86–26336 Filed 11–20–86; 8:45 am]

BILLING CODE 3410-08-M

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## Agricultural Marketing Service

## 7 CFR Part 1032

**[Docket No. AO–313–A36]**

## Milk in the Southern Illinois Marketing Area; Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** The hearing is being held to consider milk industry proposals to amend the Southern Illinois milk marketing order. Two proposals would expand the marketing area to include the city of St. Louis, 24 central Missouri counties and part of St. Clair County in Illinois. An additional proposal, for which expedited considerations has been requested, would revise the standards for regulating distributing plants that meet the regulatory provisions of more than one Federal milk order. Other proposals would revise location adjustments, pooling standards, the producer milk definition, classification provisions and provide for a seasonal plan for paying producers. The proposals were submitted by six cooperative associations and by a handler who operates a regulated distribution plant. Proponents contend that the changes are necessary to reflect changed marketing conditions.

**DATE:** The hearing will convene at 9:00 a.m., local time, on December 9, 1986.

**ADDRESS:** The hearing will be held at the Henry VIII Hotel, 4690 N. Lindbergh, Bridgeton, Missouri 63044, (314) 731–3040.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovies, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–2089.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Henry VIII Hotel, 4690 N. Lindbergh, Bridgeton, Missouri 63044, beginning at 9:00 a.m., local time, on December 9, 1986, with respect to proposed amendments to be tentative marketing agreement and to the order regulating the handling of milk in the Southern Illinois marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedures (7 CFR Part 900.12(d)) with respect to Proposal No. 1.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Publ. L. 96–354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

Proposal Nos. 2 and 3, which would redefine the marketing area, raise the issue of whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

### List of Subjects in 7 CFR Part 1032

Milk marketing orders, Milk, dairy products.

The authority citation for Part 1032 continues to read as follows:

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

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

### Proposed by Mid-America Dairymen, Inc.

*Proposal No. 1*

In § 1032.7, revise paragraph (d)(2) to read as follows:

**§ 1032.7 Pool plant.**

* * * * *

(d) * * *

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a duly regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which during the month there is a greater quantity of route disposition, except filled milk, in the marketing area regulated by the other order than in the Southern Illinois marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which more than 50 percent of such route disposition is made in such other marketing area notwithstanding the provisions of this

paragraph, it is regulated under such other order;

* * * * *

*Proposal No. 2*

Redesignate the Southern Illinois marketing area as the "Southern Illinois-Eastern Missouri marketing area" and add certain Missouri and Illinois territory to the Southern Zone (where a plus 9-cent location adjustment and $2.01 differential value apply) of the expanded and redesignated marketing area by revising § 1032.2 to read as follows:

**§ 1032.2 Southern Illinois-Eastern Missouri marketing area.**

"Southern Illinois-Eastern Missouri marketing area", hereinafter called the "marketing area," means all the territory within the following counties, together with all municipal corporations therein and all institutions owned or operated by the Federal, State, county, or municipal governments located wholly or partially within such counties:

*Base Zone* The Illinois counties of Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Greene, Jasper, Jefferson, Jersey, Lawrence, Macoupin, Madison (Alton township only), Marion, Montgomery, Richland, Shelby, Wabash, Washington and Wayne;

*Northern Zone* The Illinois counties of Champaign, DeWitt, Douglas, Edgar, Logan, Macon, McLean, Menard, Morgan, Moultrie, Piatt, Sangamon and Vermilion;

*Southern Zone* The Illinois counties of Franklin, Hamilton, Jackson, Madison (except Alton township), Monroe, Perry, Randolph, Saline, St. Clair, White and Williamson;

The Missouri counties of Bollinger, Cape Girardeau, Crawford, Franklin, Jefferson, Perry, St. Charles, St. Louis, St. Francois, Ste. Genevieve, Warren and Washington; and

The City of St. Louis.

**Proposed by Packet Dairy, Inc.**

*Proposal No. 3*

Add the following 12 Missouri counties to the proposed expanded Southern Zone of the marketing area:

| | |
|---|---|
| Audrain | Maries |
| Boone | Miller |
| Callaway | Montgomery |
| Cole | Osage |
| Gasconade | Phelps |
| Lincoln | Pulaski |

**Proposed by Associated Milk Producers, Inc.; Land O'Lakes, Inc.; Mid-America Dairymen, Inc.; Midwest Dairymen's Co.; Prairie Farms Dairy, Inc.; and Wisconsin Dairies Cooperative**

*Proposal No. 4*

Add a new § 1032.4 defining inventory to read as follows:

**§ 1032.4 Inventory.**

Inventory shall consist of all fluid milk products in bulk or packaged form and products specified in § 1032.40(b)(1) that are still in the possession and control of the handler regardless of where the products are located.

*Proposal No. 5*

In § 1032.7, the introductory text and paragraph (b) are revised to read as follows:

**§1032.7 Pool plant.**

Except as provided in paragraph (d) of this section, "pool plant" means a plant specified in paragraph (a), (b), or (c) of this section. For purposes of determining pool plant status pursuant to this section, Grade A receipts from dairy farmers shall include al quantities of milk pooled pursuant to § 1032.13(b) by an operator of a pool plant.

(a) * * *

(b) A supply plant from which during the month of December an amount equal to 40 percent or more, and for all other months 50 percent or more, of its receipts of Grade A milk from dairy farmers and handlers described in § 1032.9(c) is moved to and received at a pool plant(s) described in paragraph (a) of this section which have at least 50 percent Class I use (not including filled milk) of the total of such supply plant milk and producer milk receipts in the months of August through February and 40 percent in other months: *Provided,* That a supply plant owned and operated by a qualified cooperative needs to only ship a minimum of 25 percent of its Grade A receipts if at least 75 percent of all producer receipts of the cooperative were received at pool distributing plants the preceding September through august period.

* * * * *

*Proposal No. 6*

Revise § 1032.9(a) to read as follows:

**§ 1032.9 Handler.**

* * * * *

(a) Any person in his capacity as the operator of one or more pool plants;

* * * * *

*Proposal No. 7*

Revise § 1032.13(b) to read as follows:

**§ 1032.13 Producer milk.**

* * * * *

(b) * * *

(1) Milk of a producer diverted from a pool plant for the account of the plant operator to another handler's pool plant(s) for not more days of production of such producer's milk than is physically received at a pool plant(s) from which diverted;

(2) Milk of a producer diverted from a pool plant to a nonpool plant that is not a producer-handler plant on any number of days during the months of May, June, and July; and on any day of any other month, provided that one delivery of each producer's milk is physically received at a pool plant;

(3) The total quantity of milk diverted by a cooperative association to nonpool plants during each of the months of September through April may not exceed 25 percent or 35 percent during the months of August and December of the quantity of producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(4) The total quantity of milk diverted by the operator of a pool plant (other than a cooperative association) to nonpool plants durng each of the months of September through April may not exceed 25 percent or 35 percent during the months of August and December of the quantity of milk received at or diverted from such pool plant during the month that is not under the control of a cooperative association that diverts milk pursuant to paragraph (c)(3) of this section;

(5) Any milk diverted to nonpool plants in excess of the limits prescribed in paragraphs (b) (2), (3), and (4) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(6) For pricing purposes, milk diverted pursuant to paragraph (b) of this section shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

*Proposal No. 8*

**§ 1032.19 [Removed]**

Terminate § 1032.19, which defines a reload point.

*Proposal No. 9*

**§ 1032.51 [Amended]**

In § 1032.51, delete the last sentence, which reads: "For the purpose of computing the Class I price, the resultii.g price shall be not less than $4.33".

**Proposed by Land O'Lakes, Inc.**

*Proposal No. 10*

Revise § 1032.52(a)(2) (ii) and (iii) to read as follows: As an alternative to revising § 1032.52(a)(2)(iii), delete such provision.

**§ 1032.52 Plant location adjustments for handlers.**

(a) * * *

(2) * * *

(ii) *Minus 17 cents.* In the counties of Adams and Schuyler in the State of Illinois and Fountain, Parke, Vermillion and Warren in the State of Indiana.

(iii) No location adjustment shall apply at a plant located north of Interstate Highway 80 or in the State of Missouri south and east of Interstate Highway 44 that was not in the area described in paragraph (a)(2)(i) of this section.

**Proposed by Prairie Farms Dairy, Inc.**

*Proposal No. 11*

Revise § 1032.15(b)(1) to read as follows:

**§ 1032.15 Fluid milk product.**

* * * * *

(b) * * *

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent non-fat milk solids, whey, and buttermilk used by commercial food processing establishments including restaurants; and

* * * * *

*Proposal No. 12*

Revise § 1032.40 (b)(3) and (4)(v) to read as follows:

**§ 1032.40 Classes of utilization.**

* * * * *

(b) * * *

(3) In fluid milk products and fluid cream products except those disposed of in individualized serving containers, disposed of to any commercial food processing establishment including restaurants (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) * * *

(v) Custards, puddings and all mixtures such as biscuit and pancake mixes; and

* * * * *

*Proposal No. 13*

**§ 1032.52 [Amended]**

Revise § 1032.52(a)(1) to provide a plus 32-cent location adjustment in Jackson County, Illinois.

*Proposal No. 14*

Revise § 1032.60 by adding paragraphs (h) and (i) to read as follows:

**§ 1032.60 Handler's value of milk for computing uniform price.**

* * * * *

(h) Subtract in the case of milk delivered during each of the months of April, May, and June an amount equal to 90 cents per hundredweight of producer milk; provided that such adjustment does not provide a uniform price at a location less than the Class III price; and

(i) Add in the case of milk delivered during each of the months of September, October and November, 33⅓ percent of the total amount subtracted pursuant to paragraph (h) of this section.

*Proposal No. 15*

Replace § 1032.41 (Shrinkage) with a Loss Product Allowance provision to read as follows:

**§ 1032.41 Loss product allowance.**

All product unaccounted for as well as livestock feed, dumpage, and route returns will be classified as Class I. To compensate a handler for such unavoidable losses, a handler will receive a monetary deduction from the handler's use value computation based only on product pounds handled as follows:

(a) Total allowance will be 2.0 percent of the Class I differential at location applied to total pounds pooled. There will be no pyramiding of the allowance. Assignment of the allowance will be as follows:

(1) Handler who assumes the loss from farm to plant will receive an allowance of .50 percent applied to producer pounds pooled.

(2) Handler who assumes the loss associated with handling, processing, and distributing will receive an allowance of 1.50 percent applied to all pool bulk product pounds received.

**Note.**—There will be several other provisions that would need to be changed to conform with such allowances.

**Proposed by the Dairy Division, Agricultural Marketing Service**

*Proposal No. 16*

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Donald R. Nicholson, P.O. Box 1485, Maryland Heights, Missouri 63043 or from the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator, Southern Illinois Marketing Area

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, DC, on November 18, 1986.

**William T. Manley,**

*Deputy Administrator, Marketing Programs.*

[FR Doc. 86-26337 Filed 11-20-86; 8:45 am]

BILLING CODE 3410-02-M

## ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Part 52**

**[A-5-FRL-3115-2]**

## Approval and Promulgation of Implementation Plans; Illinois

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Proposed rulemaking.

**SUMMARY:** USEPA is proposing to disapprove a revision to the Illinois State Implementation Plan (SIP) for total suspended particulates (TSP). The revision pertains to a variance from Illinois Pollution Control Board Rule 203(d)(5)(J) until July 1, 1986, for hot scarfing operations at LTV Steel Corporation's Chicago Works. USEPA's action is based upon a revision which was submitted by the State.

**DATE:** Comments on this revision and on the proposed USEPA action must be received by December 22, 1986.

**ADDRESSES:** Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Randolph O. Cano, at (312) 886–6035, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706.

Comments on this proposed rule should be addressed to: (Please submit an original and three copies, if possible.) Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

**FOR FURTHER INFORMATION CONTACT:** Randolph O. Cano, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886–6035.

**SUPPLEMENTARY INFORMATION:** On February 13, 1985, the Illinois Environmental Protection Agency (IEPA) submitted to USEPA a proposed temporary revision to the Illinois State Implementation Plan (SIP). The proposed SIP revision would grant LTV Steel Corporation (LTV) a variance from Rule 203(d)(5)(J) [recodified as 325 IAC 212.451]. The variance would expire on July 1, 1986, or 60 days after any final Illinois Pollution Control Board (IPCB) Order on a request for site-specific relief for LTV's 44-inch hot scarfing machine. Rule 203(d)(5)(J) requires that all hot scarfing machines shall be controlled by pollution control equipment. Emissions from this equipment shall not exceed 0.03 grains per dry standard curbic foot (gr/dscf) during hot scarfing operations. LTV's Chicago Works is located in an area which is classified as nonattainment with respect to the National Ambient Air Quality Standards (NAAQS) for particulate matter.

LTV (formerly Republic Steel) submitted an Alternative Control Strategy Permit Application (ACS) to IEPA on February 8, 1982. The ACS would offset excess emissions from the basic oxygen furnace shop (Q–BOP) and hot scarfing machine with over control of blast furnace casthouse emissions.[1] On March 16, 1982 IEPA issued a "Notice of Incompleteness" contesting the sufficiency of information in the ACS application. IEPA and LTV have subsequently had numerous discussions on the feasibility of applying an ACS to the hot scarfer, but have not reached an agreement.

LTV filed a petition with the IPCB for a variance from Rule 203(d)(5)(J) on July 30, 1984. IEPA recommended that the variance be granted. On January 10, 1985, the IPCB granted the variance until July 1, 1986, or until 60 days after any final Board Order on a request for site-specific regulatory relief for LTV's 44-inch hot scarfing machine, whichever is earlier.

On June 7, 1985, USEPA notified IEPA by letter that the variance could not be approved because it did not contain an emission limitation for the hot scarfer and because the variance would relax the SIP in a nonattainment area without a demonstration of attainment. IEPA responded on July 9, 1985, to request that USEPA remove the proposed SIP revision from further consideration until IEPA provided additional information.

On July 18, 1985, IEPA submitted to USEPA an amended petition filed by LTV and a June 27, 1985, IPCB Order. LTV requested and the IPCB granted a 0.06 gr/dscf emission limitation for the hot scarfer. However, the State failed, at that time, to submit a modeled demonstration that approval of this variance will not cause the TSP NAAQS to be exceeded.

USEPA's policy precludes the approval of a relaxed emission limit in an area designated nonattainment, unless it can be demonstrated that the area in which a source is located and has impacts is actually attaining the NAAQS and that the SIP is adequate to attain and maintain the NAAQS, even with the relaxed emission limit. Otherwise, USEPA would have no assurance that the relaxation did not jeopardize the attainment and maintenance of the NAAQS in the sources impact area. This USEPA policy is contained in the July 29, 1983, memorandum on Source Specific SIP Revisions from Sheldon Meyers, then Director of USEPA's Office of Air Quality, Planning, and Standards.

On September 26, 1985, Illinois submitted a modeling analysis as additional information for the variance request. This modeling indicates that the increased emissions which would be allowed by the variance would not have a significant impact (i.e., less than 5 micrograms per cubic meter, 24-hour average) on the particulate level around the plant. This modeling analysis addresses only emissions from the hot scarfer and does not provide an attainment demonstration in the nonattainment area. It, therefore, does not satisfy USEPA's requirement for a modeled demonstration of attainment in the impact area of the source, as specified in the Sheldon Meyers' policy memorandum. USEPA proposes to disapprove the incorporation of this variance for LTV into the Illinois SIP because the State has failed to demonstrate that the SIP, as a whole despite the relaxation, will provide for the attainment and maintenance of the TSP NAAQS in the area in which the hot scarfer is located and has an impact. Public comments are invited on this proposed SIP revision and on USEPA's proposed disapproval. Public comments received by the date indicated above will be considered in the development of USEPA's final rule.

Under 5 U.S.C. section 605(b), USEPA must determine whether this proposed rulemaking action, if finally adopted, would have a significant economic impact on a substantial number of small entities. This action concerns a single entity—LTV Steel Corporation. Further, LTV Steel Corporation is not a small entity. This regulation, therefore, will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

**Authority:** 42 U.S.C. 7401–7642.

Dated: March 28, 1986.

**Valdas V. Adamkus,**

*Regional Administrator.*

**Editorial note.**—This document was received at the Office of the Federal Register on November 18, 1986.

[FR Doc. 86–26284 Filed 11–20–86; 8:45 am]

BILLING CODE 6560–50–M

[1] The variance which is the subject of today's proposed rulemaking only concerns emissions from hot scarfing. It does not concern emissions from the Q-BOP.

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 203 and 252

### Federal Acquisition Regulation Supplement Concerning Fraud, Waste and Abuse Awareness Programs

**AGENCY:** Department of Defense (DoD).

**ACTION:** Proposed rule and request for comments.

**SUMMARY:** The Defense Acquisition Regulatory Council has approved a proposed rule and request for public comment containing certain revisions to the DoD Federal Acquisition Regulation Supplement (DFARS) pertaining to the prevention and elimination of fraud, waste and abuse in defense contracting. If adopted as a final rule, the revisions would require that DoD prime contracts and subcontracts contain a contract clause whereby contractors agree to establish fraud, waste and abuse awareness programs of a formality and scope appropriate to their particular circumstances. The proposed clause would require that awareness programs contain certain essential elements, including employee orientations and posting of DoD Inspector General Hotline procedures. DoD prime contracts awarded using small purchase procedures of FAR Part 13 would be exempt from the requirement as would be subcontracts not exceeding $25,000.

Comments: Interested parties are invited to submit written comments on or before January 20, 1986, to the Executive Secretary, DAR Council, at the address below, to be considered in formulation of a final rule. Please cite DAR Case 84–164 in all correspondence related to this subject.

**ADDRESS:** Interested parties should submit written comments to: Defense Acquisition Regulatory Council, Attn: Mr. Charles W. Lloyd, Executive Secretary, DAR Council, ODASD(P)/DARS, c/o OASD(A&L) (M&RS), Room 3C841, The Pentagon, Washington, DC 20301–3062.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles W. Lloyd, Executive Secretary, DAR Council, telephone (202) 697–7266.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

An increasing number of defense contractors have voluntarily adopted employee orientation programs designed to prevent and eliminate fraudulent and wasteful practices in defense procurement. These laudatory programs generally supplement and complement standards of conduct and ethics training conducted by many firms in the ordinary course of business. In furtherance of these initiatives and for the purpose of providing greater emphasis upon prevention efforts, the DAR Council has proposed a contractual requirement that contractors develop fraud, waste and abuse awareness programs tailored to their unique circumstances (e.g. the extent to which a firm may engage in government contracting). Subcontracts not exceeding $25,000 would be exempt from the contract requirement, as would prime contracts entered into using the small purchase procedures of FAR Part 13. The proposed DFARS revisions have been structured in a manner which allows maximum flexibility and latitude, while preserving program features deemed essential by the DoD.

#### B. Regulatory Flexibility Act

The proposed revisions are not expected to have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601 et seq., therefore preparation of a Regulatory Flexibility Analysis is not required. However, consistent with section 603(c)(3) of the Act and DoD policy concerning the reduction of burdens upon small businesses, contractual requirements have been stated in terms of performance objectives rather than design standards which allows small businesses greater flexibility in formulating programs tailored to their unique circumstances. Additionally, contracts entered into under small purchase procedures, and subcontracts not exceeding $25,000 have been exempted from the requirement, consistent with section 603(c)(4) of the Act. Comments are invited from small businesses and other interested parties.

#### C. Paperwork Reduction Act

The proposed DFARS revisions do not constitute a collection of information within the meaning of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., as implemented within regulations prescribed by OMB at 5 CFR Part 1320. However, consistent with the purposes of the Act and DoD policy concerning the reduction of paperwork burdens on the public, compliance with the proposed rule will not entail reporting requirements nor require that contractors generate a system of records. Since many firms currently conduct and document ethics orientations with their employees, the provision in the proposed rule, that contractors document the fact of having conducted employee orientations, is not deemed to impose an additional requirement on the private sector.

#### List of Subjects in 48 CFR Parts 203 and 252

Procurement.

**Charles W. Lloyd,**

*Executive Secretary, Defense Acquisition Regulatory Council.*

Therefore, 48 CFR Parts 203 and 252 are proposed to be amended as follows:

1. The authority citation for 48 CFR Parts 203 and 252 continues to read as follows:

**Authority:** 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35 and DoD FAR Supplement 201.301.

## PART 203—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

2. A new Subpart 203.70, consisting of sections 203.7001 and 203.7002, is proposed to be added to read as follows:

### Subpart 203.70—Fraud, Waste and Abuse Awareness Programs

Sec.



### Subpart 203.70—Fraud, Waste and Abuse Awareness Programs

#### 203.7001 Policy.

The prevention and elimination of fraud, waste and abuse is the responsibility of the government, its prime contractors and subcontractors at every tier. Contractors should develop and implement employee fraud, waste and abuse awareness programs. Essential elements of such programs are the display of posters providing information on the Government Inspector General Hotline Procedures, new employee orientation and continued education of employees as to their responsibilities in eliminating fraud, waste and abuse.

#### 203.7002 Contract clause.

The contracting officer shall insert the clause at 252.203–7001, Contractor Fraud, Waste and Abuse Awareness Program, in all solicitations and contracts except those using small purchase procedures in Part 13. The clause may be used in small purchases at the discretion of the contracting officer.

## PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.203–7001 is proposed to be added to read as follows:

**252.203-7001 Contractor Fraud, Waste and Abuse Awareness Program.**

As prescribed in 203.7002, insert the following clause:

**Contractor Fraud, Waste and Abuse Awareness Program (_____ 1986)**

(a) The contractor agrees to maintain an employee fraud, waste and abuse awareness program. The purpose of this program is to inform employees of their duties, rights and responsibilities for preventing and reporting fraud, waste and abuse. The formality of the program and its scope shall be established as appropriate for the circumstances. However, the contractor agrees to include the following elements:

(1) Employee orientation that describes employee responsibilities for preventing and reporting fraud, waste and abuse. Employees shall be informed of the fines and penalties for: False claims and false statements to the Government; misappropriating properties purchased for use on Government contracts; product substitution; collusive bids; and bribery, unlawful gratuities, mail fraud and wire fraud. Employees shall be informed that, pursuant to 10 U.S.C. 2409, they may not be discharged, demoted or otherwise discriminated against as a reprisal for disclosing to a Member of Congress or an authorized official of the Department of Defense or the Department of Justice information relating to a substantial violation of law related to a defense contract. In addition, employees should be made aware of unethical practices reflecting an actual or apparent conflict of interest (e.g., subcontractor kickbacks, or vendor gratuities).

(2) Prominent display of posters that provide information on Government Inspector General Hotline procedures. Such posters shall be posted in conspicuous places that are available to employees and applicants for employment. Hotline posters are available from the Government. If contractor developed posters are used, they shall, as a minimum, provide Hotline telephone numbers and state that Government Hotline procedures assure employee anonymity.

(3) Informing employees of their responsibilities for assuring the accuracy of their time charges to Government and, in turn, the integrity of the contractor's timekeeping system. Employees should be informed that willfully or knowingly mischarging their time may result in false claims or false statements to the Government and may subject them to a fine and/or imprisonment.

(4) Periodic discussions with employees of their responsibilities and liabilities while working on Government contracts to assure a continual awareness of the Contractor's program for prevention of fraud, waste and abuse.

(b) The contractor shall document employee orientations.

(c) The contractor shall include the substance of this clause, including this paragraph (c), in all subcontracts in excess of $25,000.

(End of clause)

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BILLING CODE 3810-01-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

### 49 CFR Part 172

**[Docket No. HM-198; Notice No. 86-6]**

### Molten Sulfur; Molten Materials Generally

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** RSPA is proposing to regulate molten sulfur as a hazardous material and make it subject to the hazard warning communications requirements. The proposed changes would cummunicate warning of hazard by means of markings, shipping papers, labeling and placarding. The proposed changes are necessary so that emergency response personnel will have sufficient warning to help them adequately handle incidents involving this material. RSPA is also soliciting information concerning other molten materials, to determine if there is a need to make them subject to the regulations.

**DATE:** Comments must be received by February 19, 1987.

**ADDRESS:** Address comments to: Dockets Branch, Office of Hazardous Materials Transportation (DHM-53), U.S. Department of Transportation, Washington, DC 20590. Comments should be submitted, identifying the docket number (Docket HM-198) and, when possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street SW., Washington, DC. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Irving R. Abis, Standards Division, Telephone: (202) 366-4488 or Charles Hochman, Technical Division, Telephone: (202) 366-4545. Office of Hazardous Materials Transportation, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** The National Transportation Safety Board (NTSB) has recommended that the RSPA: (1) Regulate molten sulfur and, as appropriate, other molten materials, as hazardous materials, (2) prescribe packaging and handling standards, and (3) incorporate information relating to the hazards of these materials into warning devices and publications available to emergency responders and others involved in the transportation of molten materials.

As background to its Safety recommendation I-85-19, issued on August 12, 1985, the NTSB stated the following:

About 11:50 a.m., P.s.t., on January 19, 1985, a tractor with two tank trailers, operated by Cal Tank Lines, struck the concrete median barrier of the southbound lanes of Interstate 680 on the Benicia-Martinez bridge in Benicia, California. The trailers, carrying molten sulfur, overturned into the northbound lanes. One trailer was destroyed by ensuing fires, and the other was breached in several places. The molten sulfur splashed onto vehicles traveling in the northbound lanes as well as onto the roadway and its shoulders. The sulfur was ignited by an undetermined source and burned for approximately 3 hours. The driver of the truck and the driver of one of the vehicles in the northbound lanes died, and 26 persons were taken to local hospitals; 3 persons were admitted. Persons were evacuated from the area near the accident site, and the roadway was closed for 15 minutes.

Firefighters reported that when they arrived visibility was extremely poor due to a heavy white smoke. In their haste to attend the injured, and because bystanders appeared to be suffering no ill effects from the smoke, the initial responders carried out rescue operations without donning any protective breathing apparatus. These firefighters later were treated for breathing difficulties related to vapors from the burning material. When the fire chief arrived, he tried to identify the cargo by looking for placards, but there were none on the trailers. After the injured had been sent to the hospital, the firefighters turned their attention to dealing with the material spilled from the trailers. Firefighters, now in chemical protective suits, attempted to plug the holes in one of the trailers using wooded plugs, but they were unsuccessful because the molten material ignited the plugs. At the same time, other firefighters were hesitant to apply extinquishants to the burning material on the ground since they did not know what the material was.

About 1:15 p.m., two firefighters approached the cab of the truck and found a waybill and other papers on the ground outside the tractor. Using information from these papers, the carrier was contacted, and at 1:30 p.m. the material was identified as molten sulfur. By that time, several additional persons had been sent to the hospital suffering from either contact burns due to the molten sulfur or inhalation of its combustion products. Even after the firefighters learned the identity of the material, they had difficulty finding information on how to handle the emergency and how to treat those injured in the emergency response guidebooks they had available. Ultimately, the fire chief finally was able to find limited information on handling molten sulfur in the

U.S. Department of Transportation's (DOT) 1984 *Emergency Response Guidebook.*

The molten sulfur was a causal factor in the two deaths and in most of the injuries involved in this accident. When firefighters arrived, the truck driver was alive, but trapped in the cab of his truck. Firefighters attempted to extricate the driver but were forced to retreat due to the heat from the burning sulfur. Sometime after 11:30 p.m., the driver's body was removed from the cab of the truck. The coroner's report listed the cause of the driver's death as "inhalation of fire and smoke with asphyxiation." The other fatality was splashed by molten sulfur as the tanks climbed the barrier. He died 3 days later of thermal burns. Many of those injured as a result of this accident suffered irritation of the mucous membranes. Sulfur dioxide, a combustion product of sulfur, produces this effect.

The NTSB continued:

While the temperature at which molten sulfur is transported is not sufficient to ignite most combustibles, its elevated temperature presents a hazard nevertheless, as this accident involving the deaths of 2 persons and injury to 26 others and substantial property damage demonstrated. The Safety Board is concerned that there may be other unregulated molten materials in the transportation system which also might cause severe casualties involving persons, damage to property, and major disruption to communities.

Therefore the National Transportation Safety Board recommends that the Research and Special Programs Administration:

Regulate molten sulfur and, as appropriate, other molten materials, as hazardous materials, prescribe packaging and handling standards, and incorporate information relating to the hazards of these materials into warning devices and publications available to emergency responders and others involved in the transportation of molten materials. (Class II, Priority Action) (I–85–19).

Classify as priority action on the proposed rulemaking in Docket HM–178 regarding the definition of a flammable solid, and establish a timetable for its completion. Include in the final rule test requirements and clear, objective criteria for shippers to identify those materials included in this hazard class. (Class II, Priority Action) (I–85–20).

RSPA has conducted an analysis of the inherent hazards involved in the transportation of molten materials to determine whether these materials are adequately regulated to provide safe transportation. As part of this analysis, RSPA reviewed the results of a separate investigation of the Benicia, California accident conducted by the National Fire Protection Association that was discussed in the January 1986 issue of *Fire Journal.* Analysis of the investigation report showed the following:

1. Detailed emergency response information on molten sulfur was not immediately available because molten sulfur is not subject to regulation as a hazardous material.

2. Firefighters had difficulty confirming the nature of the cargo.

3. Visibility at the site was severely limited as a result of fog and dense vapors of sulfur dioxide.

RSPA agrees with the NTSB's assessment that molten sulfur should be regulated as a hazardous material. RSPA believes that analysis of the investigation of this incident and other incidents involving molten sulfur justifies the regulation of this material as a flammable solid, even though it may not be in a solid state during transportation. This action is necessary so that emergency response personnel will have sufficient initial warning information to assist them in handling this kind of incident. RSPA has not determined if specific packaging standards are necessary. In this notice RSPA is proposing that molten sulfur be subject only to the general packaging requirements contained in § 173.24. This section contains general packaging requirements for the transportation of all hazardous materials.

This notice also solicits comments on the nature and scope of the transportation of molten sulfur and other molten materials that are currently not regulated as hazardous materials. Evaluation of these comments will aid RSPA in determining whether other molten materials should be regulated, and if specific packaging standards are necessary for the safe transportation of molten sulfur and other molten materials. RSPA will evaluate these comments and then determine if it will propose further amendments to the HMR.

In this notice, RSPA proposes to specifically list molten sulfur in the Hazardous Materials Table (HMT) in § 172.101, and classify the material as a flammable solid. Solid sulfur is currently regulated domestically as ORM–C only for shipments by vessel. Approximately 6 million long tons of molten sulfur are shipped domestically by highway and rail each year. Sulfur, in a molten state, is not currently listed as a hazardous material in the HMT. However, molten sulfur is listed in the Optional Hazardous Materials Table, § 172.102, reflecting regulated status in the International Maritime Dangerous Goods (IMDG) Code. (This table is used for import and export shipments by vessel.) Furthermore, the U.S. Coast Guard presently regulates bulk vessel movements of molten sulfur in Subchapter O of 46 CFR. If the rules proposed in this notice are adopted, molten sulfur would be treated in the same manner as in the U.N. Recommendations. However, since it is unclear whether or not molten sulfur meets the current flammable solid definition contained in § 173.150, the RSPA is proposing to include a plus mark (+) associated with the entry in the HMT. This would indicate that molten sulfur is subject to the regulations as a flammable solid whether or not the material meets the definition of the hazard class contained in § 173.154.

The definition of a flammable solid is less than precise. The NTSB pointed this out in the background to its Safety Recommendations I–85–19 and 1–85–20. A more precise flammable solid definition is under study by the United Nations Committee of Experts on the Transportation of Dangerous Goods (U.N.). Despite the current efforts to improve the definition, the U.N. recommendations classify molten sulfur an a flammable solid.

In addition to proposing to regulate the transportation of molten sulfur, which would have the effect of requiring shipping papers, marking, labeling, and transport vehicle placarding, the RSPA is soliciting comments on the following questions in order to determine the need for further regulation of molten sulfur and other molten materials as appropriate:

1. What molten materials, not currently regulated by DOT, are being transported?

2. At what temperatures are these materials transported?

3. What modes of transportation are being used for the transportation of molten materials?

4. What packagings (bulk and/or non-bulk) are being used for the transportation of molten materials?

5. What is the minimum/maximum quantity of molten materials being transported in any one transport vehicle?

6. What are the hazards associated with the transportation of specific types of molten materials?

7. Should shipping papers, markings, and placarding be required for shipments of all or specific molten materials?

8. Are DOT packaging standards, including specification packagings, necessary for the safe transportation of molten materials?

9. What packaging design criteria are used to minimize the loss of lading as a result of a collision or overturn?

10. Does industry have, or is industry working on, packaging standards for the transportation of any molten material?

11. What accident data is available to demonstrate the suitability of presently used packagings for molten materials?

The RSPA has determined that this rulemaking: (1) Is not "major" under Executive Order 12291; (2) is not "significant" under DOT's policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 et seq.). A regulatory evaluation is available for review in the docket. Based on limited information concerning the size and nature of entities likely affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 49 CFR Part 172**

Hazardous materials transportation, Labeling, packaging, and containers.

**PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS**

1. The authority citation for Part 172 continues to read as follows:

**Authority:** 49 U.S.C. 1803, 1804, 1805, and 1808; 49 CFR part 1, unless otherwise noted.

**§ 172.101 [Amended]**

2. In § 172.101, the Hazardous Materials Table would be amended by adding a new entry as follows:

**§ 172.101 Hazardous Materials Table.**

| + /E/A/W | Hazardous materials descriptions and proper shipping names | Hazard class | Identification number | Label(s) required (if not excepted) | Packaging | | Maximum net quantity in one package | | Water shipments | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Exceptions | Specific requirements | Passenger carrying aircraft or railcar | Cargo aircraft only | Cargo vessel | Passenger vessel | Other requirements |
| 1 | 2 | 3 | 3(a) | 4 | 5(a) | 5(b) | 6(a) | 6(b) | 7(a) | 7(b) | 7(c) |
| + | ADD<br>Sulfur, molten | Flammable solid | UN 2448 | Flammable solid | None | 173.24 | Forbidden | Forbidden | 1 | 1 | Stow separated from oxidizers and away from living quarters. |

Issued in Washington, DC, on November 17, 1986, under authority delegated in 49 CFR Part 106, Appendix A.

**Alan I. Roberts,**

*Director, Office of Hazardous Materials Transportation.*

[FR Doc. 86-26260 Filed 11-20-86; 8:45 am]

BILLING CODE 4910-60-M

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Lomatium bradshawii (Bradshaw's lomatium)**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Service proposes to determine *Lomatium bradshawii* (Bradshaw's lomatium) to be an endangered species. This action is being taken because the few remnant populations of the species are being threatened by habitat alteration or destruction through agricultural or residential development and competition with encroaching woody vegetation. *Lomatium bradshawii* occurs in isolated pockets of remaining native bottom land prairie habitat in the Willamette Valley of Oregon. A determination of *Lomatium bradshawii* to be an endangered species would implement the protection provided by the Endangered Species Act of 1973, as amended. Comments and materials related to the proposal are now being solicited.

**DATES:** Comments from the public and the State of Oregon must be received by January 20, 1987. Public hearing requests must be received by January 5, 1987.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232. Comments and materials relating to this rule are available for public inspection by appointment during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne S. White, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Lomatium bradshawii* (Bradshaw's lomatium) is a member of a native lowland prairie community endemic to the Willamette Valley of Oregon. It was first collected in 1916 at Salem, and was described as *Leptotaenia bradshawii* in 1934. It was included in *Lomatium* in 1942. It is usually found on low swales in soils that are wet much of the year.

The most significant threat to this plant's survival has been the conversion of native prairie habitat to agricultural land. This habitat is very valuable and productive as farmland, and consequently most of such land in the Willamette Valley is now in agricultural use. Recently, residential/industrial development has encroached upon much of the remaining habitat that supports *Lomatium bradshawii*.

There are eight or nine populations remaining within the plant's former range, scattered from Salem to just south of Eugene, Oregon. These populations vary in size from several thousand plants to only a few individuals. The vigor of these populations also varies considerably. Two of these populations are vulnerable to further suburban development.

The continued existence of this species is threatened by land use conversion, which is eliminating the native prairies in favor of agriculture and other developments. Suppression of fire in some areas also appears to be allowing encroachment of prairie habitat by woody vegetation, resulting in a decline of the *Lomatium*. This rule proposes to determine *Lomatium bradshawii* to be endangered, and implements the protection provided by the Endangered Species Act of 1973, as amended.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be

endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report of the Smithsonian Institution as a petition within the context of former Section 4(c)(2) of the Act (petition acceptance is now governed by Section 4(b)(3) of the Act), and of its intention to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to Section 4 of the Act.

This list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Lomatium bradshawii* was included in the July 1, 1975, notice of review and in the June 16, 1976, proposal.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was established for proposals already over 2 years old. On December 10, 1979, the Service published a notice of the withdrawal of the still-pending portion of the June 16, 1976, proposal, along with four other proposals that had expired. The withdrawal of the proposal to list *Lomatium bradshawii* was not based on biological considerations, but instead was the result of the administrative requirements of the Act prior to the 1982 Amendments. An updated notice of review, published on December 15, 1980 (45 FR 82480), listed *Lomatium bradshawii* in Category 1, which comprises taxa for which sufficient information is available to support proposal of listing as endangered or threatened. On February 15, 1983, the Service published notice (48 FR 6752) of its finding that the petitioned listing of this species may be warranted, in accord with section 4(b)(3)(A) of the Act, as amended in 1982. On October 13, 1983, October 12, 1984, and again on October 11, 1985, the petition finding was made that listing of this taxon was warranted, but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Such a finding requires that the petition be recycled, pursuant to section 4(b)(3)(C)(i) of the Act. Therefore, a new finding must be made; the Service finds that the petitioned action is warranted and hereby publishes a proposal to list the species as endangered, in accordance with section 4(b)(3)(B)(ii) of the Act.

**Summary of Factors Affecting the Species**

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424) set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act. These factors and their application to *Lomatium bradshawii* (Rose *ex* Math.) Math. & Const. (Bradshaw's lomatium) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Although this species was known historically throughout the Willamette Valley of Oregon, habitat of *Lomatium bradshawii* has been mostly developed for agriculture or urbanization, leaving a few small preserves that are generally managed for grazing, or wildlife, or not managed at all. Today there are eight or possibly nine known remaining populations of the species.

Invasion of prairie vegetation by various woody plant species has also caused decline in *Lomatium bradshawii* at some sites. Prairies in the Willamette Valley apparently require periodic burning to prevent such encroachment. Because seeds and young plants of the *Lomatium* do not survive fire, however, burning at too frequent an interval can prevent establishment of new individuals of the species (Kagan 1980).

Two existing populations are located near Corvallis, Oregon: one on the Finley National Wildlife Refuge (NWR) and the other just northeast of Corvallis. The population on Finley NWR was recently rediscovered and presently consists of about 60 individual plants. The habitat on the refuge is managed by the U.S. Fish and Wildlife Service, primarily as a natural area. Past management practices included some controlled burning to prevent the encroachment of shrubs on the native grassland. Future refuge habitat management activities will include provisions to improve the status of this population.

The second site, at the Jackson-Frazier wetland northeast of Corvallis, consisted until recently of a remnant population of several hundred plants. An adjoining wet prairie of approximately 75 acres north of this area functioned as the watershed critical to this population. A large portion of this population was destroyed by construction of a housing development in 1980. The area supporting the remaining *Lomatium* plants was plowed in November 1985, about 400 plants still survive in 1986 (Kagan, pers. comm.).

Other remaining populations of *L. bradshawii* are in and around Eugene, Oregon. One is located near the Long Tom River, northwest of Eugene, Oregon. It formerly occurred on both private and Bureau of Land Management (BLM) land. The portion of the habitat on private land and some adjacent habitat on BLM land has been plowed, destroying approximately half of the total population. The remainder of this population, occurring on BLM land, has been subject to light grazing in the past but has never been plowed. Future management of this land is undetermined, and it remains unfenced at this time.

The second of these more southern populations, and the largest extant population of the species, numbering in the tens of thousands, is located in Eugene near Willow Creek. This site supports a diverse plant community, a relict of the Willamette Valley bottom land prairie. Another plant candidate for listing, *Erigeron decumbens* var. *decumbens* (Willamette daisy) also occurs at this site. This land is privately owned and has been under consideration for residential development in the past. Currently, it is leased to the Nature Conservancy, and the local community is negotiating to attempt to preserve the land.

The third population in the Eugene area is located near the Fern Ridge Reservoir on land administered by the Army Corps of Engineers. Although about 100 individuals of the *Lomatium* have been destroyed here in recent years, apparently as a result of permanent flooding of a portion of the area, the remaining population is estimated to comprise about 10,000 plants.

The fourth population in the Eugene area was discovered near Mt. Pisgah in 1985. It comprises about 100–200 individuals.

Three other recently discovered small populations, of fewer than 100 individuals each, occur in or near Eugene, Oregon. One is located in Eugene along Amazon Creek. Although this land has been managed for recreation for many years, a very small population of *Lomatium bradshawii* occurs at the site. Another population has been discovered west of Eugene

near an electric power substation. A third was discovered a few miles south of Eugene along the Camas Swale near Interstate 5. *Lomatium bradshawii* has not been seen at Camas Swale for two years, and may now be extirpated there. These populations are very small and their continued existence is doubtful.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Although the species is not known to be threatened now by collecting or vandalism, its rarity makes it vulnerable to any potential threat of taking.

C. *Disease or predation.* Grazing may have formerly contributed to a reduction in the range of *Lomatium bradshawii*, but it is believed that grazing was never a significant problem. Land use conversion and introduction of forage plants for the purposes of grazing livestock may have been a significant problem. This issue was addressed under factor A.

*Lomatium bradshawii* is known to be affected by a number of parasites. A fungus, a spittle bug, two species of aphids, and an unidentified insect predator (of the fruit) have been associated with *L. bradshawii* (Kagan 1980). They are not known to present a threat to the species as a whole; however, they could threaten small and stressed populations. Further work is necessary to determine the significance of any such threats.

D. *The inadequacy of existing regulatory mechanisms.* Oregon has at this time no conservation authority specifically for *Lomatium bradshawii* or any protection authority for rare plants in general. Official listing under the Act would provide a means by which various conservation and recovery actions can be implemented to ensure the continued existence of this plant throughout its range. If the species were listed, it would also receive the protection of section 7(a)(2) of the Act; BLM, the Fish and Wildlife Service, and the Army Corps of Engineers would have to insure that their land management activities affecting resident populations of Bradshaw's lomatium are not likely to jeopardize the continued existence of the species. (*See* discussion under "Available Conservation Measures," below.).

E. *Other natural or manmade factors affecting its continued existence.* The remaining small populations are all disjunct and geographically (thus genetically) isolated from each other. Inbreeding depression in these small populations may be a real threat to their long-term survival (Kagan 1980). Further study is necessary to assess the significance of inbreeding.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Lomatium bradshawii* as endangered. This species has been reduced to a few remnant populations as a result of conversion of its habitat in the Willamette Valley to urban and agricultural use. Therefore, the Service believes that Bradshaw's lomatium is in danger of extinction throughout all or a significant portion of its range. No critical habitat is proposed to be designated, for the reasons discussed below.

### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary designate any habitat of a species that is considered to be critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Because there are only eight known remaining populations of *Lomatium bradshawii*, the plant could be threatened by taking or vandalism if its localities are made widely known. Taking, an activity which is difficult to detect and control, is not regulated by the Endangered Species Act with respect to plants, except for a prohibition against removal and reduction to possession of endangered plants from lands under Federal jurisdiction. Publication of critical habitat descriptions would make this species more vulnerable to collection and vandalism pressures and increase enforcement problems. Therefore, it would not be prudent to determine critical habitat for *Lomatium bradshawii* at this time.

### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides authority for land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibition against removal and reduction to possession on Federal land are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, (revised by 51 FR 19926, June 3, 1986). Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. In the case of *L. bradshawii*, the management of Finley National Wildlife Refuge, the management of the area under the jurisdiction of the Army Corps of Engineers near Fern Ridge Reservoir, and BLM's management of public land on which this species occurs would be subject to these requirements.

The Act and its implementing regulations found at 50 CFR 17.61 and 17.62 set forth a series of general trade prohibitions and exceptions that apply to endangered plant species. With respect to *Lomatium bradshawii*, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell, or offer this species for sale in interstate or foreign commerce, or to remove this species from areas under Federal jurisdiction and reduce it to possession. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plant species under certain circumstances. Because this species is not known to be cultivated and is rare in the wild, it is anticipated that few, if any, trade permits would ever be sought or issued. Requests for copies of the regulations on

plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235–1903).

### Public Comments Solicited

The Service intends that any final rule resulting from this proposal will be accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning the following:

(1) Biological, commercial, or other relevant data concerning any threat (or lack thereof) to *Lomatium bradshawii;*

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Lomatium bradshawii.*

Final promulgation of a regulation on *Lomatium bradshawii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested in writing within 45 days of the proposed rule's publication. Requests should be addressed to the Regional Director (see **ADDRESSES**).

### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

### Literature Cited

Kagan, J.S. 1980. The Biology of *Lomatium bradshawii* (Apiaceae), a rare plant of Oregon. Unpublished Report. 71 pp.

### Author

The primary author of this rule is Peter A. Stine, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, P.O. Box 50167, Honolulu, Hawaii 96850.

### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

### Proposed Regulation Promulgation

## PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

**Authority:** Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Apiaceae, to the List of Endangered and Threatened Plants:

**§ 17.12 Endangered and threatened plants.**

* * * * *

(h) * * *

| Species | | Historic range | Status | When listed | Critical habitat | Special rules |
|---|---|---|---|---|---|---|
| Scientific name | Common name | | | | | |
| * | * | * | * | * | | |
| Apiaceae—Parsley family: | | | | | | |
| *Lomatium bradshawii* | Bradshaw's lomatium | U.S.A. (OR) | E | | NA | NA |
| * | * | * | * | * | | |

Dated: October 17, 1986.

**Susan Recce,**

*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 86–26290 Filed 11–20–86; 8:45 am]

BILLING CODE 4310–55–M

# Notices

Federal Register
Vol. 51, No. 225
Friday, November 21, 1986

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

## ACTION

### Special Volunteer Programs, Availability of Funds; Demonstration Grants

The Office of Voluntarism Initiatives of ACTION announces the availability of funds during fiscal year 1987 for a demonstration grant under the Special Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, Title I, Part C; 42 U.S.C. 4992).

The purpose of this competitive announcement is to identify and support an innovative project that can demonstrate an ability to work with, support, and encourage the development of various volunteer groups and individuals throughout the nation who are working to prevent drug use among youth.

#### A. Objective

Volunteer Demonstration Projects address areas of human concern where citizens, as volunteers, can contribute toward the overall health and well-being of their communities. This particular request for applications is designed to fund a national drug information resource center with the demonstrated capability of providing a substantial amount of technical information and assistance both over the phone and in writing to the general public with regard to drug use prevention, especially in areas such as: Volunteer parent, citizen, and youth group development; current pharmacological data on illegal drugs; and conference organizing.

This project must also be capable of identifying volunteer drug use prevention efforts throughout the country, enabling the public to learn of volunteer drug use prevention groups in their own states and/or communities from which they can obtain advice and information.

#### B. Eligible Applicants

Only applications from private non-profit incorporated organizations and public agencies will be considered.

#### C. Time Period and Scope of the Grant

The budget period for this demonstration grant begins on January 1, 1987 and ends June 30, 1987. Publication of this announcement does not obligate ACTION to award any specific number of grants or to obligate any specific amount of money for demonstration grants.

#### D. General Criteria for Grant Selection

Grant applications will be reviewed and evaluated in comparison with the criteria outlined below, as appropriate, as well as conformance to the instructions included in the application. Grant applicants with a demonstrated competence in drug use prevention efforts using volunteers will be given preference.

The General Criteria are as follows:

1. Experience in managing a high-volume, toll-free number and responding to large numbers of oral and written inquiries per year in order to give technical assistance and accurate information to the general public regarding the prevention of drug use by youth, especially in areas such as:

Volunteer parent, citizen, and youth group development; current pharmacological information on illegal drugs; the identification of local volunteer groups throughout the country; and organizing drug use prevention conferences.

2. Evidence of cooperation on the part of a large number of parent, citizen, and youth groups throughout the country willing to serve as volunteer resources in the area of drug use prevention among youth.

3. Promise of developing innovation or knowledge in the area of preventing drug use among youth and demonstrated ability to survey the impact of drug use prevention activities and provide survey results to volunteer organizations.

4. Capability of proposed staff, including demonstrated achievements in the drug use prevention field and providing technical assistance to volunteer organizations such as parent, citizen, and youth groups.

5. Capability of obtaining support from a broad range of private and public organizations for the volunteer movement which seeks to prevent drug use among the nation's youth.

6. Carefully formulated, time-phased and measurable objectives with feasible methods for meeting those objectives.

7. Feasibility of proposed budget. While applicants are not required to contribute a specific portion of the project's costs, they are encouraged to do so. Applicants capable of such contributions should specify the sources and amounts of non-federal contributions, and the sources and nature of in-kind, non-federal contributions.

8. Plans for becoming self-sufficient following the completion of the project supported by ACTION funds.

#### E. Application Review Process

ACTION's Office of Volunteerism Initiatives staff, which has expertise in volunteer demonstration programs, will review and evaluate all eligible applications submitted under this announcement. ACTION's Associate Director for Volunteerism Inititatives will make the final selection from among the highest ranked applications. ACTION reserves the right to ask for evidence of any claims of past performance or future capability.

#### F. Application Submission and Deadline

One signed original and two copies of all completed applications must be submitted to the Associate Director for Volunteerism Initiatives, Room 516, 806 Connecticut Avenue, NW., Washington, DC 20525. The deadline for receipt of applications is December 19, 1986. Only those that are received by 5:00 P.M. on this date will be eligible for consideration.

All grant applications must consist of:

a. Application for Federal Assistance (Form A–1017) with narrative budget justification and a narrative of project goals and objectives.

b. CPA certification of accounting capability.

c. Articles of incorporation.

d. Proof of non-profit status, which should be made through documentation.

e. Resume of candidates for the position of project director, if available, or the resume of the director of the applicant agency or project.

f. List of sponsor's governing board members and their relationship to the community.

To receive an application form, please call ACTION's Office of Volunteerism Initiatives at (202) 634–9749.

Signed at Washington, DC this 14th day of November 1986.

**Donna M. Alvarado,**

*Director.*

[FR Doc. 86–26324 Filed 11–20–86; 8:45 am]

BILLING CODE 6050–28–M

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Dixie National Forest, Garfield County, UT; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, in accordance with the Memorandum of Understanding with the Bureau of Land Management (BLM), dated June 19, 1984, will be the lead agency in the preparation of the environmental impact statement (EIS) to determine if lands within the Escalante Known Geological Structure (KGS) should be offered for competitive oil and gas lease. The BLM, which has the authority to issue oil and gas leases on Federal lands, has been requested to offer for lease certain lands within the KGS near Escalante, Utah. The BLM will be a cooperating agency in the preparation of the EIS as defined in 40 CFR 1501.6.

Previous scoping and environmental analysis of the effects of oil and gas leasing in the Escalante KGS indicated the need for the Forest Service to prepare an EIS.

The EIS will analyze a full range of leasing alternatives including "No Action"—the offering of no new leases—while considering rights granted by existing oil and gas leases within the KGS. Other alternatives that will be considered are various levels of leasing and assumed levels of development including the leasing of all available lands within the KGS as well as full field development.

Special provisions are contained in the Utah Wilderness Act of 1984 for $CO_2$ leasing in designated areas within the KGS. Issues related to the special provisions will be addressed in the EIS. A portion of the KGS includes lands within the Box-Death Hollow Wilderness. Leasing within the Wilderness is prohibited by the Utah Wilderness Act of 1984. Several leases that predate the Utah Wilderness Act exist within the Wilderness. The EIS will not address additional leasing within the Wilderness.

The majority of the lands administered by the BLM within the KGS are designated as the Phipps-Death Hollow Instant Study Area (ISA). The processing of new leases within the ISA is also currently prohibited. The EIS may refer to the ISA but no further consideration will be given to issuing new leases in the ISA.

Federal, state, and local agencies; oil and gas industry; and other individuals or organizations who were interested in or affected by the proposal were invited to participate in the scoping process. This process included:

1. Identification of potential issues.
2. Identification of issues to be analyzed in depth.
3. Elimination of insignificant issues or those which have been covered by a previous environmental review.
4. Review of a preliminary environmental assessment.

The Fish and Wildlife Service will be invited as a cooperating agency to evaluate potential impacts on threatened and endangered species if any such species are found to exist in the KGS.

Issues previously scoped were analyzed and made available to the public in a preliminary environmental assessment in May 1986. The Forest Supervisor held a public meeting during the scoping process on June 18, 1986, from 9 a.m. to 8 p.m. All new issues and concerns shall be analyzed and made available to the public in a draft EIS on or about December 15, 1986. The final EIS is scheduled for June 1987.

Written comments and suggestions concerning the EIS analysis should be sent to Mr. Hugh Thompson, Forest Supervisor, Dixie National Forest, 82 North 100 East, Cedar City, UT 84720.

Mr. J.S. Tixier, Regional Forester, Intermountain Region, is the responsible official for this EIS.

Questions regarding the proposal and EIS should be directed to Mr. Calvin Bird, Forest Land Planner, Dixie National Forest, 82 North 100 East, Cedar City, UT 84720, (801) 586–2421; or Douglas Austin, District Ranger, Escalante Ranger District, Escalante, UT 84726, (801) 826–4221.

Dated: November 10, 1986.

**J.S. Tixier,**

*Regional Forester, Intermountain Region.*

[FR Doc. 86–26239 Filed 11–20–86; 8:45 am]

BILLING CODE 3410–11–M

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Judicial Review; Public Meeting

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The committee has scheduled this meeting to consider a draft recommendation on establishment of a Freedom of Information Act ombudsman office, based on a study by Professor Mark H. Grunewald of Washington and Lee University School of Law.

**DATE:** Thursday, December 4, 1986, at 10:00 a.m.

Location: Gelman Building, 2120 L Street NW., Lower Level, Hearing Room No. 1, Washington, DC.

Public participation: The committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

**FOR FURTHER INFORMATION CONTACT:** Michael W. Bowers, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037. Telephone: (202) 254–7065.

**SUPPLEMENTARY INFORMATION:** The Committee on Judicial Review previously considered the Freedom of Information Act ombudsman concept at meetings held on October 28 and November 13, but failed to reach agreement on a proposed recommendation. The committee will continue its deliberations at the meeting on December 4.

Dated: November 19, 1986.

**Richard K. Berg,**

*General Counsel.*

[FR Doc. 86–26395 Filed 11–20–86; 8:45 am]

BILLING CODE 6110–01–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–588–607]

### Initiation of Antidumping Duty Investigation; Certain Silica Filament Fabric From Japan

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of certain silica filament fabric from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether there is a reasonable indication that imports of this product materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before December 11, 1986, and we will make ours on or before April 6, 1987.

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

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

**SUPPLEMENTARY INFORMATION:** .

### The Petition

On October 27, 1986, we received a petition filed in proper form by Ametek, Inc. (Haveg Division), and by HITCO, on behalf of the U.S. industry producing certain silica filament fabric. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of certain silica filament fabric from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

### Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioners supporting the allegations.

We examined the petition on certain silica filament fabric from Japan and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether certain silica filament fabric from Japan is being, or is likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by April 6, 1987.

### Scope of Investigation

The product covered by this investigation is certain woven fabric, of glass (silica filaments), whether or not colored, containing not over 17 percent of wool by weight, as currently provided for in items 338.25 and 338.27 of the *Tariff Schedules of the United States.*

### United States Price and Foreign Market Value

Petitioners based United States price on a U.S. importer's price list and petitioners' estimates of the importer's bid prices in the United States. Petitioners made adjustments to the delivered prices for freight, brokerage, insurance, U.S. duties, and U.S. sales expenses.

Petitioners based foreign market value for certain silica filament fabric on home market sales to Japanese dealers. They made adjustments for quantity discounts, freight, and selling expenses. Based on a comparison of United States prices and foreign market values, petitioners allege dumping margins of 85 to 359 percent.

After analysis of petitioners' allegations and supporting data, we conclude that a formal investigation is warranted.

### Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonpriviledged and nonproprietary information. We will also allow the ITC access to all priviledged and business proprietary information in our files, provided it confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

### Preliminary Determination by ITC

The ITC will determine by December 11, 1986, whether there is a reasonable indication that imports of certain silica filament fabric from materially injure, or threaten material injury to, a U.S. industry. If its determination is negative the investigation will terminate; otherwise it will proceed according to the statutory and regulatory procedures.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

November 17, 1986.

[FR Doc. 86–26322 Filed 11–20–86; 8:45 am]

BILLING CODE 3510–DS–M

## Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held December 12, 1986, 9:30 a.m., Herbert C. Hoover Building, Room 1092, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

### Agenda

1. Opening remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Discussion of Numerically Controlled Machines.
4. Discussion of Programmable Controllers.
5. Discussion of Local Area Networking.
6. Discussion of 1987 Plan.

### Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Public Law 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce,

Telephone: 202/377–4217. For further information or copies of the minutes, Betty Ferrell at call 202/377–4959.

Dated: November 17, 1986.

Margaret A. Cornejo,

*Director, Technical Support Staff, Office of Technology and Policy Analysis.*

[FR Doc. 86–26316 Filed 11–20–86; 8:45 am]

BILLING CODE 3510-DT-M

## Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held December 12, 1986, 1:30 p.m. in the Herbert C. Hoover Building, Room 4830, 14th Street & Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology & Policy Analysis with respect to questions that affect the level of export controls applicable to computer systems or technology.

**Open Session**

1. Opening Remarks by the Chairperson.
2. Presentation of papers or comments by the public.
3. Subcommittee Reports:
   Licensing Procedures and Regulations Subcommittee;
   Software Subcommittee; and
   Hardware Subcommittee.

**Executive Session**

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 13356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377–4127. For further information or copies of the minutes, call Betty Ferrell at 202/377–2583.

Dated: November 13, 1986.

Margaret A. Cornejo,

*Director, Technical Support Staff, Office of Technology and Policy Analysis.*

[FR Doc. 86–26317 Filed 11–20–86; 8:45 am]

BILLING CODE 3510-DT-M

## Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held December 10, 1986, 3:00 p.m. in the Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue NW., Washington, DC. The Hardware Subcommittee was formed to study computer hardware with the goal of making recommendation to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

**Agenda**

1. Introduction of Members and Guests.
2. Opening remarks by the Chairperson.
3. Presentation of papers or comments by the public on technical matters relating to the export of computer hardware.

**Executive Session**

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Goverment In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information contact Betty A. Ferrell, 202–377–2583.

Dated: November 17, 1986.

Margaret A. Cornejo,

*Director Technical Support Staff, Office of Technology and Policy Analysis.*

[FR Doc. 86–26318 Filed 11–20–86; 8:45 am]

BILLING CODE 3510-DT-M

## Joint Meeting of the Automated Manufacturing Equipment Technical Advisory Committee and The Computer Systems Technical Advisory Committee; Partically Closed Meeting

A joint meeting of the Automated Manfacturing Equipment Technical Advisory Committee and the Computer Systems Technical Advisory Committee will be held December 11, 1986, 9:00 a.m. in the Herbert C. Hoover Building, Room 4830, 14th Street & Constitution Avenue, NW., Washington, DC.

**Open Session**

1. Introduction of members and guests.
2. Presentation of papers or comments by the public.
3. Discussion of Programmable Controllers.
4. Discussion of Local Area Networking.
5. Discussion of Control Equipment for Shop Floors.
6. Discussion of Software Process Control.

**Executive Session**

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal

Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned under Executive Order 12356. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377–4127. For further information or copies of the minutes, call Betty Ferrell at 202/377–2583.

Dated: November 17, 1986.

**Margaret A. Cornejo,**

*Director Technical Support Staff, Office of Technology and Policy Analysis.*

[FR Doc. 86–26319 Filed 11–20–86; 8:45 am]

BILLING CODE 3510–DT–M

## Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held December 11, 1986, 3:00 p.m., in the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, DC. The Licensing Procedures and Regulations Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

**Open Session**

1. Opening Remarks by the Chairperson.
2. Presentation of papers or comments by the public on proposed equipment decontrol and discussions on problems experienced in obtaining export licenses.
3. Discussion and formulation of a proposal to revise U.S. export controls regarding West/West export licenses.
4. Proposed reformatting of ECCN 1565A.
5. Proposed changes to Service Supply Licenses.
6. Proposed changes to GTE.
7. Proposed changes to GLV Limits.
8. Proposed changes to Amendments Form.
9. Parts and Components comments.
10. Discussion on Reexports; Bulk Licenses; General License Certified End-User (GCEU); raising of PDR limits for signatory and nonsignatory countries; proposed expansion of G–COM.

**Executive Session**

11. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202/377–4127. For further information or copies of the minutes, call Betty Ferrell at 202/377–2583.

Dated: November 17, 1986.

**Margaret A. Cornejo,**

*Director, Technical Support Staff Office of Technology and Policy Analysis.*

[FR Doc. 86–26320 Filed 11–20–86; 8:45 am]

BILLING CODE 3510–DT–M

## Software Subcommittee of the Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Software Subcommittee of the Computer Systems Technical Advisory Committee will be held December 12, 1986, 9:00 a.m. in the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, NW., Washington, DC. The Software Subcommittee was formed to study computer software with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

The Committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM Control Program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meeting and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information contact Betty A. Ferrell, 202–377–2583.

Dated: November 17, 1986.

**Margaret A. Cornejo,**

*Director, Technical Support Staff, Office of Technology and Policy Analysis.*

[FR Doc. 86–26321 Filed 11–20–86; 8:45 am]

BILLING CODE 3510–DT–M

## Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing on the dates indicated from the following firms: (1) FX Systems Corporation, 77 Cornell Street, Kingston, New York 12401, producer of electronic instrumentation devices (August 12, 1986); (2) Universal Clothes, Inc., 826 Broadway, New York 10013, producer of men's and women's jackets (August 14, 1986); (3) DVE Manufacturing Company, P.O. Box 288, Lewiston, Maine, 04240, producer of painters' caps (September 4, 1986); (4) Defender, Inc., 26th and Reed Street, Philadelphia, Pennsylvania 19146, producer of men's, women's and children's swimsuits, shorts, shirts, jogging suits and protective athletic pads (September 4, 1986); (5) Chimney Mountain Craftsmen, Inc., producer of wood furniture (September 8, 1986); (6) Northeast Wire Company, Inc., 60 Jackson Street, Holyoke, Massachusetts 01040, producer of insulated wire (September 8, 1986); (7) Wikstrom

Machines, Inc., 187–88 Hollis Avenue, Hollis, New York 11423, producer of welding machines (September 10, 1986); (8) W. J. Young Fastener and Machinery Company, Inc., Peabody Industrial Park, Peabody, Massachusetts 01960, producer of shoe machinery and shoe nails (September 10, 1986); (9) Ornamental Blown Glass, Inc., 20630 56th Avenue West, Area A, Lynnwood, Washington 98036, producer of glass vases, bottles, lamps, bowls and Christmas ornaments (September 12, 1986); (10) Brookman Cast Industries, Inc., 3530 Brady Court N.E., Salem, Oregon 97308, producer of parts for ski lift chair grips and other steel castings (September 15, 1986); (11) Nordic Tugs, Inc., P.O. Box 314, Woodinville, Washington, 98072, producer of pleasure power boats (September 15, 1986); (12) Posilock Puller, Inc., P.O. Box 246, Cooperstown, North Dakota 58425, producer of gear and bearing pullers (September 16, 1986); (13) South & Jones Timber Company, Inc., P.O. Box 788, Evanston, Wyoming 82930, producer of softwood lumber (September 18, 1986); (14) VanRich Casting Corporation, P.O. Box 17216, Portland, Oregon 97217, producer of valve boxes, counterweights general machinery and truck and trailer parts (September 19, 1986); (15) Summers Manufacturing Company, Inc., 338 Railway Avenue, Maddock, North Dakota 58348, producer of agricultural machinery (September 22, 1986); (16) Supreme Leather Products, 32 Lawrence Street, Spring Valley, New York 10977, producer of miscellaneous leather products (September 30, 1986); (17) Video Interface Products, Inc., 20516 Lorne, Taylor, Michigan 48180, producer of video processors (September 30, 1986); (18) Wrightco Motorcycle Accessories, 17580 SE Sunnyside Road, Boring, Oregon 97009, producer of motorcycle tie-downs and hand guards (September 30, 1986); (19) Acme Precision Screw Products, Inc., 623 Glide Street, Rochester, New York 14606, producer of industrial fasteners and machine copier parts (September 30, 1986); (20) Di/An Controls, Inc., 944 Dorchester Avenue, Massachusetts 02125, producer of computerized printers and control systems (October 7, 1986); (21) Ultimate Support Systems, Inc., P.O. Box 470, Fort Collins, Colorado 80524–4700, producer of keyboard and other instrument stands (October 7, 1986); (22) Gem Electric Manufacturing Company, Inc., P.O. Box 11128, Hauppauge, New York 11788, producer of multiple outlets (October 7, 1986); (23) The Commercial Forgings Company, 3714 East 93rd Street, Cleveland, Ohio 44105, producer of printing press rolls (October 9, 1986); (24) Champion Glove Manufacturing Company, Inc., 2200 East Ovid, Des Moines, Iowa 50313, producer of sport and athletic gloves and sports accessories (October 10, 1986); (25) Pheoll Manufacturing Company, 5700 West Roosevelt Road, Chicago, Illinois 60650, producer of metal fasteners (October 9, 1986); (26) Midwestco Enterprises, Inc., 2735 North Ashland Avenue, Chicago, Illinois 60614, producer of electric transformers (October 10, 1986); (27) Polymer Plastics Corporation, 65 Davids Drive, Hauppauge, New York, 11788, producer of interior and exterior coatings and toppings (October 14, 1986); (28) Elite Electronic International Corporation, 301 West Hoffman Avenue, Lindenhurst, New York 11757, producer of electronic ignitions, regulators and resistors (October 15, 1986); (29) Roman Art Embroidery Corporation, 443 Summer Street, Brockton, Massachusetts 02402, producer of emblems and caps (October 29, 1986); and (30) America the Elegant, Inc., 3101 South Harbor Boulevard, Santa Ana, California 92704, producer of waterbed frames and other bedroom furniture (November 3, 1986).

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93–618), as amended. Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request of a hearing must be received by the Certification Division, Office of Trade Adjustment Assistance, Room 4015A, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

**S. Cassin Muir,**

*Acting Chief, Certification Division, Office of Trade Adjustment Assistance.*

[FR Doc. 86–26313 Filed 11–20–86; 8:45 am]

BILLING CODE 3510-DR-M

## Applications for Duty-Free Entry of Scientific Instruments; University of Utah et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86–150R. Applicant: University of Utah, Department of Biology, Salt Lake City, UT 84112. Instrument: Mass Spectrometer System, Model Delta E. Manufacturer: Finnigan MAT, West Germany. Original notice of this resubmitted application was published in the **Federal Register** of April 16, 1986.

Docket No. 87–021. Applicant: The University of Denver, 2101 East Wesley, Denver, CO 80208–0179. Instrument: $NO_2$ in Air Monitor, Model Luminax LMA–3. Manufacturer: Scintrex, Canada. Intended use: The instrument is intended to be used for studies of oxides of nitrogen, peroxycetyl nitrate, ozone and free radicals in air pollution and acid rain. Field experiments will be conducted to better determine the causes and effects of acid rain. Application received by Commissioner of Customs: October 28, 1986.

Docket No. 87–022. Applicant: Shadyside Hospital, 5230 Centre Avenue, Pittsburgh, PA 15232. Instrument: Electron Microscope, Model CM 10 with Accessories. Manufacturer: N.V. Philips, The Netherlands. Intended use: The instrument is intended to be used for studies of ultrastructural changes in biological medical specimens and human biopsy material. The instrument will also be used to teach courses in electron microscopy

procedures and hands on experience for board preparation. Application received by Commissioner of Customs: October 29, 1986.

Docket No. 87–023. Applicant: University of Alaska, Geophysical Institute, Fairbanks, AK 99775–0800. Instrument: Imaging Photon Detector with Dual Ported Memory. Manufacturer: Hovemere Ltd., United Kingdom. Intended use: The instrument will be used to image chemical releases in space from rockets, satellites and the Space Shuttle. Application received by Commissioner of Customs: October 30, 1986.

Docket No. 87–024. Applicant: Albion College, Albion, MI 49224. Instrument: Rapid Kinetics Accessory of UV/Vis Spectrophotometers, Model SFA–11. Manufacturer: Hi-Tech Scientific Limited, United Kingdom. Intended use: The instrument will be used to investigate the rate of chemical reactions involving transition metal complexes. Both rates of electron transfer and rates of substitution will be measured. The initial research will be a study of the chromate-iodide reaction to determine why this reaction deviates from first order kinetics, and to develop a better understanding of the mechanism of this important reaction. In addition, the instrument will be used for educational purposes in the courses Chemistry 325: Advanced Laboratory—Projects and in Chemistry 411: Directed Study. Application received by Commissioner of Customs: October 30, 1986.

Docket No. 87–025. Applicant: Northwestern University, Department of Chemistry, 2145 Sheridan Road, Evanston, IL 60201. Instrument: Surface Analysis Instrument, Model Mk II. Manufacturer: VG Instruments, United Kingdom. Intended use: The instrument will be used for qualitative and quantitative analysis of the surface properties of single crystal metals and solid catalysts which generally consists of ceramic powder impregnated with small metal, metal alloy, or metal oxide particles. Application received by Commissioner of Customs: November 3, 1986.

Docket No. 87–026. Applicant: University of Kentucky, Department of Chemistry, Chemistry-Physics Building, Room 120, Lexington, KY 40506–0055. Instrument: Second Harmonic Generator (Laser), Model Hyper-Trak 1000. Manufacturer: Lumonics, Inc., Canada. Intended use: The instrument is an accessory to an existing laser system which is used to frequency double the output of the dye laser in order to provide tunable ultraviolet radiation. This electromagnetic energy is used to study the fundamental spectroscopic properties of small gas phase molecules. The samples to be studied are many and varied, but generally include small organic and inorganic compounds. In addition, the instrument will be used for educational purposes in the following courses: CHE 395, Independent Research, CHE 522, Instrumental Analysis, CHE 532, Spectrometric Identification of Organic Compounds, CHE 533, Qualitative Organic Analysis Laboratory, CHE 625, Optical Method of Analysis and CHE 790, Research in Chemistry. Application received by Commissioner of Customs: November 3, 1986.

Docket No. 87–027. Applicant: The University of Michigan, 2200 Bonisteel Boulevard, Ann Arbor, MI 48109. Instrument: Electron Microscope, Model EM 902 with Imaging Spectrometer. Manufacturer: Carl Zeiss, West Germany. Intended use: The instrument will be used to examine the internal structure of chromosome fibers of red blood cells and sperm, with the intention of identifying the general patterns of chromosome folding in all higher cells, including man. Application received by Commissioner of Customs: November 3, 1986.

Docket No. 87–028. Applicant: National Bureau of Standards, Building 223, Room A331, Gaithersburg, MD 20899. Instrument: Surface Forces Apparatus, Model Mk II with Accessories. Manufacturer: Anutech Pty., Ltd., Australia. Intended use: The instrument is intended to be used to investigate the effect of environment on the surface forces that develop when two surfaces are brought into close proximity. Ceramic materials such as aluminum oxide and silica immersed in aqueous environments will be studied. The data on surface forces obtained will be used to understand process of fracture, lubrication and colloidal interaction of ceramic materials. Application received by Commissioner of Customs: November 3, 1966.

**Frank W. Creel,**

*Director, Statutory Import Programs Staff.*

[FR Doc. 86–26323 Filed 11–20–86; 8:45 am]

BILLING CODE 3510-DS-M

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**[Application #86–00006]**

## Export Trade Certificate of Review

**ACTION:** Notice of issuance of an export trade certificate of review.

**SUMMARY:** The Department of Commerce has issued an export trade certificate of review to Abreu de la Mota & Associates International, Inc. (ADLM). This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** James V. Lacy, Director, Office of Export Trading Company Affairs, International Trade Administration, 202–377–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97–290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing Title III are found at 15 CFR Part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

### Description of Certified Conduct

*Export Trade*

ADLM intends to export livestock (for slaughter or for breeding), grain (corn, wheat and soybeans), computer software and technology, and closed-circuit television security systems ("Goods"); and computer programming, communication and other related services ("Services"). In addition, ADLM will offer the following export trade facilitation services in connection with the foregoing Goods and Services: Management consulting, market research and analysis, freight forwarding, export documentation, trade mission organization, financial services, risk management, and public relations and government relations services.

*Export Markets*

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

### Members

The members of ADLM include Mr. Francisco J. Abreu, President of Abreu de la Mota & Associates International,

Inc., and G & M Industries, Inc. of Somerville, New Jersey.

*Export Trade Activities and Methods of Operation*

ADLM and its members may:

1. Enter into exclusive agreements with U.S. suppliers for the export of Goods and Services. These agreements may contain price, quantity, and territorial restrictions, as well as specify the mode of transport, parts and service requirements, payment, and other terms.

2. Enter into exclusive agreements with domestic or foreign export intermediaries for the export of consigned Goods and Services. These agreements may contain price, quantity, and territorial restrictions, as well as specify the mode of transport, parts and service requirements, payment, and other terms.

3. Act as a broker or procuring agent in the Export Markets.

A copy of each certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Dated: November 17, 1986.

**James V. Lacy,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 86-26375 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-DR-M

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[C-122-602]

## Rescheduling of the Public Hearing; Certain Softwood Lumber Products from Canada

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce is rescheduling the public hearing in the countervailing duty investigation of certain softwood lumber products from Canada. The hearing will now be held at 9:00 a.m. on December 4, 1986, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who have requested the opportunity to participate in the hearing must submit at least 15 copies of the proprietary version and five copies of the nonproprietary version of the pre-hearing briefs to the Deputy Assistant Secretary for Import Administration, Room B-099, at the above address by November 26, 1986. Oral presentations will be limited to issues raised in the briefs. In accordance with 19 CFR 355.33(d) and 19 CFR 355.34, all further written views will be considered for the final determination if received within ten days after the hearing transcript is available.

**FOR FURTHER INFORMATION CONTACT:** Gary Taverman or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC. 20230; telephone (202) 377-0161 or (202) 377-2438.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

November 18, 1986.

[FR Doc. 86-26403 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-DS-M

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## National Oceanic and Atmospheric Administration

## Gulf of Mexico Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will convene a public meeting of its Shrimp Advisory Panel, January 6-7, 1987, and of its Shrimp Scientific and Statistical Committee, January 8-9, 1987, to review the 1985 Texas closure; social and economic surveys of the impact of the closure; the transboundary study; turtle excluder devices; white shrimp; the impact of oil platform removal, and proposals for fishery management plan amendment. The public meetings will be held at the Landmark Motor Hotel Inn, 2601 Severn Avenue, Metairie, LA. For further information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228-2815.

Dated: November 13, 1986.

**Richard B. Roe,**

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

[FR Doc. 86-26257 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-22-M

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## Marine Mammals; Issuance of Permit; Ms. Janice M. Straley (P263A)

On September 10, 1986, notice was published in the **Federal Register** (51 FR 32239) that an application had been filed by Ms. Janice M. Straley, P.O. Box 273, Sitka, Alaska 99835, to inadvertently harass during photo-identification activities humpback whales (Megaptera novaeangliae), killer whales (Orcinus orca), and minke whales (Balaenoptera acutorostrata).

Notice is hereby given that on November 14, 1986, as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

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

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

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

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

Dated: November 17, 1986.

**William E. Evans,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 86-26333 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-22-M

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## Marine Mammals; Issuance of Permit; Gerald G. Joyce (P385)

On September 23, 1986, notice was published in the **Federal Register** (51 FR 33789) that an application had been filed by Gerald G. Joyce, 826 NE. 80th Street, Seattle, Washington 98115, to harass and radio tag minke whales, (*Balaenoptera acutorostrata*) in Antarctic waters.

Notice is hereby given that on November 14, 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, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE., BIN C15700, Seattle, Washington 98115.

Dated: November 17, 1986.

**William E. Evans,**

*Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 86-26332 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcing Import Limits for Certain Cotton and Man-Made Fiber Apparel Products Produced or Manufactured in Jamaica

November 17, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 21, 1986. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202)377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota reopenings, please call (202) 377-3715.

**Background**

The Governments of the United States and Jamaica have exchanged diplomatic notes on a new bilateral agreement concerning trade in cotton and man-made fiber textile products, produced or manufactured in Jamaica and exported during the period which began on September 1, 1986 and extends through December 31, 1989.

The agreement establishes designated consultation levels for Categories 331/631 (cotton and man-made fiber gloves), 338/339 (cotton knit shirts), cotton and man-made fiber woven shirts in Category 340/640 with a sublimit for yarn-dyed shirts, and cotton trousers in Category 347/348, exported during the first agreement year which began on September 1, 1986 and extends through December 31, 1987. In the directive which follows this notice, the CITA Chairman directs the Commissioner of Customs to prohibit entry for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories in excess of the designated sixteen-month limits.

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

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

November 18, 1986.

**William H. Houston III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

November 17, 1986.

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

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended, (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of August 27, 1986, between the Governments of the United States and Jamaica and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on November 21, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in the following categories, produced or manufactured in Jamaica and exported during the sixteeen-month period which began on September 1, 1986 and extends through December 31, 1987, in excess of the following limits:[1]

| Category | 16-mo. restraint limit[1] |
|---|---|
| 331/631 | 300,000 dozen pairs. |
| 338/339 | 275,000 dozen. |
| 340/640 | 375,000 dozen of which not more than 275,000 dozen shall be in TSUSA numbers 381.5610, 381.5625, 381.5660, 381.3132, 381.3142, 381.3152, 381.9535, 381.9547 and 381.9550. |
| 347/348 | 425,000 dozen. |

[1] The restraint limits have not been adjusted to account for imports exported after August 31, 1986.

Textile products in the foregoing categories which have been exported to the United States prior to September 1, 1986 shall not be subject to this directive.

Textile products in Categories 331/631, 338/339, 340/640 and 347/348, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

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

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

William H. Houston III,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 86-26314 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-DR-M

### Adjusting the Import Limits for Certain Cotton Textile Products Produced or Manufactured in the Philippines

November 17, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on November 21, 1986. For further information contact Eve Anderson, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

**Background**

A CITA directive dated December 20, 1985 (50 FR 52830) established limits for certain specified categories of cotton, wool and man-made fiber textile products, including Category 369, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1986 and extends through December 31, 1986. At the request of the Government of the Republic of the Philippines, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 24, 1982, as amended, between the Governments of the United States and the Republic of the Philippines, the designated consultation limit for Category 369 is being increased for 1986 only by 150,000 pounds to 1,500,611 pounds, of which not more than 870,798 pounds shall be a sublimit for 369 pt, shop towels (only TUSA 366.2840).

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the restraint limit previously established for the Category 369, as indicated.

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

**William H. Houston III,**

*Chairman, Committee for the Implementation of Textile Agreements.*

November 18, 1986.

**Committee for the Implementation of Textile Agreements**

November 17, 1986.

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

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 20, 1985 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1986 and extends through December 31, 1986.

Effective on November 21, 1986, the directive of December 20, 1985 is hereby further amended to include adjusted restraint limit for cotton textile products in Category 369:[1]

| Category | Adjusted 12-mo limit[1] |
|---|---|
| 369 | 1,500,611 pounds of which not more than 870,798 pounds shall be in TSUSA 366.2840. |

[1] The limit has not been adjusted to account for any imports exported after December 31, 1985.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

William H. Houston III,

*Chairman, Committee for the Implementation of Textile Agreements.*

FR Doc. 86-26312 Filed 11-20-86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that: (1) specific limits may be exceeded during the agreement year by designated percentages; (2) Specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

## COMMITTEE FOR THE PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1987; Establishment; Correction

In FR Doc. 86-27445 appearing at page 39945 in the issue for Monday, November 3, 1986, make the following corrections:

1. On page 39946, second column, under CLASS 1005, the first line under Sling, Adjustable, Small Arms should read "1005-01-216-4510."

2. On page 39946, second column, CLASS 1670, the line under Harness, Parachutist should read "1670-01-227-7992."

3. On page 39947, first column, under CLASS 4240, the first line under Harness, Head should read "4240-01-M14-0174." Same column, under CLASS 4240, after the fifth line insert "Modification Kit, Head Harness, 4240-01-220-3201" as the next lines.

4. On page 39948, first column, under CLASS 6515, the line under Case, Ear Plug should read "6515-01-212-9452 (80% of Gov't Rgmt)."

5. On page 39948, third column, after the fifteenth line, insert "6532-01-058-2518" as the next line.

6. On page 39953, second column, midway down, under Towel, Paper, first line, insert "(For GSA Regions 1, 3 (excluding New Cumberland, Pennsylvania depot), 4, 5, 6, 7, W and the Navy Pack for Charleston, South Carolina depot only)" as the next lines.

7. On page 39955, third column, under CLASS 8440, Belt, Trousers, insert the following as lines twenty-eight through thirty-eight:

8440-01-167-7246
8440-01-175-7851
8440-01-175-7853
8440-01-175-7850
8440-01-204-2610
8440-01-175-7854
8440-01-175-7852
8440-01-181-4410
8440-01-181-4411
8440-01-204-2610
8440-01-175-7850

8. On page 39959, first column, midway down, under Department of the Air Force insert "Westover Air Force Base, Massachusetts" as the next line.

**C. W. Fletcher,**

*Executive Director.*

[FR Doc. 86-28297 Filed 11-20-86; 8:45 am]

BILLING CODE 6820-33-M

### Procurement List 1987; Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to procurement list.

**SUMMARY:** This action adds to Procurement List 1987 commodities to be produced by and services to be provided by workshops for the blind or other severely handicapped.

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

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557-1145.

**SUPPLEMENTARY INFORMATION:** On June 7, 1985, July 3, 1986, August 29, 1986 and September 12, 1986 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (50 FR 24018 and 51 FR 24430, 30899, and 32516) of additions to Procurement List 1987, November 3, 1986 (51 FR 39946). One comment was received in response to the notice of the proposed addition of Microfiche Reproduction service at the Headquarters, USMC (Navy Annex), Washington, DC. The commenter indicated that his firm was the current contractor for the service under the SBA 8(a) program and wished to continue to provide it to the Government. He indicated that his firm does not exceed the Small Business size standard under the Standard Industrial Class (SIC)

which covers his current contract. He stated that 94% of his employees are minorities and that 20–23% of his employees would be laid off if the service is added to the Procurement List since his firm does not have sufficient additional work to permit their continued employment. He indicated that this service represents about 20% of his firms average sales during the past three years. The commenter stated that the contracting officer has indicated that the SIC may be changed to the standard for microfiche services and if this occurs, his firm would not qualify as a small business. He indicated that his contract for this service represents 10% of his firm's current revenue and 30% of the revenue of the operating division that supports the service. He stated that his firm remains a certified SBA 8(a) firm through April 1988 and that it is entitled by Federal Acquisition Regulations to two additional option years under its existing contract.

The sales information provided by the current contractor was a three-year average. The annual value of his firm's contract represents about 12.6% of its current annual sales.

The contracting agency has indicated that future procurements, if this service is not added to the Procurement List, will be set-aside for bidding by small businesses only. The Small Business Administration has confirmed that the current contractor no longer meets the size standard for this procurement and agreed that the service should be added to the Procurement List. Although the firm may be eligible to receive contracts for other commodities and services due to different size standards for the items involved, as indicated by SBA, it is not eligible to receive a contract for this service either under the SBA 8(a) program or under a competitive procurement set-aside for bidding by small businesses only.

The Federal Acquisition regulation mentioned by the commenter does not entitle his firm to receive a contract for two option years. The regulation cited states that contracts shall specify option periods. The decision on the exercise of an option is a unilateral right of the Government. The Marine Corps has confirmed that it does not intend to contract with the firm involved after completion of its current contract period.

In view of the above, it has been determined that the addition of this service to the Procurement List would not cause severe impact on the current contractor since its current contract will not be extended and it would not be eligible to bid on future competitive procurements of this service.

**Additions**

After considerations of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 5 Stat. 77 and 41 CFR 51–2.6. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities and service listed.

c. The action will result in authorizing small entities to produce the commodities and services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1987:

**Commodities**

Stay, Fence
5660–00–943–9927
5660–00–904–8023
5660–00–607–0286
5660–00–607–0287

Trousers, Operating, Surgical
6532–00–299–9628
6532–00–299–9629
6532–00–299–9630
6532–00–299–9631

**Services**

Federal Building and U.S. Courthouse
110 S. 4th Street
Minneapolis, Minnesota

Microfiche Reproduction
Headquarters, USMC (Navy Annex)
Washington, DC

**C.W. Fletcher,**

*Executive Director.*

[FR Doc. 86–26299 Filed 11–20–86; 8:45 am]

BILLING CODE 6820–33–M

## Procurement List 1987; Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed additions to Procurement List.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1987 commodities to be produced by workshops for the blind or other severely handicapped.

Comments Must Be Received on or Before: December 24, 1986.

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509..

**FOR FURTHER INFORMATION CONTACT:** C.W. Fletcher, (703) 557–1145.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

**Additions**

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1987, November 3, 1986 (51 FR 39946):

**Commodities**

Strap, Webbing
5340–01–114–7712

Bandage, Cotton, Elastic
6510–00–935–5821
6510–00–935–5822

Case, Ear Plug
6515–00–212–9452
(portion of Government requirement not on Procurement List)

Cap, Canteen, Water
8465–00–930–2077

Water Bag, Nylon Duck
8465–01–185–5511

Stool
P.S. Items #127–A, 127–B, 127–C, and 127–D.

**C.W. Fletcher,**

*Executive Director.*

[FR Doc. 86–26298 Filed 11–20–86; 8:45 am]

BILLING CODE 6820–33–M

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### Agency Information Collection Activities Under OMB Review

**ACTION:** Public information collection requirement submitted to OMB for review.

**SUMMARY:** The Department of Defense has submitted to OMB for review the following request for renewal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) title of information collection and form number, if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) an

estimate of the number of responses; (5) an estimate of the total number of hours needed to provide the information; (6) to whom comments regarding the information collection are to be forwarded; and (7) the point of contact from whom a copy of the information proposal may be obtained.

**Revision**

*DoD FAR Supplement Part 208*

The reporting requirement contained in 208.404 is in the form of a reduced number of solicitations to be issued by the Department of Defense and a reduced number of responses to be submitted by contractors.

Businesses or others for profit/small business organizations.

Responses: 26,035,000.

Burden Hours: 90,470,000.

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

**SUPPLEMENTARY INFORMATION:** A copy of the information collection proposal may be obtained from Mr. Owen Green, DAR Council, ODASD(P)/DARS, c/o OASD(A&L)(M&RS), Room 3C841, Pentagon, Washington, DC 20301–3062. This is a revision of an existing collection.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

November 18, 1986.

[FD Doc. 86–26328 Filed 11–20–86; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

### USAF Scientific Advisory Board Meeting; Ad Hoc Committee on Air Base Performance

November 13, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Air Base Performance will meet at The Center for Naval Analyses, Alexandria VA, on December 11–12, 1986, from 8:30 a.m. to 5:00 p.m.

The purpose of this meeting is to receive briefings on and to discuss factors affecting air base development, performance, and survivability, threats to air bases, basing posture, and logistics. The Committee will also begin formulating a report.

This meeting will involve discussions of classified defense 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) 697–4648.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 86–26329 Filed 11–20–86; 8:45 am]

BILLING CODE 3910-01-M

### USAF Scientific Advisory Board Meeting; Ad Hoc Committee on Space-Based Radar

November 13, 1986.

The USAF Scientific Advisory Board Ad Hoc Committee on Space-Based Radar will meet at the Pentagon, Room 5D982, on December 16–19, 1986, from 8:30 a.m. to 5:00 p.m. each day.

The purpose of this meeting is to receive briefings on, to discuss, and to advise senior Air Force personnel on the feasibility of pursuing a proposed modification to a shuttle imaging radar experiment.

This meeting will involve discussions of classified defense 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) 697–4648.

**Patsy J. Conner,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 86–26330 Filed 11–20–86; 8:45 am]

BILLING CODE 3910-01-M

### Agency Information Collection Activities Under OMB Review

**ACTION:** Public information collection requirement submitted to OMB for review.

**SUMMARY:** The Department of Defense 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). Each entry contains the following information: (1) Type of submission; (2) title of information collection and form number, if applicable; (3) abstract statement of the need for and the use to be made of the information collected; (4) type of respondent; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained.

**Extension of a Currently Approved Collection**

*Proposal for an Advertising Copy Evaluation Survey*

The purpose of the survey is to generate quantified insights into how individuals within target audiences perceive Air Force advertising before it is produced in final form. Survey results will be used to help insure that the advertising approved will communicate precisely those ideas intended. The affected public is a nationally representative sample of young people, ages 17–26 years, who are not in the military services.

Individuals
Responses 1,000
Burden hours 418

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

**SUPPLEMENTARY INFORMATION:** A copy of the information collection proposal may be obtained from Mr. O. F. Stumbaugh, HQ USAFRS/RSAANR, Randolph AFB TX 78150–5421, telephone (512) 652–4916.

November 18, 1986

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 86–26327 Filed 11–20–86; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Army

### Agency Information Collection Activities Under OMB Review

**ACTION:** Public Information collection requirement submitted to OMB for review.

**SUMMARY:** The Department of Defense has submitteed 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). Each entry contains the following information: (1) Type of submission; (2) title of information collection and form number if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) type of respondent; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained.

**Extension**

*Application to transit or visit the Kwajalein Missile Range*

Controlled access is essential to maintaining the security of Kwajalein Missile Range, and to ensuring the safety of personnel and vessels desiring to enter or transit the Kwajalein Atoll.

Individuals
Responses: 902
Burden hours: 150

**ADDRESSES:** Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0993.

**FOR FURTHER INFORMATION CONTACT:** A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, DAIM–ADI–M, Room 1C638, The Pentagon, Washington, DC 20310–07000, telephone (202) 695–1671.

November 18, 1986.

**Linda M. Lawson,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 86–26326 Filed 11–20–86; 8:45 am]

BILLING CODE 3810–01–M

## DEPARTMENT OF EDUCATION

### Office of Educational Research and Improvement, Advisory Council on Educational Statistics. (ACES); Meeting

**AGENCY:** Office of Educational Research and Improvement, Department of Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Educational Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATE:** December 15–16, 1986.

**ADDRESS:** 555 New Jersey Avenue NW., Room 326, Washington, DC 20208.

**FOR FURTHER INFORMATION CONTACT:** Iris Silverman, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400J, Washington, DC 20208. Telephone: (202) 357–6831.

**SUPPLEMENTARY INFORMATION:** The Advisory Council on Education Statistics is established under section 406(c)(1) of the Education Amendments of 1974, Pub. L. 93–380. The Council is established to review general policies for the operation of the Center for Education Statistics (CES) in the Office of Educational Research and Improvement and is responsible for establishing standards to insure that statistics and analyses disseminated by the Center are of high quality and are not subject to political influence.

The meeting of the Council is open to the public. The proposed agenda includes the following:

- Follow-up to the evaluation report on the Center for Education Statistics conducted by the Committee on National Statistics, National Research Council.
- Statistical standards program.
- Role of State Administrative Record Systems in the Redesign of the Elementary and Secondary Education data system.
- Student assessment.
- Such old and new business as the Chairman or membership may put before the Council.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue NW., Room 400J, Washington, DC 20208.

Dated: November 14, 1986.

**Chester E. Finn, Jr.,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 86–26296 Filed 11–20–86; 8:45 am]

BILLING CODE 4000–01–M

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3116-1]

### Environmental Impact Statements and Regulations Prepared November 3, Through 7, 1986; Availability of EPA Comments

Availability of EPA comments prepared November 3, 1986 through November 7, 1986 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated February 7, 1986 (51 FR 4804).

**Draft EISs**

ERP No. D–AFS–K65108–CA, Rating LO, Los Padres Nat'l Forest, Land and Resource Mgmt. Plan, CA. SUMMARY: EPA has no objections to the proposed plan, but requests further information in the final EIS regarding the development of riparian standards, compliance with California water quality protection guidelines, riparian and water quality mitigation measures, and future environmental analyses regarding the use of herbicides in the Los Padres National Forest.

ERP No. D–FRC–LO5195–ID, Rating 3, Salmon R. Basin, Fifteen Hydroelectric Power Projects, Construction, Operation, and Maintenance, Licenses, ID. SUMMARY: EPA believes the information presented in the draft EIS is insufficient to determine the adverse impacts, either from individual projects or cumulative effects. The main shortcomings are: (1) Lack of finalized instream flow studies; (2) lack of site specific geotechnical data; (3) unknown adequacy of mitigation measures; and (4) inappropriate treatment of alternatives. In addition, mitigation is not proposed for impacts that remain after proposed measures are applied. EPA believes that the deficiencies are of such a magnitude that additional evaluations should receive public review at the draft stage. EPA, therefore, recommends that a supplemental or revised draft EIS be prepared. Unless the issues addressed can be resolved prior to the filing fo the final EIS, this EIS is a candidate for referral to the Council on Environmental Quality.

ERP No. RD–NOA–G91001–00, Rating EC2, Red Drum Fishery of the Gulf of

Mexico Fishery Mgmt. Plan, Off the Coasts of TX, LA, MS, FL, and AL. SUMMARY: EPA expresses environmental concerns with the proposed fishery management plan. Although the draft EIS adequately addressed the background information and related commercial and recreational fishing statistics and analysis, EPA found that the EIS lacks sufficient consideration of potential cumulative impacts. The draft EIS should also evaluate possible mitigation such as the use of aquacultural technologies to alleviate some of the harvest pressures and supplement the red drum population.

**Final EISs**

ERP No. F-BLM-G60006-NM, Southern Rio Grande Plan, State Land Exchange and Tenure Adjustments, NM. SUMMARY: EPA has no objections to the proposed action as described.

ERP No. F-BLM-L70005-OR, Baker Resource Area, Resource Mgmt. Plan, OR. SUMMARY: EPA was concerned that the final EIS did not clearly show: (1) How the proposed Standard Operating Procedures (SOPs) will adequately protect against adverse environmental impacts; and (2) how the SOPs will be reviewed and revised as necessary. EPA believes the Record of Decision should specify how the monitoring program will function to determine that the SOPs are applied and are functioning fully.

ERP No. FA-COE-K36014-CA, Upper Santa Ana River Main Stem and Santiago Creek Flood Control Project and Mentone Dam Upstream Flood Storage Alternatives, CA. SUMMARY: EPA expressed concerns about the Corps' potential deletion of one area from the total mitigation package and noted that, with its deletion, the project fails to comply with U.S. Clean Water Act (CWA) section 404(b)(1) Guidelines. EPA asked that if the Corps' intends to seek a CWA section 404(r) exemption from Congress to fund the project, that the environmental statement submitted to Congress contain a statement that the project does not, in EPA's judgment, comply with the section 404(b)(1) Guidelines.

ERP No. F-COE-K85058-CA, Lighthouse Marina Residential and Commercial Development, Construction and Operation, section 10 and 404 Permits, Sacramento R., CA. SUMMARY: EPA noted that the final EIS did not adequately discuss a wide number and variety of environmental protection issues. These include: (1) Information on the mitigation proposal and the impacts of various alternatives, as required by the NEPA; (2) the extent of wetlands subject to the CWA section 404 jurisdiction appear to be seriously under-estimated, thus not giving an accurate picture of the project's impacts; (3) the project's compliance with section 176(c) of the CAA; (4) the availability of adequate wastewater treatment capacity for the project; and (5) the project's overall compliance with the NEPA. EPA recommended that the Corps' prepare a supplement to the final EIS, and if one is not prepared, that the Corps' deny the section 404 permit application.

ERP No. F-FAA-J51007-CO, Stapleton International Airport Runway Expansion, Approval, CO. SUMMARY: EPA is still concerned about wetland impacts and requested that wetlands be avoided as much as possible during final design. EPA also requested that, if additional air analysis does show "hot spots", mitigation to reduce CO levels would be needed. When completed the groundwater monitoring plan should be sent to EPA for review.

ERP No. F-FHW-K40150-CA, D Street Extension, Construction, Myrtle Street/ Soto Rd. to Second St., CA. SUMMARY: EPA made no formal comments. EPA reviewed the final EIS and found it to be adequate.

Dated: November 18, 1986.

**David G. Davis,**

*Acting Director, Office of Federal Activities.*

[FR Doc. 86-26304 Filed 11-20-86; 8:45 am]

BILLING CODE 6560-50-M

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[ER-FRL-3115-9]

## Environmental Impact Statements Filed November 10 Through 14, 1986; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements filed November 10, 1986 through November 14, 1986, pursuant to 40 CFR 1506.9.

EIS No. 860468, Draft, BLM, WY, Washakie Resource Area, Resource Management Plan and Wilderness Study Areas Recommendations Big Horn, Washakie and Hot Springs Counties, Due: February 19, 1987, Contact: Roger Inman (307) 347-9871.

EIS No. 860469, Draft, MMS, AK, 1987 Beaufort Sea Outer Continental Shelf (OCS) Oil and Gas Sale 97, Leasing, Due: January 6, 1987, Contact Richard Roberts (907) 261-4662.

EIS No. 860470, Final, AFS, NM, Gila National Forest, Land and Resource Management Plan, Due: December 22, 1986, Contact: David Dahl (505) 388-8201.

EIS No. 860471, Final, FHW, MI, Detroit Travel Information Center Construction and Associated Roadway Improvements, near I-75 and the Ambassador Bridge, Wayne County, December 22, 1986, Contact: Thomas Fort, Jr. (517) 377-1879.

EIS No. 860472, Final, BLM, MT, Headwaters Resource Area, Black Sage and Yellowstone River Island Wilderness Study Areas, Wilderness Designation, Park and Jefferson Counties, Due: December 22, 1986, Contact: Gary Leppart (406) 494-5059.

EIS No. 860473, Final, BLM, ID, Owyhee Planning Area, Wilderness Study Areas, Wilderness Designation Owyhee County, Due: December 22, 1986, Contact: David Brunner (208) 334-1582.

EIS No. 860474, FSuppl, USN/COE, NJ, Naval Weapons Station Earle Logistic Support Systems, Modernization, Expansion and Issuance of COE sections 10 Rivers and Harbors Act of 1899, 404 Clean Water Act of 1972, and 103 Marine Protection, Research and Sanctions Act of 1972 Permits, Project Modifications, Colt Neck, Monmouth County, Due: December 22, 1986, Contact: T.W. Bone (215) 897-6262.

EIS No. 860475, Final, CDB, CA, Anaverde Retention Basin, Construction, Flood Control Project, CDBG, Los Angeles County, Due: December 22, 1986, Contact: N.C. Datwyler (213) 226-8111.

EIS No. 860476, Final, UAF, NV, Groom Mountain Range Addition, Nellis AFB, Bombing and Gunnery Range, Renewed Withdrawal from Public Lands, Lincoln County, Due: December 22, 1986, Contact: Alton Chaves (804) 764-4430.

**Amended Notice**

EIS No. 860460, Final, AFS, NM, Lincoln National Forest, Land and Resource Management Plan, Due: December 15, 1986, Published FR: 11-14-86—Incorrect state.

Dated: November 18, 1986.

**David G. Davis,**

*Acting Director, Office of Federal Activities.*

[FR Doc. 86-26305 Filed 11-20-86; 8:45 am]

BILLING CODE 6560-50-M

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[ER-FRL-3115-7]

## Intent To Prepare a Supplemental Environmental Impact Statement; Deer Island, Boston, MA

**AGENCY:** Environmental Protection Agency (EPA), Region I.

**ACTION:** Preparation of a supplemental environmental impact statement (SEIS) on the marine wastewater conveyance facilities and outfall(s) for the Massachusetts Water Resources Authority (MWRA) wastewater treatment facilities at Deer Island, Boston, Massachusetts.

**PURPOSE:** The MWRA is undertaking facilities planning for the construction of major wastewater treatment facilities serving metropolitan Boston pursuant to a schedule mandated by the U.S. District Court, District of Massachusetts, in *U.S. v. M.D.C. et al.*, Civil Action No. 85–0489–MA and a related case. In accordance with the EPA procedures for the implementation of the National Environmental Policy Act (NEPA), 40 CFR Part 6, EPA intends to prepare a SEIS on the marine wastewater conveyance facilities and outfall(s) associated with these facilities. This notice of intent is issued pursuant to 40 CFR 6.510(a)(1) and 6.105(e). The decision to prepare a SEIS is consistent with § 1502.9(c) of the Council on Environmental Quality (CEQ) Regulations, 40 CFR 1502.9(c).

**FOR FURTHER INFORMATION CONTACT:** Ronald G. Manfredonia, EPA-Water Management Division, John F. Kennedy Federal Building, Boston, MA 02203, Telephone (617) 565–3555 or FTS 835–3555.

**SUMMARY:**

**A. Background.**

Planning for treatment of metropolitan Boston's wastewater has been proceeding for several years. A major aspect of this planning, the siting of the wastewater treatment facilities, culminated in February 1986 with the MWRA's decision to site the treatment plant at Deer Island. The MWRA's siting decision was supported by EPA's Record of Decision (ROD). The FEIS and ROD concluded that the environmental impacts of certain components of the facilities planning, which included the wastewater conveyance facilities and outfall(s), were not site determinative. This SEIS will satisfy the need, identified in the ROD, for further Federal environmental review of the wastewater conveyance facilities and the outfall(s).

The MWRA is now preparing an Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act on the facilities plan for all components of the Deer Island facilities. To the maximum extent feasible, EPA, MWRA and other affected State agencies intend to coordinate this SEIS with the EIR, in accordance with 40 CFR 1506.2. The U.S. Army Corps of Engineers will act as a cooperating agency for this enviromental review pursuant to 40 CFR 1501.6.

**B. Description of EPA Action**

EPA action in connection with construction of the wastewater conveyance systems and construction and operation of the outfall(s) may include Federal construction grants, requiring NEPA compliance. Other related federal actions requiring environmental review in connection with the wastewater conveyance systems and outfall(s) may include: (1) Dredge and fill permits and (2) designation of an ocean disposal site for excavated materials resulting from construction and tunneling.

**C. Principle Issues and Alternatives**

Selection of the type of conveyance systems (pipelines, tunnels, combination and outfall/diffuser design) and the appropriate construction methods to be used. Selection of the appropriate route for the conveyance systems. Selection of the appropriate site for the ourfall.

**D. Public and Private Involvement and Participation**

Full public participation by interested Federal, State, and local agencies as well as other concerned organizations and private citizens is invited. All interested persons are encouraged to submit their names and addresses to the person listed above for inclusion on the mailing list for newsletters, the draft SEIS and related public information.

The Massachusetts Executive Office of Environmental Affairs, EPA and MWRA will conduct two scoping meetings to ascertain public and agency views. The first meeting will be for the general public and will assist EPA in developing the scope of work for the SEIS. This meeting will be held on: December 11, 4:00–6:00 p.m. in the auditorium of the Department of Transportation at 55 Broadway, Kendall Square, Cambridge, MA. The second meeting will be held for Federal and State agencies and public groups on: December 15, 9:30 a.m. in the Executive Dining Room (RM E226), JF Kennedy Federal Building, Boston, MA. EPA invites written comments on the proposed scope of work for the SEIS until December 19, 1986. All comments on this Notice of Intent should be addressed to Director, Water Management Division, EPA, Region I, JFK Federal Building, Boston, MA. 02203.

**E. Timing**

It is anticipated that the draft SEIS will be available by September 1987 and the Final SEIS will be issued in February 1988. Copies will be available at EPA, Region I and local depositories.

F. A more detailed notice is available from EPA, Region I at the above address.

Dated: November 18, 1986.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

[FR Doc. 86–26303 Filed 11–20–86: 8:45 am]

BILLING CODE 6560–50–M

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**[Docket No. ECAO–HA–84–2]**

## Draft Health Assessment Document for Acrolein

**AGENCY:** Environmental Protection Agency.

**ACTION:** Availability of first external review draft.

**SUMMARY:** This notice announces the availability of the first external review draft of a Health Assessment Document for Acrolein.

**DATES:** The Agency will make the document available for public review and comment on or about Thursday, November 24, 1986. Comments must be postmarked by Monday, January 23, 1987.

**ADDRESSES:** To obtain a copy of the document, interested parties should contact the ORD Publications Center, CERI–FRN, U.S. Environmental Protection Agency, 26 West St. Clair Street, Cincinnati, OH 45268, (513) 569–7562 or FTS 684–7562, and request the first external review draft of the Health Assessment Document for Acrolein. Please provide your name, mailing address, and the EPA document number, EPA/600/8–86/014A.

The draft document will also be available for public inspection and copying at the EPA library, EPA headquarters, Waterside Mall, 401 M Street SW., Washington, DC.

Comments on the draft should be sent to the Project Manager for Acrolein, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD–52, Research Triangle Park, NC 27711.

**FOR FURTHER INFORMATION CONTACT:** Ms Diane Ray, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office MD–52, Research Triangle Park, NC 27711, (919) 541–3637 or FTS 629–3637.

**SUPPLEMENTARY INFORMATION:** In May 1985, EPA's Office of Air Quality Planning and Standards (OAQPS) requested that the Environmental Criteria and Assessment Office (ECAO), Office of Health and Environmental

Assessment (OHEA), prepare a health assessment document for acrolein. The document will be used by EPA in the decision-making process to possibly regulate acrolein under the Clean Air Act as Amended, 42 U.S.C. 7401 *et seq.*

Dated: November 10, 1986.

**Vaun A. Newill,**

*Assistant Administrator for Research and Development.*

[FR Doc. 86-26285 Filed 11-20-86; 8:45 am]

BILLING CODE 6560-50-M

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[FRL-3116-6]

## Workshop on Arsenic; Public Meeting

**AGENCY:** U.S. Environmental Protection Agency.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a workshop to be held by the Environmental Protection Agency (EPA) at Marriott's Hunt Valley Inn in Hunt Valley, MD (near Baltimore) for peer review of a draft report on arsenic prepared for EPA's Risk Assessment Forum.

**DATES:** The workshop will be held on December 2 and 3, 1986, from 8:30 a.m. to 5:00 p.m. Members of the public may attend as observers.

**FOR FURTHER INFORMATION CONTACT:** Dr. Frank Gostomski, Chairman of the Technical Panel, U.S. Environmental Protection Agency (EPA), WH-585, 401 M Street SW., Washington DC, 20460, (202) 245-3030 (FTS: 245-3030).

**SUPPLEMENTARY INFORMATION:** The EPA Risk Assessment Forum was established to promote scientific consensus on risk assessment issues and to ensure that this consensus is incorporated into appropriate risk assessment guidance. To accomplish this, the Risk Assessment Forum calls on experts from throughout the Agency to study and report on these issues from an Agency-wide scientific perspective.

Major scientific controversies have existed for many years, both within EPA, and outside the Agency, concerning potential health effects from exposure to ingested arsenic. A Technical Panel on Arsenic was formed to study these issues and prepare a report on arsenic health effects for Agency-wide concurrence and use. The Panel's draft report, entitled "*Special Report on Arsenic and Certain Human Health Effects,*" will be peer reviewed at the December workshop. The Technical Panel will revise the report in line with peer review comments, as appropriate, and the revised report will be presented to the Risk Assessment Forum.

Dated: November 14, 1986.

**Vaun A. Newill,**

*Assistant Administrator for Research and Development.*

[FR Doc. 86-26286 Filed 11-20-86; 8:45 am]

BILLING CODE 6560-50-M

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[Docket No. ECAO-HA-83-1; FRL-3117-5]

## Non-Carcinogenic Health Aspects of Chromium

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a workshop to be held by EPA's Environmental Criteria and Assessment Office in Classroom 3 of the Environmental Research Center, Research Triangle Park, North Carolina. This workshop has been arranged to facilitate peer review of a draft update as a potential addendum to the information covering non-carcinogenic health aspects discussed in the Health Assessment Document for Chromium (EPA/600/8-83/014F).

**DATE:** The workshop will be held on Tuesday, November 25, 1986, from 8:30 a.m. to 5:00 p.m. Members of the public are invited to attend as observers.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jim Kawecki of TRC Consultants at (202) 337-0307. He will arrange seating for those planning to attend the workshop.

**SUPPLEMENTARY INFORMATION:** In August, 1984, EPA's Environmental Criteria and Assessment Office (ECAO), Office of Health and Environmental Assessment (OHEA), completed a health assessment document for chromium. On June 10, 1985, EPA's Office of Air Quality Planning and Standards (OAQPS) published in the **Federal Register** (50 FR 24317) its intention to add either chromium or hexavalent chromium ($CR^{+6}$) to the list of hazardous pollutants under section 112 of the Clean Air Act As Amended, 42 U.S.C., 7401 *et seq.*

The workshop draft of the update will be made available to the public at the meeting, and observers will have an opportunity to make brief oral statements. Any formal release of an external review draft of the document will be announced in a subsequent **Federal Register** notice, and ample opportunity will be provided for public review and submission of written comments.

Dated: November 18, 1986.

**Vaun A. Newill,**

*Assistant Administrator for Research and Development.*

[FR Doc. 86-26404 Filed 11-20-86; 8:45 am]

BILLING CODE 6560-50-M

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## FEDERAL EMERGENCY MANAGEMENT AGENCY

## Advisory Board; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following FEMA Advisory Board meeting:

*Name:* Federal Emergency Management Agency Advisory Board.

*Date of Meeting:* December 10, 1986.

*Time:* 9:00 a.m. to 4:00 p.m.

*Place:* Federal Emergency Management Agency, Emergency Information and Coordination Center, 500 C Street, SW., Washington, DC 20472.

*Purpose:* FEMA executives will provide reports on the agency's budget and personnel. The status of a review of civil defense programs will be provided and discussed. Program development concepts for the protection of national infrastructure assets will be discussed. A working session on the future work agenda for the Board FAB Panels will be conducted. Discussions will include classified information. The Director has determined that the Board meeting should be closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 USC App. II, (1982)), because discussions will involve information that is specifically authorized to be kept "Secret" in the interest of national defense and is properly classified pursuant to the Executive Order.

**Robert H. Morris,**

*Deputy Director.*

[FR Doc. 86-26245 Filed 11-20-86; 8:45 am]

BILLING CODE 6718-02-M

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[FEMA-778-DR]

## Oklahoma; Major-Disaster Declaration; Amendment

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of Oklahoma (FEMA-778-DR), dated October 14, 1986, and related determinations.

**DATED:** November 14, 1986.

**FOR FURTHER INFORMATION CONTACT:** Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3616.

**Notice.**—The notice of a major disaster for the State of Oklahoma, dated October 14, 1986, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 14, 1986:

Adair, Noble, Nowata, Okfuskee, Okmulgee, and Rogers Counties for Public Assistance.
The City of Norman and the City of Shawnee for Public Assistance.
Adair, Blaine, Caddo, Canadian, Cleveland, Comanche, Creek, Delaware, Garfield, Haskell, Mayes, Noble, Nowata, Oklahoma, Okmulgee, Pawnee, and Sequoyah Counties as adjacent areas for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Richard W. Krimm,**

*Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

[FR Doc. 86-26244 Filed 11-20-86; 8:45 am]

BILLING CODE 6718-02-M

## FEDERAL RESERVE SYSTEM

### Agency Forms Under Review

November 17, 1986.

### Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burdens on the Public).

**FOR FURTHER INFORMATION CONTACT:**

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)
OMB Desk Officer—Robert Neal—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-6880)

*Proposal To Approve Under OMB Delegated Authority the Implementation of the Following Report*

1. Report title: One-Time Market Research Project on Currency Design Changes
Agency form number: FR 3040
OMB Docket number: 7100-0221
Frequency: One-time
Reporters: Individuals
Small businesses are not affected.
General description of report:

This information collection is voluntary [12 U.S.C. 411-421] and is given confidential treatment [5 U.S.C. 552(b)(5)].

Findings of the proposed research will be used to help communicate to the public the reasons for the changes in the features of currency and how the new features should be used to identify genuine from counterfeit currency. It is also hoped that insight will be gained on fostering public understanding of the changes.

Board of Governors of the Federal Reserve System, November 17, 1986.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 86-26251 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## Federal Open Market Committee; Domestic Policy Directive of September 23, 1986

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on September 23, 1986.[1] The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests some pickup in the growth of economic activity from the slow pace in the second quarter. In August total nonfarm payroll employment grew considerably further, with employment in manufacturing rising for the first time since January. The civilian unemployment rate edged down further to 6.8 percent. Industrial production rose slightly in July and August after declining on balance during the first half of the year. Consumer spending has remained relatively strong in recent months, with gains in retail sales in August paced by a sharp rise in auto sales. Housing starts in July and August stayed at a relatively high level. Business capital spending appears to have remained sluggish, reflecting weakness in nonresidential construction. A more moderate rate of wage increases has been sustained in recent months, while broad measures of prices have firmed somewhat due to developments in food and energy markets.

The trade-weighted value of the dollar against major foreign currencies is essentially unchanged on balance since the August 19 meeting of the Committee. Preliminary data for the U.S. merchandise trade deficit in July indicate a larger deficit than in previous months.

Growth of M2 and especially of M3 moderated in August, but expansion of these two aggregates for the year through August has been at the upper end of their respective ranges established by the Committee for 1986. In August M1 continued to grow very rapidly. Expansion in total domestic nonfinancial debt remains appreciably above the Committee's monitoring range for 1986. Short-term interest rates have declined further since the August meeting of the Committee while long-term market rates have risen on balance. On August 20, the Federal Reserve Board approved a reduction in the discount rate from 6 to 5½ percent.

The Federal Open Market Committee seeks monetary and financial conditions that will foster reasonable price stability over time, promote growth in output on a sustainable basis, and contribute to an improved pattern of international transactions. In furtherance of these objectives the Committee agreed at the July meeting to reaffirm the ranges established in February for growth of 6 to 9 percent for both M2 and M3, measured from the fourth quarter of 1985 to the fourth quarter of 1986. With respect to M1, the Committee recognized that, based on the experience of recent years, the behavior of that aggregate is subject to substantial uncertainties in relation to economic activity and prices, depending among other things on the responsiveness of M1 growth to changes in interest rates. In light of these uncertainties and of the substantial decline in velocity in the first half of the year, the Committee decided that growth of M1 in excess of the previously established 3 to 8 percent range for 1986 would be acceptable. Acceptable growth of M1 over the remainder of the year will depend on the behavior of velocity, growth in the other monetary aggregates, developments in the economy and financial markets, and price pressures. Given its rapid growth in the early part of the year, the Committee recognized that the increase in total domestic nonfinancial debt in 1986 may exceed its monitoring range of 8 to 11 percent, but felt an increase in that range would provide an inappropriate benchmark for evaluating longer-term trends in that aggregate.

For 1987 the Committee agreed on tentative ranges of monetary growth, measured from the fourth quarter of 1986 to the fourth quarter of 1987, of 5½ to

[1] Copies of the Record of policy actions of the Committee for the meeting of September 23, 1986, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

8½ percent for M2 and M3. While a range of 3 to 8 percent for M1 in 1987 would appear appropriate in the light of most historical experience, the Committee recognized that the exceptional uncertainties surrounding the behavior of M1 velocity over the more recent period would require careful appraisal of the target range at the beginning of 1987. The associated range for growth in total domestic nonfinancial debt was provisionally set at 8 to 11 percent for 1987.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. This action is expected to be consistent with growth in M2 and M3 over the period from August to December at annual rates of 7 to 9 percent. While growth in M1 is expected to moderate from the exceptionally large increase during the past several months, that growth will continue to be judged in the light of the behavior of M2 and M3 and other factors. Slightly greater reserve restraint would, or slightly lesser reserve restraint might, be acceptable depending on the behavior of the aggregates, taking into account the strength of the business expansion, developments in foreign exchange markets, progress against inflation, and conditions in domestic and international credit markets. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a Federal funds rate persistently outside a range of 4 to 8 percent.

By order of the Federal Open Market Committee, November 14, 1986.

**Normand Bernard,**

*Assistant Secretary, Federal Open Market Committee.*

[FR Doc. 86-26250 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## City National Bancshares, 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 8, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *City National Bancshares, Inc.*, Miami, Florida; to become a bank holding company by acquiring 98.31 percent of the voting shares of City National Bank Corporation, Miami, Florida, and thereby indirectly acquire City National Bank of Miami, Miami, Florida, and 93.96 percent of the voting shares of City National Bank of Florida, Hallandale, Florida.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Alta Vista Bancshares, Inc.*, Alta Vista, Iowa; to become a bank holding company by acquiring 61 percent of the voting shares of Alta Vista State Bank, Alta Vista, Iowa. Comments on this application must be received by December 11, 1986.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *New Mexico Bank Investors, Inc.*, Raton, New Mexico; to become a bank holding company by acquiring 97 percent of the voting shares of International State Bank, Raton, New Mexico.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *N.U.B. Corp.*, Salt Lake City, Utah; to become a bank holding company by acquiring 62 percent of the voting shares of Salt Lake Bancorporation, Sandy, Utah. Comments on this application must be received by December 11, 1986.

Board of Governors of the Federal Reserve System, November 17, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-26273 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## Security Pacific Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than December 11, 1986.

A. **Federal Reserve Bank of San Francisco.** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Security Pacific Corporation,* Los Angeles, California; to merge with Westamerica Bancorporation, San Rafael, California, and thereby indirectly acquire Westamerica Bank, N.A., San Rafael, California.

In connection with this application, Applicant also proposes to acquire Weststar Mortgage Company, Santa Rosa, California, and thereby engage in mortgage banking pursuant to § 225.25(b)(1)(iii); and acquire Learnex Corp., San Rafael, California, and thereby engage in financial institutions sales personnel training pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 17, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-26274 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## Sovran Financial Corp. 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 12, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation,* Richmond, Virginia, to conduct, pursuant to section 4(c)(8)(D) of the Bank Holding Company Act, the general insurance agency activities of Sovran Insurance, Inc., (formerly Suburban Insurance, Inc.), Rockville, Maryland, a wholly-owned subsidiary of Sovran Bank/Maryland (formerly Suburban Bank), Rockville, Maryland.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street N.W., Atlanta, Georgia 30303:

1. *Farmers and Merchants Bancorp, Inc.,* Dover, Tennessee; to acquire Peoples' Insurance Agency, Inc., Dover, Tennessee, and thereby engage in general insurance activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted in Dover and Bumpus Mills, Tennessee. Comments on this application must be received by December 10, 1986.

Board of Governors of the Federal Reserve System, November 17, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-26275 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## WGNB Corp. et al.; Applications to Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in §225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices fo the Board of Governors not later than December 11, 1986.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *WGNB Corporation,* Carrollton, Georgia; to engage *de novo* through its subsidiary, WGNB Insurance, Ltd, Grand Turk, British West Indies, in underwriting, as reinsurer, insurance written in connection with extensions of credit pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Landmark Financial Group, Inc.,* Fort Worth, Texas; to engage *de novo* through its subsidiary, Landmark Service Corporation, Fort Worth, Texas, in full pay-out personal property leasing pursuant to § 225.25(b)(5) of the Board's Regulation Y.

2. *United City Corporation,* Plano, Texas; to engage *de novo* in selling credit life, disability or involuntary unemployment insurance pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, November 17, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-26276 Filed 11-20-86; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control

### Mortality Study of Diesel-Exposed Miners; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control (CDC) and will be open to the public for observation and participation, limited only by the space available:

Date: December 8, 1986.

Time: 8:30 a.m.-12 noon.

Place: Room 138, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Purpose: To discuss the research protocol of a project involving a mortality study of the effects, if any, of diesel exhaust among miners. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

Additional information and copies of the research protocol may be obtained from: John Gamble, Ph.D., Division of Respiratory Disease Studies, NIOSH, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, Telephones: FTS: 923-4476, Commercial: 304/291-4476.

Dated: November 17, 1986.

**Elvin Hilyer,**

*Associate Director for Policy Coordination, Centers for Disease Control.*

[FR Doc. 86-26246 Filed 11-20-86; 8:45 am]

BILLING CODE 4160-19-M

### Food and Drug Administration

**[Docket No. 86F-0418]**

### Cryovac Division, W.R. Grace & Co.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Cryovac Division, W.R. Grace & Co., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of ethylene-vinyl acetate copolymers as a packaging material intended to contact food during irradiation.

**FOR FURTHER INFORMATION CONTACT:** Leonard C. Gosule, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3968) has been filed by the Cryovac Division, W.R. Grace & Co., P.O. Box 464, Duncan, SC 29334-0464, proposing that § 179.45 *Packaging materials for use during the irradiation of prepackaged foods* (21 CFR 179.45) be amended to provide for the safe use of ethylene-vinyl acetate copolymers, complying with § 177.1350 *Ethylene-vinyl acetate copolymers* (21 CFR 177.1350), as a packaging material intended to contact food during irradiation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 6, 1986.

**Sanford A. Miller,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86-26235 Filed 11-20-86; 8:45 am]

BILLING CODE 4160-01-M

**[Docket No. 86F-0420]**

### Milk Industry Foundation, NutraSweet Co., and Beatrice Dairy Products, Inc.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the Milk Industry Foundation, the NutraSweet Co., and Beatrice Dairy Products, Inc., have filed a petition proposing that the food additive regulations be amended to provide for the use of aspartame as a sweetener in yogurt-type products.

**FOR FURTHER INFORMATION CONTACT:** Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3964) has been filed by the Milk Industry Foundation, 888 16th St. NW., Washington, DC 20006: Beatrice Dairy Products, Inc., 1526 South State St., Chicago, IL 60605; and the NutraSweet Co., 4711 Golf Rd., Skokie, IL 60076, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the use of aspartame as a sweetener in yogurt-type products.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 6, 1986.

**Sanford A. Miller,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86-26236 Filed 11-20-86; 8:45 am]

BILLING CODE 4160-01-M

**[Docket No. 86F-0413]**

### Rohm and Haas Co.; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Rohm and Haas Co. has filed a petition proposing that the food additive regulations he amended to provide for the safe use of allylmethacrylate as a component of acrylic copolymer adhesives used in food packaging.

**FOR FURTHER INFORMATION CONTACT:** Leonard Gosule, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3967) has been filed by Rohm and Haas Co., Philadelphia, PA 19105, proposing that § 175.105 *Adhesives* (21 CFR 175.105) be amended to provide for the safe use of allylmethacrylate as a component of acrylic copolymer adhesives used in food packaging.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the

notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 6, 1986.

**Sanford A. Miller,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86-26233 Filed 11-20-86; 8:45 am]

BILLING CODE 4160-01-M

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**[Docket No. 86F-0419]**

## Societe De Fabrication D'Elements Catalytiques; Filing of Food Additive Petition

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Societe De Fabrication D'Elements Catalytiques has filed a petition proposing that the food additive regulations be amended to provide for the safe use of zirconium oxide with yttrium oxide supported by amorphous carbon as an ultrafiltration membrane for use in food processing.

**FOR FURTHER INFORMATION CONTACT:** Leonard C. Gosule, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3950) has been filed by Societe De Fabrication D'Elements Catalytiques, Boite postale No. 201, 84500 Bollene, France, proposing that the food additive regulations be amended to provide for the safe use of zirconium oxide with yttrium oxide supported by amorphous carbon as an ultra-filtration membrane for use in food processing.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: November 6, 1986.

**Sanford A. Miller,**

*Director, Center for Food Safety and Applied Nutrition.*

[FR Doc. 86-26234 Filed 11-20-86; 8:45 am]

BILLING CODE 4160-01-M

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[ID-010-07-4332-08; FES 86-48]**

## Owyhee Planning Area, ID; Environmental Impact Statement; Availability

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of availability of a final Environmental Impact Statement [EIS] for the wilderness proposals on five wilderness study areas in the Owyhee Planning Area of Idaho.

**SUMMARY:** The Owyhee EIS assesses the environmental consequences of managing five wilderness study areas (WSAs) as wilderness or non-wilderness and of managing a portion of one of those WSAs as wilderness. The alternatives assessed in the Owyhee EIS include: (1) A "no action/no wilderness" alternative for each WSA; (2) an "all wilderness" alternative for each WSA; (3) two "partial wilderness" alternatives for the North Fork Owyhee River WSA (one with special stipulations for juniper control); and (4) an "all wilderness" alternative with special stipulations for juniper control for Big Willow Spring WSA.

The names of the five WSAs analyzed in the Owyhee EIS, their total acreage, and the proposed action for each are as follows:

—North Fork Owyhee River—51,390 acres, 41,665 suitable (including 115 acres outside the WSA boundary), and 9,840 acres non-suitable for wilderness designation.

—Big Willow Spring—6,210 acres, all non-suitable for wilderness designation.

—Squaw Creek Canyon—10,780 acres, all non-suitable for wilderness designation.

—Middle Fork Owyhee River—14,180 acres, all non-suitable for wilderness designation.

—West Fork Red Canyon—12,970 acres, all non-suitable for wilderness designation.

Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of Interior and President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no final decision on these proposals can be made during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations 40 CFR 1506.10b(2).

**SUPPLEMENTARY INFORMATION:** A limited number of individual copies of this EIS may be obtained from the District Manager, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240

or

Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706

**FOR FURTHER INFORMATION CONTACT:** David Brunner, District Manager, Boise District Office, 3948 Development Avenue, Boise, Idaho 83705, Telephone (208) 334-1582.

Dated: November 13, 1986.

**Bruce Blanchard,**

*Director, Environmental Project Review.*

[FR Doc. 86-26053 Filed 11-20-86; 8:45 am]

BILLING CODE 4310-GG-M

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**[MT-930-07-4332-08; FES 86-47]**

## Headwaters Resource Area, Montana; Environmental Impact Statement; Availability

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability of the final Environmental Impact Statement for the Headwaters Resource Area wilderness proposals.

**SUMMARY:** The Final Environmental Impact Statement for the Headwaters Resource Area assesses the environmental consequences of managing two wilderness study areas as wilderness or nonwilderness.

The two wilderness study areas in the environmental impact statement, their total acreages, and the proposed action for each are: Black Sage (5,926 acres, all nonsuitable) and Yellowstone River Island (53 acres, all nonsuitable).

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior and the President to Congress.

The final decision on wilderness designation rests with Congress.

**FOR FURTHER INFORMATION CONTACT:** Gary Leppart, Area Manager, Headwaters Resource Area, BLM, P.O. Box 3388, Butte, Montana 59702, Phone (406) 494–5059.

**SUPPLEMENTARY INFORMATION:** Copies of the Final Environmental Impact Statement may be obtained from the Area Manager, Headwaters Resource Area, P.O. Box 3388, Butte, Montana 59702. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20420

Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana 59107

Dated: November 13, 1986.

**Bruce Blanchard,**

*Director, Office of Environmental Project Review.*

[FR Doc. 86–26054 Filed 11–20–86; 8:45 am]

BILLING CODE 4310-DN-M

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[UT-020-07-4410-08-2000]

## Salt Lake District; Preparation of a Resource Management Plan/ Environmental Impact Statement; Pony Express Resource Area, Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** A Resource Management Plan (RMP) and Environmental Impact Statement (EIS) covering the Pony Express Resource Area (PERA) will be prepared by the Salt Lake District of the Bureau of Land Management (BLM). The PERA contains 2,033,954 acres of public land within Tooele, Utah, and Salt Lake Counties, Utah. The plan will be entitled the "Pony Express RMP/EIS".

Presently, three issues have been identified for inclusion in the Pony Express RMP/EIS. These are vegetation management, land ownership adjustments, and recreation. To assure that all significant issues are known, four public issue-scoping workshops will be held. The date, time and location of each workshop is:

December 9, 3:30 p.m., Ibapah School, Ibapah, Utah

December 10, 6:30 p.m., Courthouse Auditorium, 47 South Main, Tooele, Utah

December 16, 6:30 p.m., Salt Lake District BLM Office, 2370 South 2300 West, Salt Lake City, Utah

December 17, 6:30 p.m., Conference Room, Uinta National Forest Office, 88 West 100 North, Provo, Utah.

Following the completion of scoping, an interdisciplinary planning team will, in Fiscal Year 1987, analyze the present management situation and identify the planning alternatives that will be addressed in the RMP/EIS. At least four alternatives are anticipated to be identified. Among these will be the "no action," and "preferred" alternatives as well as two or more alternatives analyzing the impacts of different levels of emphasis on environmental values, resource use, and commodity production. The planning team will contain the expertise to address the disciplines of geology, minerals, realty, wildlife, recreation, watershed, range, cultural resources, socio-economics, wilderness, forestry, fire management, and visual resources.

In fiscal year 1988, the planning team will prepare the draft RMP/EIS and proposed RMP/final EIS documents. Public participation activities will include a request for written comments during a 90 day review period for the draft RMP/EIS, a public hearing held within the review period, and a 30 day protest period after the proposed RMP/final EIS is released. The dates, times, and locations of these public participation activities will be announced through the media and mailings to interested parties prior to each activity.

Nominations of potential Areas of Environmental Concern (ACEC) are also requested. Nominations must be accompanied by descriptive materials, maps, and evidence of the relevance and importance of the values or hazards involved. The District Manager will prepare a writen evaluation of each nomination in support of his decision to recommend or not recommend the area as an ACEC.

**FOR FURTHER INFORMATION CONTACT:** Dennis Oaks, Team Leader for the Pony Express RMP/EIS, Salt Lake District Office, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119, (801) 524–6767.

Documents relevant to this planning action are available for examination at the Salt Lake District Office during business hours from 7:30 a.m. to 4:00 p.m., Monday through Friday.

**Deane Zeller,**

*Salt Lake District Manager.*

[FR Doc. 86–26247 Filed 11–20–86; 8:45 am]

BILLING CODE 4310-DQ-M

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## INTERNATIONAL TRADE COMMISSION

**[Investigations Nos. 701–TA–270 (Final) and 731–TA–313 and 314 (Final)]**

## Certain Brass Sheet and Strip From France and Italy

**AGENCY:** United States International Trade Commission.

**ACTION:** Extension of deadline for submitting posthearing briefs in connection with final countervailing investigation No. 701–TA–270 (Final), Certain Brass Sheet and Strip from France, and final antidumping investigations Nos. 731–TA–313 and 314 (Final), Certain Brass Sheet and Strip from France and Italy.

**EFFECTIVE DATE:** November 10, 1986.

**FOR FURTHER INFORMATION CONTACT:** George L. Deyman (202–523–0481), 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:** Effective August 22, 1986, the Commission instituted the subject investigations and established a schedule for their conduct (51 FR 32255, September 10, 1986). Subsequently, the Department of Commerce extended the date for making its final determinations in the countervailing duty investigation on imports from France and in the antidumping investigations on imports from France and Italy from November 3, 1986, to January 5, 1987. The Commission, therefore, is extending the deadline for filing all written submissions, including posthearing briefs, in its investigations until January 1, 1987.

For further information concerning these investigations 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 Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

**Authority:** These investigations are 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).

By order of the Commission.

Issued: November 19, 1986.

**Kenneth R. Mason,**

*Secretary.*

[FR Doc. 86–26435 Filed 11–20–86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-269 (Final)]

## Certain Brass Sheet and Strip From Brazil

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of a final countervailing duty investigation.

**SUMMARY:** The Commission hereby gives notice of the institution of final countervailing duty investigation No. 701–TA–269 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of brass sheet and strip, other than leaded brass and tin brass sheet and strip,[1] not cut, pressed, or stamped to nonrectangular shape, provided for in item 612.39 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a final determination, to be subsidized by the Government of Brazil. The Commission must make its final injury determination by seventy-five (75) days after notification of Commerce's final determination (see sections 705(a) and 705(b) of the act (19 U.S.C. 1671d(a) and 1671d(c))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of genreal application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), ans Part 201, Subparts A through E (19 CFR Part 201).

**EFFECTIVE DATE:** November 10, 1986.

**FOR FURTHER INFORMATION CONTACT:** George Deyman (202–523–0481), 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. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

[1] The chemical compositions of the products under investigation are currently defined in the Copper Development Association (C.D.A.) 200 series or the Unified Numbering System U.N.S.) C20000 series. Products whose chemical compositions are defined by other C.D.A. or U.N.S. series are not covered by this investigation.

**SUPPLEMENTARY INFORMATION:**

**Background.**

This investigation is being instituted as a result of an affirmative final determination by the Department of Commerce that certain benefits which constitute subsidies within the meaning of section 701 of the Act (19 U.S.C. 1671) are being provided to manufacturers, producers, or exporters in Brazil of certain brass sheet and strip. The investigation was requested in a petition filed on March 10, 1986, by counsel on behalf of American Brass, Buffalo, NY; Bridgeport Brass Corp., Indianapolis, IN; Chase Brass & Copper Co., Dolon, OH; Hussey Copper Ltd., Leetsdale, PA; The Miller Co., Meriden, CT; Olin Corp. (Brass Group), East Alton, IL; and Revere Copper Products, Inc., Rome NY. The following trade unions are also petitioners: The International Association of Machinists and Aerospace Workers; the International Union, Allied Industrial Workers of America (AFL–CIO); Mechanics Educational Society of America, Local 56; and the United Steelworkers of America (AFL–CIO/CLC). In response to that petition the Commission conducted a preliminary countervailing duty investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (51 FR 16235, May 1, 1986).

**Participation in the Investigation**

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

**Service list**

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

**Staff report**

A public version of the prehearing staff report in this investigation will be placed in the public record on November 14, 1986, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing**

The hearing to be held in connection with this investigation will be held concurrently with the hearing already scheduled in investigations Nos. 701–TA–270 (Final) and 731–TA–311 through 317 (Final) concerning certain brass sheet and strip from Brazil, Canada, France, Italy, the Republic of Korea, Sweden, and West Germany. The hearing will begin at 9:30 a.m. on December 1, 1986, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. If not already made in connection with the peviously scheduled investigations, requests to appear at the hearing in connection only with investigation No. 701–TA–269 (Final) should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on November 21, 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 25, 1986, in Room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 24, 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 anaylsis, 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 December 8, 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 December 8, 1986.

A signed original and forteen (14) copies of each submission 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).

**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).

By order of the Commission.

Issued: November 19, 1986.

**Kenneth R. Mason,**

*Secretary*

[FR Doc. 86-26436 Filed 11-20-86; 8:45 am]

BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

**[Finance Docket No. 30925]**

### Boston and Maine Corp.; Lease and Trackage Rights Exemption; Springfield Terminal Railway Co.; Exemption

Boston and Maine Corporation (B&M) and Springfield Terminal Railway Company (ST) filed a notice of exemption for B&M to (1) lease to ST certain lines of railroad in Connecticut and western Massachusetts and (2) to assign to ST trackage rights to operate over certain additional lines in Connecticut and western Massachusetts.[1] The purpose of these transactions is to enable ST to carry on operations now performed by B&M.

ST is a wholly-owned subsidiary of B&M. B&M, in turn, is a wholly-owned subsidiary of Guilford Transportation Industries, which also owns Maine Central Railroad Company and Delaware and Hudson Railway Company. As a result of the proposed transactions it is anticipated that ST will provide a more responsive and efficient service to rail customers than B&M is now providing. B&M will improve its financial viability by eliminating operations which are costly to perform in relation to the revenues which are realized. With a lower cost structure, ST should be able to perform such operations on a profitable basis.

Since B&M and ST are members of the same corporate family, both the lease and the assignment of trackage rights fall within the class of transactions that are exempt from the prior review requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(3). The transactions will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family.

As a condition to use of this exemption any employees affected by the lease transaction will be protected pursuant to *Mendocino Coast Ry., Inc.—Lease and Operate*, 354 I.C.C. 732 (1978) and 360 I.C.C. 653 (1980). Any employees affected by B&M's assignment of trackage rights to ST will be protected pursuant to *Norfolk & Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast, supra*, 360 I.C.C. 653 (1980). Together, these conditions satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

Decided: November 5, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 86-25822 Filed 11-20-86; 8:45 am]

BILLING CODE 7035-01-M

**[Finance Docket No. 30882]**

### Nashville & Eastern Railroad Authority and Nashville & Eastern Railroad Corp.; Exemption

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission exempts from all of the provisions of 49 U.S.C. Subtitle IV the operation of approximately 131.11 miles of rail line, including the line between Nashville and Monterey, TN, two branch lines and a spur. Petitioners must serve a copy of this decision upon all shippers on the line.

A notice of exemption under 49 CFR 1150.31 for acquisition of the line by NERA and operation by NERR was filed on August 18, 1986, and the parties could consummate those proposals as of August 25, 1986. NERR also filed a notice of exemption under 49 CFR 1180.2(d)(2) for the continuance in control by its shareholders of controlling interests in two other nonconnecting railroads which operate lines owned by other public authorities.

**DATES:** Petitions for reconsideration must be filed by December 16, 1986. Petitions for stay must be filed by December 8, 1986.

**ADDRESSES:** Applicants' representative: John F. McHugh, 19 Rector St., Suite 1400, New York, NY 10006.

**FOR FURTHER INFORMATION CONTACT:** Joseph Dettmar, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: November 14, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley. Commissioner Lamboley dissented with a separate expression.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 86-26279 Filed 11-20-86; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Office of Justice Programs

### President's Child Safety Partnership, Hearings

**AGENCY:** Office for Victims of Crime, Department of Justice.

**ACTION:** Notice of Hearings.

**SUMMARY:** The Office for Victims of Crime announces the seventh in a series

[1] By order dated April 13, 1982, the Special Court, Regional Rail Reorganization Act of 1973, directed the Consolidated Rail Corporation (Conrail) to convey these lines and certain related rights to B&M and directed B&M to conduct freight operations over such lines.

of public hearings to be held by the President's Child Safety Partnership in Los Angeles, California on Thursday, December 4, 1986.

**SUPPLEMENTARY INFORMATION:** The President's Child Safety Partnership (hereafter referred to as the Partnership) is holding a series of seven public hearings on the issue of child safety and victimization. The Partnership, which was announced by the President on April 29, 1985, and which held its initial meeting on January 16, 1986, consists of 24 members from the public, private (both corporate and nonprofit), state and local, and Federal sectors, and includes a wide range of expertise in fields related to child safety and victimization. Its first six public hearings were held on April 15–16, in New York City; May 1, in Chicago, Illinois; May 20, in Austin, Texas; June j17, in Denver, Colorado; July 14, in Seattle, Washington; and October 23, in Tampa, Florida. The Partnership functions solely as an advisory committee in full compliance with the provisions of the Federal Advisory Committee Act.

The Partnership members recognize the magnitude and complexity of the child safety problem, and realize that the only way to effectively address it is through the help and support of a wide group of organizations, agencies, and individuals, with the focus being on the private sector. Consequently, the Partnership will seek the input of these groups on a broad range of issues. The input received through both written and oral testimony will be used by the Partnership to make recommendations to the President on ways in which we can both prevent the victimization of our country's children and more fully involve the private sector in responding to the problem.

The scope of the Partnership inquiry and the recommendations the Partnership will make will cover a broad range of offenses against children, specifically: child physical abuse and neglect; child sexual abuse and molestation; theft, assault, robbery, and murder of children; parental and stranger abduction of children; exploitation of children (prostitution, pornography), runaway children (recognizing the extreme vulnerability of runaways to victimization); and drug abuse.

The seventh hearing of the Partnership will seek to examine a variety of child safety and victimization issues in the areas of child safety in school settings; causes and treatment of child abusers; parents' perspective on child safety; and system's response to child safety issues.

Oral and written testimony will be solicited from the public. The testimony will be used as a basis for making recommendations to the President.

**Location/Dates**

The seventh public hearing of the Partnership will be held:

Date: Thursday, December 4, 1986
Place: George Washington Senior High School, 10860 South Denker Avenue, Los Angeles, California
Time: 9:00 a.m.–6:00 p.m.
Seats available to the public: 50

**Procedure**

The Partnership invites all interested parties to submit written testimony or program information regarding any of the aforementioned aspects of child safety and victimization. Persons interested in providing written testimony should submit it to: William Modzeleski, Office of Justice Programs, Office for Victims of Crime, 633 Indiana Avenue, NW., Washington, DC 20531. If possible, all written testimony should be typed and submitted in duplicate. All written testimony is due not later than December 31, 1986, but should be submitted as soon as possible for maximum consideration.

Persons interested in providing oral testimony at the hearing in Los Angeles should notify Mr. William Modzeleski in writing (same address as above), as soon as possible, and in no event later than December 1, 1986. The Partnership will make the final determinations as to what persons/organizations will be invited to provide oral testimony.

**Conduct of Hearings**

The hearings, which will be open to the public, will begin at 9:00 a.m. The Chairman of the Partnership, or his designee, will preside at the hearing. Other members of the Partnership will join the Chairman. Four panels will be established to present testimony on child safety in school settings; causes and treatment of child abusers; parents' perspective on child safety; and system's response to child safety issues. Each panel will be comprised of not more than five persons representing a broad array of disciplines. These will not be judicial or evidentiary-type hearings and there will not be any cross-examination. However, clarifying questions and extensive discussion by Partnership members regarding relevant child safety and child victimization issues will follow each panel presentation.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

A transcript of the hearing will be made. The entire record of the hearing, including transcript, will be retained by the Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the transcribing organization.

For further general information on the Partnership hearings contact: Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana Avenue, NW., Washington, DC 20531. Phone: (202) 272–6500.

Dated: November 17, 1986.

**Richard B. Abell,**

*Acting Assistant Attorney General, Office of Justice Programs.*

[FR Doc. 86–26455 Filed 11–21–86; 8:45 am]
BILLING CODE 4410–18–M

## President's Child Safety Partnership; Meeting

**AGENCY:** Office for Victims of Crime, Department of Justice.

**ACTION:** Notice of Meeting.

**SUMMARY:** The Office for Victims of Crime announces a meeting of the President's Child Safety Partnership.

**SUPPLEMENTAL INFORMATION:** Notice is hereby given that the fourth meeting of the President's Child Safety Partnership (hereinafter referred to as the Partnership) will be held on December 5 from 8:00 a.m. to approximately 3:00 p.m., at the Century Plaza Hotel, 2025 Avenue of the Stars, Los Angeles, California 90067.

The meeting, which will be open to the public, will be presided over by the Chairman of the Partnership. The purpose of the meeting will be to further discuss matters related to the three priority areas for Partnership action: Private sector involvement, awards, and information/public awareness.

Meeting time will also be devoted to discussion of the conduct of the first six public hearings (see adjacent **Federal Register** Notice). A period for public comments will be set aside. Approximately fifty seats will be available for the public, on a first-come, first-served basis. The agenda will be available at the meeting.

A transcript of the meeting will be made. The entire record of the transcript will be retained by the President's Child Safety Partnership, and will be available to the public. Any person may purchase a copy of the transcript from the reporter.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Modzeleski, President's Child Safety Partnership, 633 Indiana

Avenue, NW., Washington, DC 20531. Phone (202) 272–6500.

Dated: November 17, 1985.

**Richard B. Abell,**

*Acting Assistant Attorney General, Office of Justice Programs.*

[FR Doc. 86–26456 Filed 11–21–86; 8:45 am]

BILLING CODE 4410–18–M

## DEPARTMENT OF LABOR

### Employment Standards Administration, Wage and Hour Division

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3504, Washington, DC 20210.

### Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Officedocument entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State,and page number(s). Dates of publication in the **Federal Register** arein parentheses following the decisions being modified.

*Volume I:*

New Jersey:
NJ86–4 (Jan. 3, 1986) ..... pp. 624,628.
New York:
NY86–2 (Jan. 3, 1986) ..... p. 656.
NY86–8 (Jan. 3, 1986) ..... p. 711.
NY86–10 (Jan. 3, 1986) ..... pp. 730–734.
NY86–11 (Jan. 3, 1986) ..... pp. 737–738.
NY86–17 (Jan. 3, 1986) ..... p. 778.
NY86–18 (Jan. 3, 1986) ..... p. 784
p. 790a–790b.
Pennsylvania:
PA86–5 (Jan. 3, 1986) ..... p. 830.
PA86–6 (Jan. 3, 1986) ..... p. 843.

*Volume II:*

Kansas:
KS86–8 (Jan. 3, 1986) ..... p. 335.
Wisconsin:
WI86–13 (Jan. 3, 1986) ..... pp. 1005–1006.

*Volume III:*

Arizona:
AZ86–2 (Jan. 3, 1986) ..... p. 18.

### General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from:

Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783–3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 14th Day of November 1986.

**James L. Valin,**

*Assistant Administrator.*

[FR Doc. 86–26108 Filed 11–20–86; 8:45 am]

BILLING CODE 4510–27–M

### Pension and Welfare Benefits Administration

**[Application No. D–6791; et al.]**

### Proposed Exemptions; Texas Instruments Inc., et al.

**AGENCY:** Pension and Welfare Benefits Administration, Labor.

**ACTION:** Notice of proposed exemptions.

**SUMMARY:** This document contains notices of pendency before the Department of Labor (the Department)

of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

**Written Comments and Hearing Requests**

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

**ADDRESS:** All written comments and requests for a hearing (at least three copies should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5669, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, DC 20210.

**Notice to Interested Persons**

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register.** Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

**SUPPLEMENTARY INFORMATION:** The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

**Texas Instruments Incorporated Employees Pension Plan (the Plan) Located in Dallas, TX**

[Application No. D-6791]

*Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of certain real property by Texas Instruments Incorporated (TI), the Plan sponsor, to the Plan, and the leaseback of that property to TI, provided that all the terms of the sale and the leaseback are as favorable to the Plan, as those obtainable in an arms'-length transaction with an unrelated party on the date(s) the proposed transactions are consummated.

*Summary of Facts and Representations*

1. The Plan is a defined benefit plan with an estimated 52,000 participants and total assets of $800 million dollars as of May 31, 1986. All assets of the Plan are held in a single trust for which Republic Bank Dallas, N.A., a national banking association, acts as trustee (the Trustee). TI is a Delaware corporation engaged in the development, manufacture and sale of a variety of products in the electrical and electronic industry for industrial, consumer and government markets.

2. On August 1, 1963, TI acquired approximately 115.7 acres of commercial property located in Plano, Texas (the Property) from an unrelated party at a cost of $266,000. The Property is located within a commercial area that is in proximity to the North Dallas region and that has experienced rapid development over recent years. Improvements to the Property consist of an office and radar testing building of approximately 29,300 square feet (the Tower). In addition, there are certain radar tower antennae apparatuses erected at various places on the site[1] (Improvements to the Property also include an old house and barn currently leased together on a month-to-month basis to an individual. Such improvements have only a nominal value in relation to the value of the Property as a whole.) TI currently uses the Property, including the Tower, as a radar testing range.

3. The applicant proposes that the Property, exclusive of the Tower, be sold to the plan by TI for the amount of $37.3 million. This amount represents the fair market value of the Property as established by Howard W. Durham, Jr., CRE, MAI, SREA, President of H.W. Durham & Associates, an independent real estate appraiser located in Dallas, Texas (the Appraiser). The Appraiser, who was selected by the Trustee, has extensive experience in appraising real property in the region encompassing the Property. The Appraiser determined that as of May 2, 1986 the fair market value of the Property (exclusive of the Tower) was $37.3 million. The Appraiser also states that the fair market rental value of the Property (for a five-year period) is at 9 percent and represents a fair market rental value of $3.4 million per annum. The Appraiser opines that the $3.4 million annual rental should be all net, and should have a two-year cancellation notice.

4. At the time the Plan acquires the Property, the Plan will enter into a written lease agreement with TI (the Lease). Subject to the Plan's right to terminate the lease on 24 month's notice, the Lease will be for a single term of five years. Thus, pursuant to the Lease, TI will have no right to extend the term of the Lease, but the Plan will have the right to terminate, on 24 months' prior notice to TI. TI's tenancy before the expiration of the five-year term. TI will lease the Property for the specific purpose of utilizing it for radar testing operations. Under the terms of the Lease, TI will pay all real estate taxes, assessments, water and sewer rents, charges for public utilities, insurance and all other licenses and permit fees and other governmental charges, general and special, ordinary and extraordinary, during the Lease term. The rental rate will be $3.7 million per annum, payable monthly in advance on the first day of each month during the term of the lease. This rental amount exceeds the fair market rental value of the Property.

[1] TI will retain ownership of the Tower and will arrange and pay all associated costs for removal of the Tower from the Property at such time as TI ceases to lease the Property. The underlying land will not be damaged as a result of the removal of the Tower. TI will restore the surface of the Property to its natural state upon termination of its lease of the Property.

Upon termination of the Lease (whether at the expiration of the Lease term or upon early termination of the Lease by the Plan), the fair market value of the Property will be determined by an independent appraisal. If the fair market value of the Property is less than the Plan's acquisition cost of $37.3 million, TI will make a cash payment to the Plan in the amount by which the fair market value of the Property at the time of the termination of the Lease is below the Plan's cost for the purchase of the Property from TI.

5. In connection with the proposed sale of the Property and the Lease (the Sale and Leaseback), Texas American Bank/Fort Worth, N.A. (the Bank) has been retained to act as an independent fiduciary on behalf of the Plan. The Bank represents that it has no prior or existing business relationship, including overlapping directorships, with TI or the Plan. As of December 31, 1985, the Bank had in excess of $3.6 billion in assets under discretionary management, including more than $600 million of assets in retirement plans. The Bank will possess complete authority and responsibility for deciding on behalf of the Plan whether it should enter the Sale and Leaseback. The Bank has completed significant investigative activities in respect to the Sale and Leaseback, and has made the following representations:

(a) The Bank has, and will continue to, evaluate, negotiate and approve the Sale and Leaseback, including all the specific terms of the Lease. It will exercise final authority to determine the purchase price of the Property. Appropriate consideration will be given to the Appraiser's final determination of the fair market value and fair market rental value of the Property.

(b) Prior to making its final decision as to the Plan's entering the Sale and Leaseback, the Bank will update and supplement, as appropriate, its review of the investment strategies, portfolio composition and performance of the Plan, and will take all appropriate steps to finalize its review of the economic aspects and, with the assistance of independent legal counsel, the legal aspects of the Sale and Leaseback.

(c) Following consummation of the Sale and Leaseback, the Bank will be involved in all aspects of the continuing management of the Property, including such matters as land planning, zoning and condemnation. The Bank will continue to monitor the Lease for the duration of its term. It will act on behalf of the Plan in monitoring the collection of rental payments and the enforcement, if necessary, of appropriate remedies on behalf of the Plan in the event of TI's default under the Lease.

6. The Bank represents that the terms of the Lease are superior to terms of similar transactions between unrelated parties. It states that yields on similar lease agreements it administers for similar plans are yielding 10 percent on 3-year leases, and the Lease would produce a yield of 10 percent on a 5-year lease, terminable upon 24 months notice, on a highly marketable tract of land. In view of all of the relevant factors pertaining to the Lease, including the Lease term, early termination provisions of the Lease, and the character of the Property, the fair market rental value of the Property is not expected to change in any material respect during the term of the Lease, so there is no need to provide for rental adjustments during the term.

8. The Bank represents that it has examined the Plan's overall investment portfolio and has determined that after the Sale and Leaseback have been consummated, the Property will represent 5 percent of total Plan assets. Further, the Bank states that it has considered the liquidity needs of the Plan and the proposed Sale and Leaseback will not impair the liquidity necessary for the Plan to meet its obligations.

9. The Bank has further determined that the proposed Sale and Leaseback would be in the interests of the Plan and its participants and beneficiaries because the Property is being purchased near the low point of a real estate cycle which has reduced land prices in the area where the property is located. The Plan will have the advantage of a triple net, five year lease which should carry this investment through the current economic cycle. Further, the Plan has the option of terminating the Lease in the event it becomes more advantageous to devote the Property to other uses before the five year term expires. The Bank states that the future of the Property is excellent due to its size and location, the recent zone change from industrial to office/retail and its accessibility to a new proposed highway system which would cross the entire site.

10. In summary, the applicant represents that the proposed transactions meet the statutory criteria of section 408(a) because:

(1) The transactions have been approved by the Bank, as independent fiduciary of the Plan;

(2) The sales price of the Property has been determined by an independent appraiser;

(3) The fair market rental value of the Property has been determined by an independent appraiser and the Plan will receive fair market rental value under the Lease;

(4) The independent fiduciary will monitor and enforce the terms and conditions of the Lease on behalf of the Plan; and

(5) The independent fiduciary has determined that the Sale and Leaseback are in the interests of and protective of the Plan and its participants and beneficiaries.

Notice to Interested Persons: Notice of the proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 5 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing. Comments and hearing requests must be received within 35 days of the date of publication of this notice.

For Further Information Contact: Linda Hamilton of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

**Steamfitters Pension Fund Local Union No. 475 (the Pension Plan); Steamfitters Welfare Fund (the Welfare Plan) Local Union No. 475; Steamfitters Annuity Fund (the Annuity Plan) Local Union No. 475; and Steamfitters Education Fund (the Education Plan) Local Union No. 475 (the Last 3 plans Together, the Related Plans; All 4 Plans together, the Plans) Located in Warren, NJ**

[Application Nos. D–6736 Thru D–6739]

*Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the sale of a certain parcel of real property (the Property) to the Pension Plan by Steamfitters Hall, Inc. (SHI), for $830,000 in cash, provided such amount is not greater than the fair market value of the Property on the date of the sale; and (2) the subsequent leasing of space in the Property by the Pension Plan to Steamfitters Local Union No. 475 (the Union) and to the Related Plans, under the terms described in this notice of proposed exemption, provided such terms are not less favorable to the Plans

than those obtainable in an arm's length transaction with an unrelated party.

*Summary of Facts and Representations*

1. The Plans are all jointly administered multi-employer employee benefit plans. The Plans are administered by ten trustees. The members of the board of trustees of each of the Plans are identical. Among the Plans, only the Welfare Plan is a party in interest with respect to the Pension Plan, as it provides administrative services to the Pension Plan. The Welfare Plan also provides administrative services to the Education Plan and the Annuity Plan. The applicants represent that the provision of such services by the Welfare Plan is exempt from the prohibitions of section 406(a) and section 406(b)(2) of the Act by virtue of the class exemptions provided in Prohibited Transaction Exemption 76–1 and Prohibited Transaction Exemption 77–10, respectively.[2]

2. The subject proposed transactions involve the Property, which consists of 7.71 acres located at 136 Mount Bethel Road, Warren, New Jersey. The improvements consist of two one-story masonry buildings with a shared paved parking lot and a frame barn with a storage shed. At present (and until the proposed transactions are consummated), the building fronting on Mt. Bethel Road (the Office Building), composed of 2,400 square feet, is partially occupied by the Union, and the remainder is leased by SHI to the Plans. SHI is a non-profit real estate holding corporation of the Union. The Pension and Welfare Plans make lease payments in the amount of $11,000 per year to SHI, and the Education and Annuity Plans pay $2,400 per year. The lease is a gross rental at $14.25 per square foot, which includes all taxes, heat, air conditioning, electric, maintenance and cleaning. The Office Building is utilized by all parties as office space for their administrative staffs.

3. The building at the rear portion of the Property (the Education Building), containing 6,400 square feet, was leased from SHI to the Education Plan in an unimproved or warehouse condition as a facility to train apprentices and journeymen in the skills of the steamfitting and pipefitting trade. The Education Plan made all necessary leasehold improvements to make the structure suitable for its purposes at the beginning of the leasehold. The lease agreement is for successive one year terms subject to the Education Plan's right to renew the lease from year to year until February 28, 2007. For each one year lease term, the Education Plan must remit $27,360 or $2,280 by the first of each month. The lease agreement is triple net, with the Education Plan responsible for all expenses related to the leased premises. The rent is subject to adjustment on the sixth, eleventh, sixteenth and twenty-first years of the lease agreement. The rent is adjusted to accord with the fair market value of the property as a garage as determined by an independent and qualified appraiser.

4. The applicants represent that the current leasing arrangements are renewals of binding contracts that were in effect on July 1, 1974, and were therefore exempt from the prohibited transaction provisions of the Act and the Code until June 30, 1984.[3] The applicants further represent that they will, within 60 days of the granting of the exemption proposed herein, pay the applicable excise taxes resulting from the application of section 4975 of the Code to the existing lease transaction between SHI and the Plans.

5. The trustees of the Pension Plan propose to purchase the entire Property and improvements from SHI and to continue leasing the improvements to the current occupants with certain minor changes as set forth below. The proposed purchase price of the Property is $830,000, representing approximately 2.89% of the Pension Plan's assets. Messrs. Jeffrey R. and Robert W. Hendricks (the Hendrickses), independent appraisers in West Orange, New Jersey, have appraised the Property as having a fair market value of $900,000 as of April 1, 1986. The sale will be a cash sale, and the Pension Plan will pay no real estate commissions with respect to the sale.

6. Subsequent to the date of closing, the Pension Plan will continue to occupy 733 square feet or by approximately 30.5% of the Office Building and will lease the remaining portions of the Office Building to the Related Plans in the following proportions: (1) The Welfare Plan will lease 746 square feet, or 31.1%; (2) the Annuity Plan will lease 722 square feet or 30.1%; and (3) the Education Plan will lease 199 square feet, or 8.3%. In addition, the Union will move its administrative office from the Office Building to the Education Building. To accommodate the Union, the Education Plan will surrender 1,800 square feet now under lease from SHI. The Education Plan will thus lease 4,600 square feet of the Education Building, or 72%, while the Union leases the remainder. An appraisal of the fair market rental value of both the Office Building and the Education Building was made by the Hendrickses as of April 1, 1986. The Hendrickses determined the fair market rental value, on a net, net basis, to be $17 per square foot for the Office Building and $7.50 per square foot for the Education Building.

7. The lease of the Office Building is contained in an agreement among the trustees of the Pension Plan and the trustees of the Related Plans. The lease is for a term of five years, although it may be terminated by any party thereto on six months written notice. The initial annual rental will be $17.00 per square foot. The lease is double net, with each Related Plan responsible for its proportionate percentage of the cost of maintenance and nonstructural repairs, utility charges and municipal real estate taxes. The Pension Plan will be responsible for all structural repairs and fire and hazard insurance and its proportionate percentage of the cost of nonstructural repairs and maintenance, utility charges and municipal real estate taxes. All occupants of the Office Building will be entitled to use of the adjacent parking area. Rent is payable in equal monthly installments and will be adjusted every two and one-half years during the lease term to the then-current fair market rental value as determined by a qualified and independent appraiser selected by the Pension Plan's independent fiduciary (see rep. 10, below). Any subsequent renewal of the lease agreement must be approved as being appropriate for the Pension Plan by its independent fiduciary. Similarly, the trustees of the Related Plans must determine on behalf of each of those Plans whether such renewal is appropriate for and in the best interest of each Related Plan.

8. The lease of the Education Building is contained in two separate lease agreements. The first agreement is between the trustees of the Pension Plan and the authorized officers of the Union. The lease is for an initial term of five years with an option, held by the Union, to extend the term for an additional five years. The initial annual rental under the lease will be $17 per square foot. The lease is double net, with the Union responsibile for its proportionate percentage of the cost of maintenance and non-structural repairs, utility charges and municipal real estate taxes. The Pension Plan is responsible for

[2] In this proposed exemption, the Department expresses no opinion as to whether such provision of services is exempt under the two class exemptions.

[3] In this proposed exemption, the Department expresses no opinion as to whether the existing leases were exempt from the prohibited transaction provisions until June 30, 1984, by reason of section 414(c)(2) of the Act.

structural repairs and fire and hazard insurance on the Education Building. Rent is payable in equal monthly installments and will be adjusted every two and one-half years during the lease term and any renewals thereof to an amount not less than the current fair market value as determined by a qualified and independent appraiser selected by the Pension Plan's independent fiduciary.

9. Under the second lease agreement, the Pension Plan will take as assignee from SHI an agreement between SHI and the trustees of the Education Plan. (The Hendrickses took this lease into account in determining the fair market value of the Property to be $900,000 as of April 1, 1986.) The lease was originally to expire on February 28, 1983, with an option, held by the Education Plan, to renew the lease from year-to-year until February 28, 2007. The initial annual rental under the lease is at $4.25 per square foot. The rent is at $4.25 per square foot because the Education Building was originally leased to the Education Plan as a garage. (The Union's lease for the Education Building will have an initial rental rate of $17 per square foot because that lease is for improved office space.) The Education Plan subsequently made substantial leasehold improvements to utilize the Building as an educational facility. The lease is triple net, with the Education Plan paying its proportionate percentage of all operating expenses with respect to the property, including all tax increases over the base year of 1982, maintenance and repair costs, insurance and utilities. The rent is payable in equal monthly installments, and it is to be adjusted during the sixth, eleventh, sixteenth and twenty-first years of the lease term and any renewals thereof to an amount not less than the then-current fair market rental value for the Education Building as a garage. In the case of both leases for the Education Building, any renewals must be approved as being appropriate for and in the best interest of the Pension Plan by the independent fiduciary for the Plan. Similarly, the trustees for the Education Plan must determine whether such renewal is appropriate for and in the best interest of the plan.

10. The Trust Department of the Peapack-Gladstone Bank, Gladstone, New Jersey (the Bank) has been appointed to act as the independent fiduciary for the Pension Plan with respect to the subject transactions. The Bank represents that it is completely independent of the Union, SHI, the Pension Plan and the Related Plans, and that it is aware of its responsibilities and liabilities as a fiduciary under the Act.

11. The Bank has reviewed the appraisals, all terms and conditions of the proposed transactions, and the needs of the Pension Plan, and has determined that the purchase of the Property and the subsequent leases are in the best interest of the Pension Plan for the following reasons: (a) The purchase price of the Property, which is less than the appraised fair market value of the Property, represents less than 3% of the Pension Plan's current assets; (b) the expected rate of return of 9.2% is favorable; (c) the appreciation potential of the Property is excellent; (d) the fair market rental value of the Property will be reappraised every two and one-half years over the terms of the leases by a qualified independent appraiser (every five years for the lease between the Pension Plan and the Education Plan for the Education Building), and the rental rates will be adjusted accordingly; and (e) the Pension Plan will be able to continue to occupy the convenient Office Building and will therefore be able to avoid the disruption and expenses of relocation. The Bank will monitor the leases on behalf of the Pension Plan on a daily basis. Such enforcement duties will include the selection of appraisers on behalf of the Pension Plan, the determination as to whether any renewals of the leases are appropriate for and in the best interest of the Pension Plan, and ensuring that the Pension Plan receives at least fair market value for the Property, as determined every two and one-half years and five years by a qualified independent appraiser.

12. The trustees of the Related Plans represent that they have reviewed the needs of each of the Related Plans, the terms and conditions of the leases, including the length of the leases, the initial rental rates and the appraisal of the Property by the Hendrickses, and have determined that the proposed leases are appropriate for and in the best interest of each of the Related Plans. The trustees represent in addition that the amount of space in the Buildings being leased by each of the Related Plans is appropriate and necessary for the needs of each of the Related Plans.

13. In summary, the applicants represent that the proposed transaction satisfies the criteria of section 408 (a) of the Act because: (a) The Property represents less than 3% of the Pension Plan's assets; (b) the purchase price of the Property is less than the fair market value as established by independent appraisal; (c) the fair market rental value of the Property has been determined by independent appraisal; (d) the Bank has determined that the transactions are appropriate for the Pension Plan and in the best interest of its participants and beneficiaries; and (e) the Bank will monitor the leases on behalf of the Pension Plan and take whatever action is necessary to enforce that Plan's rights under the leases.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

**BFS, Inc. Profit Sharing Plan and Style Center, Inc. Profit Sharing Plan (the Plans) Located in Honolulu, Hawaii**

[Application Nos. D–6675 and D–6676]

*Proposed Exemption*

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), (b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plans to BFS, Inc. (BFS) of interests in the Captain Cook Lands Partnership (the Partnership), provided the Plans receive no less than fair market value for the interests at the time of sale.

**Summary of Facts and Representations**

1. The Profit Sharing Plan of Style Center, Inc. (the Style Center Plan) is a profit sharing plan for the employees of Style Center, Inc. (Style Center). As of March 31, 1985, the Style Center Plan had 16 participants and total assets of $235,080. The Profit Sharing Plan of BFS, Inc. (the BFS Plan) is a profit sharing plan for the employees of BFS. As of December 31, 1985, the BFS Plan had approximately 140 participants and total assets of approximately $2,400,000. The Hawaiian Trust Company is the trustee of the Plans. BFS and Style Center are corporations both engaged in retail merchandising in the State of Hawaii. Mr. and Mrs. Kiyoshi Kamitaki own all of the stock of Style Center. BFS is a wholly-owned subsidiary of Maui Varieties, Ltd. (Maui), a closely held corporation. The majority of the stock of Maui is owned by members of the family of Kiyoshi Kamitaki. Over the past few years, BFS has rendered bookkeeping services to the Style Center Plan. These services have been limited to maintaining the records of the

individual accounts in the Style Center Plan and have been performed without compensation.

2. The Partnership was formed in July 1969 for the purpose of holding certain real property. The predecessor plans of the Plans were original partners in the Partnership along with Kiyoshi Kamitaki and other related persons.[4] The only asset of the Partnership is undeveloped real property consisting of 73.5 acres located in the Kona District on the Island of Hawaii. The property was acquired by the Partnership during 1969 from a party unrelated to the Plans at a cost of $110,250. The property is unused vacant land which earns no income. The annual costs for real property taxes and miscellaneous expenses related to the holding of the property amount to approximately $2,100. The Partnership purchased the property for $32,000 in cash, with the balance paid to the seller in five yearly installments plus interest at a rate of eight percent per annum on the balance. As of April 10, 1986, the BFS Plan had a 40 percent interest and the Style Center Plan had a 15 percent interest in the Partnership. The interest in the Partnership held by Kiyoshi Kamitaki at that time amounted to ten percent.

3. BFS, Maui and Style Center entered into a "Guaranty of Profit Sharing Investment" (the Guaranty) in July 1969, which was amended in July 1978 and subsequently extended. The current Guaranty is due to expire in December 1989. The Guaranty provides that the Plans will realize an annual increase in the value of their interests in the Partnership representing no less than a nine percent compound annual return (seven percent before 1980) on the cumulative amounts the Plans have invested in the Partnership. If the return is less than nine percent, as determined by an annual appraisal, then BFS, Style Center and Maui will contribute the amounts necessary to achieve a nine percent return for each of the Plans.[5] The Guaranty also provides that BFS, Style Center and Maui will purchase the Plans' interests in the Partnership at the expiration of the term of the Guaranty. These entities also have an option to purchase the interests upon 30 days written notice.

4. An appraisal was made by Kent M. Nakashima (Nakashima), a real estate broker in Kona, Hawaii, as to the value on December 31, 1985, of the real property owned by the Partnership. The applicant represents that Nakashima is independent of the Plans. Considering the rocky soil classification and steep access, Nakashima believes the highest and best use of the property would be for limited ranching or orchard production. Nakashima states that, after careful comparison of the subject property with other available comparable parcels, the estimated fair market value of the property, would be $6,994 per acre or approximately $514,100.

5. The Plans propose to sell their interests in the Partnership to BFS. BFS will pay pro rata amounts for the interests based on the appraisal price stated in the application or fair market value at the time of sale based on an updated independent appraisal, whichever is higher, The sale will be entirely for cash, and the Plans will pay no commissions in connection with the transaction. According to the applicant, it is unlikely that an unrelated third party would be willing to purchase the Partnership interests (or the real property owned by the Partnership) at the same price in the near future. The proceeds of the sale will be invested in assets which are more liquid and produce income for the Plans.

6. In summary, the applicant represents that the proposed transaction will satisfy the statutory criteria of section 408(a) of the Act because: (1) The sale of the Partnership interests will be entirely for cash and the Plans will pay no commissions in regard to the sale; (2) BFS will pay an amount based on the appraisal price stated in the application for the interests or fair market value at the time of sale, whichever is higher; (3) the amount paid by BFS will be based on a current appraisal made by an appraiser who is independent of the Plans; and (4) the proceeds of the sale will be invested in assets which are more liquid and produce income for the Plans.

For Further Information Contact: Paul Kelty of the Department, telephone (202) 523-8196. (This is not a toll-free number.)

**General Information**

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 18th day of November 1986.

**Elliot I. Daniel,**

*Associate Director for Regulations and Interpretations, Pension and Welfare Benefits Administration, U.S. Department of Labor.*

[FR Doc. 86-26310 Filed 11-20-86; 8:45 am]

BILLING CODE 4510-29-M

[4] The Department herein is proposing exemptive relief solely with respect to the sale by the Plans to BFS of interests in the Partnership. Other transactions which may have resulted in conflicts of interest by reason of the sharing of the Partnership investment between the Plans and parties in interest or fiduciaries with respect to the Plans are not the subject of this exemption.

[5] The applicant represents that because of the increases in the value of the real property owned by the Partnership, no cash payments to the Plans have been made under the Guaranty.

## OFFICE OF PERSONNEL MANAGEMENT

### Proposed Revision of Form for OMB Review

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice of proposed revision of form submitted to OMB for clearance.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1980, this notice announces a proposed revision of a form that collects information from the public. The Ethics in Government Act of 1978 (Pub. L. 95–521, as amended) requires that a financial disclosure report be filed by candidates for nomination or election to the office of the President or Vice President and nominees to positions requiring the advice and consent of the Senate. The Standard Form 278, Executive Personnel Financial Disclosure Report, solicits the information required by law. For copies of this proposal, call Joseph P. Reid, Acting Agency Clearance Officer, at (202) 632–7720.

**DATES:** Comments on this proposal should be received on or before December 1, 1986.

**ADDRESSES:** Send or deliver comments to:

Joseph P. Reid, Acting Agency, Clearance Officer, U.S. Office of Personnel Management, 1900 E Street, NW., room 6410, Washington, DC 20503

and

Katie Lewin, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Joseph P. Reid (202) 632–7720, Office of Personnel Management.

**David H. Martin,**

*Director, Office of Government Ethics.*

[FR Doc. 86–26309 Filed 11–20–86; 8:45 am]

BILLING CODE 6325–01–M

## PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

### Hydropower Assessment Steering Committee; Meeting

**AGENCY:** The Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

**ACTION:** Notice of meeting. Status: Open.

**SUMMARY:** The Northwest Power Planning Council hereby announces a forthcoming meeting of its Hydropower Assessment Steering Committee to be held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, I–4 Activities will include:

- Hydro assessment study report.
- Consultation on salmon and steelhead system objective and policies issue paper.
- FERC update.
- Other.
- Public comment.

**DATE:** November 26, 1986, 10:00 a.m.

**ADDRESS:** The meeting will be held in the Council's central office, 850 S.W. Broadway, Suite 1100, Portland, Oregon.

**FOR FURTHER INFORMATION CONTACT:** Peter Paquet 503–222–5161.

**Edward Sheets,**

*Executive Director.*

[FR Doc. 86–26256 Filed 11–20–86; 8:45 am]

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## POSTAL RATE COMMISSION

**[Docket No. A87–4; Order No. 721]**

### Centerfield, UT 84622 (Mardell and Elva Jensen, Petitioners); Notice and Order Accepting Appeal and Establishing Procedural Schedule

Issued: November 7, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice-Chairman; John W. Crutcher; Henry R. Folsom and Patti Birge Tyson.

Docket Number: A87–4.

Name of affected post office: Centerfield, UT 84622.

Name(s) of Petitioner(s): Mardell and Elva Jensen.

Type of determination: Consolidation.

Date of filing of appeal papers: October 31, 1986.

Categories of issues apparently raised:

1. Effect on employees [39 U.S.C. 404(b)(2)(B)].

2. Economic savings [39 U.S.C. 404(b)(2)(D)].

Other legal issues may be disclosed by the record when it is filed; or conversely, the determination made by the Postal Service may be found to dispose of one or more of these issues.

In the interest of expedition, in light of the 120-day decision schedule [39 U.S.C. 404(b)(5)], the Commission reserves the right to request of the Postal Service memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request; a copy shall be served on the Petitioners. In a brief or motion to dismiss or affirm, the Postal Service may incorporate by reference any such memoranda previously filed.

*The Commission orders:*

(A) The record in this appeal shall be filed on or before November 17, 1986.

(B) The Secretary shall publish this Notice and Order and Procedural Schedule in the **Federal Register.**

By the Commission.

**Charles L. Clapp,**

*Secretary.*

Appendix

October 31, 1986—Filing of Petition.

November 7, 1986—Notice and Order of Filing of Appeal.

November 25, 1986—Last day of filing of petitions to intervene [*see* 39 CFR 3001.111(b)].

December 5, 1986—Petitioners' Participant Statement or Initial Brief [*see* 39 CFR 3001.115 (a) and (b)].

December 26, 1986—Postal Service Answering Brief [*see* 39 CFR 3001.115(c)].

January 12, 1987—Petitioners' Reply Brief should petitioners choose to file one [*see* 39 CFR 3001.115(d)].

January 20, 1987—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [*see* 39 CFR 3001.116].

February 27, 1987—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 86–26232 Filed 11–20–86; 8:45 am]

BILLING CODE 7715–01–M

## SECURITIES AND EXCHANGE COMMISSION

### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

American Motors Corp.
$2.375 Cumulative Convertible Preferred
Par Value, $.01 (File No. 7–9375)

Andarko Petroleum Corp.
Common Stock, $1.00 Par Value (File No. 7–9376)

Hanson Trust PLC
American Depository Shares (File No. 7–9377)

Olin Corp.
Common Stock, $1.00 Par Value (File No. 7–9378)

These securities are listed and registered on one or more other national securities exchange and are reported in

the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26306 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Commerical Credit Co.
Common Stock, $.01 Par Value (File No. 7-9366)
Environmental Systems Co.
Common Stock, $.01 Par Value (File No. 7-9367)
King World Productions, Inc.
Common Stock, $.01 Par Value (File No. 7-9368)
National Westminster Bank
ADS (File No. 7-9369)
News Corporation, Ltd.
ADR (File No. 7-9370)
Premark International, Inc.
Common Stock, $1.00 Par Value (File No. 7-9371)
Supermarkets General Corp.
Common Stock $1.00 Par Value (File No. 7-9372)
SSMC, Inc.
Common Stock, $1.00 Par Value (File No. 7-9373)
Stanhome, Inc.
Common Stock, $.26 Par Value (File No. 7-9374)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26263 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Chemical Waste Management, Inc.
Common Stock, $.01 Par Value (File No. 7-9350)
Centex Corp.
Common Stock, $.25 Par Value (File No. 7-9351)
Empire District Electric Co.
Common Stock, $1.00 Par Value (File No. 7-9352)
First Capital Holdings
Common Stock, $.01 Par Value (File No. 7-9353)
Green Tree Acceptance, Inc.
Common Stock, $.01 Par Value (File No. 7-9354)
Gelco Corp.
Common Stock, $.50 Par Value (File No. 7-9355)
International Technology Corp.
Common Stock, $1.00 Par Value (File No. 7-9356)
Manville Corp.
$5.40 Cumulative Preferred (File No. 7-9357)
Pep Boys—Manny Moe & Jack
Common Stock, $1.00 Par Value (File No. 7-9358)
Reliance Group Holdings
Common Stock, No Par Value (File No. 7-9359)
Panosophic Systems, Inc.
Common Stock, No Par Value (File No. 7-9360)
Service Corp. International
Common Stock, $1.00 Par Value (File No. 7-9361)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to makewritten comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26264 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Angell Care Master Limited Partnership
Units (File No. 7-9318)
Counsellors Tandem Securities Fund, Inc.
Common Shares $.01 Par Value (File No. 7-9319)
La Quinta Motor Inns Limited Partnership
Units (File No. 7-9320)
Liberty All-Star Equity Fund
Shares of Beneficial Interest (File No.

7–9321)
National Westminster Bank PLC
American Depository Shares (File No. 7–9322)
Patten Corporation
Common Stock, $.01 Par Value (File No. 7–9323)
Perkins Family Restaurants, L.P.
Depositary Units (File No. 7–9324)
JWP, Inc.
Common Stock, $.10 Par Value (File No. 7–9325)
Transco Energy Company
$4.75 Cumulative Convertible Preferred, No Par Value (File No. 7–9326)
Warner Communications Inc.
$4.75 Cumulative Convertible Preferred A, $1.00 Par Value (File No. 7–9327)
USPCI, Inc.
Common Stock, $.10 Par Value (File No. 7–9328)
Adams Russell Co.
Common Stock, $.50 Par Value (File No. 7–9329)
Alfin Fragrances Inc.
Common Stock, $.01 Par Value (File No. 7–9330)
Affiliated Publications
Common Stock, $.01 Par Value (File No. 7–9331)
Bolar Pharmaceutical Co. Inc.
Common Stock, $.01 Par Value (File No. 7–9332)
Cablevision Systems
Class A Common Stock, $.01 Par Value (File No. 7–9333)
Counterwide Mtge. Investments
Common Stock, $.01 Par Value (File No. 7–9334)
Forest Laboratories Inc.
Common Stock, $.10 Par Value (File No. 7–9335)
Mark IV Industries Ltd.
Common Stock, $.01 Par Value (File No. 7–9336)
Laser Industries Ltd.
Ordinary Shares, $.10 Par Value (File No. 7–9337)
Mayflower Group
Common Stock, No Par Value (File No. 7–9338)
Ply Gem Industries Inc.
Common Stock, $.25 Par Value (File No. 7–9339)
Tridex Corporation
Common Stock, No Par Value (File No. 7–9340)
Teleflex Inc.
Common Stock, $1.00 Par Value (File No. 7–9341)
Total Petroleum North American Ltd.
Common Stock, No Par Value (File No. 7–9342)
Tech Sym. Corporation
Common Stock, $.10 Par Value (File No. 7–9343)
Westburne Int'l Industries Ltd.
Common Stock, No Par Value (File No. 7–9344)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86–26265 Filed 11–20–86; 8:45 am]

BILLING CODE 8010–01–M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Commercial Credit Company
Common Stock (File No. 7–9346)
Banc One Corporation
Common Stock, No Par Value (File No. 7–9347)
Dayton-Hudson Corporation
Common Stock, $1.00 Par Value (File No. 7–9348)
Donnelley (R.R.) and Sons Company
Common Stock, $1.25 Par Value (File No. 7–9349

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86–26266 Filed 11–20–86; 8:45 am]

BILLING CODE 8010–01–M

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## Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

Hanson Trust PLC
American Depository Shares (File No. 7–9362)
Lucky Stores, Inc.
Common Stock, $1.25 Par Value (File No. 7–9363)
NL Industries, Inc.
Depository Receipts (File No. 7–9364)
SSMC Inc.
Common Stock, $1.00 Par Value (7–9365)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such

applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26267 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.**

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Westvaco Corporation

Common Stock, $5.00 Par Value (File No. 7-9315)

Barclays PLC

American Depository Shares (File No. 7-9316)

Anadarko Petroleum Corporation

Common Stock, $1.00 Par Value (File No. 7-9317)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26268 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-00-M

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**Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.**

November 14, 1986.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock:

ICN Pharmaceuticals, Inc.

Common Stock, $1.00 Par Value (File No. 7-9379)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 8, 1986 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26269 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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**[Release No. 34-23718; File No. 600-21]**

**Self-Regulatory Organizations; Application for Registration as a Clearing Agency**

On October 6, 1986, The Intermarket Clearing Corporation ("ICC") filed with the Commission an application for registration as a clearing agency under section 17A of the Securities Exchange Act of 1934, 15 U.S.C. 78q-1, (the "Act") and Rule 17Ab2-1(c)(1) (17 CFR 240.17Ad2-1(c)(1)) thereunder.

Pursuant to that Rule, the Commission may grant ICC registration as a clearing agency and exempt it from one or more of the requirements of section 17A(b)(3)(A) through (I) of the Act. ICC's registration under Rule 17Ab2-1(c)(1), however, would be temporary in that it cannot be effective for more than eighteen months from the date on which registration is made effective by the Commission (or such longer period as ordered by the Commission). Moreover, the Commission, under paragraph (c)(2) of the Rule, must determine nine months after the effective date of ICC's temporary registration either to: (i) Grant ICC registration without exempting it from one or more of the requirements as to which the Commission is directed to make a determination under section 17A(b)(3)(A) through (I) of the Act; or (ii) institute proceedings to determine whether registration should be denied at the expiration of the eighteen month (or longer) registration period.

You are invited to submit written data, views and arguments concerning the foregoing application within thirty days of the date of publication of this notice in the **Federal Register.** Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Rule 17Ab2-1(c)(2). Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to the appropriate file number. Copies of the application and of all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room 450 Fifth Street, NW., Washington, DC 20549.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: October 16, 1986.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26262 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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**[File No. 1-7885]**

**Issuer Delisting; Application To Withdraw From Listing and Registration; Cyprus Mines Corp.**

November 17, 1986.

Cyprus Mines Corporation ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated

thereunder, to withdraw the 8½% Sinking Fund Debentures, due April 15, 2001, from listing and registration on the New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Of the Debentures originally issued, $80 million in principal amount were outstanding as of June 19, 1986 (excluding $14 million in principal amount beneficially owned by Cyprus Minerals). According to a record holder listing dated as of June 19, 1986, there were 14 holders of record. On that date, Cede & Co. was the largest single holder of record with total record ownership of $77,752,000. According to a position listing furnished by Cede & Co., as of June 19, 1986, the Debentures then held in the name of Cede & Co. were held for the accounts of approximately 22 participants in the clearing agency system maintained by The Depository Trust Company.

Trading volume in the Debentures has been minimal. According to informaton published in *The Wall Street Journal*, during all 1984 the total principal amount of trades was only $68,000; during all of 1985, $15,000; and from January 1, 1986 through June 15, 1986, $25,000.

Any interested person may, on or before December 9, 1986, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26270 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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**[Rel. No. IC-15413; 812-6474]**

## Merrill Lynch Mortgage Investors, Inc.; Application for Exemption

November 14, 1986.

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 ("the 1940 Act").

*Applicant:* Merrill Lynch Mortgage Investors, Inc. ("Applicant").

*Relevant 1940 Act Sections:* Exemption requested under section 6(c) from all provisions of the 1940 Act.

*Summary of Application:* Applicant seeks an order conditionally exempting Applicant and certain trusts that it may form from all provisions of the 1940 Act in connection with its proposed issuance of collateralized mortgage obligations and sale of beneficial ownership interests in such trusts.

**DATE:** *Filing Date:* The Application was filed on September 9, 1986, and amended on October 6, November 3, November 4, and November 5, 1986.

*Hearing or Notification of Hearing:* If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 5, 1986. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Merrill Lynch Mortgage Investors, Inc., 2121 Jan Jacinto, Suite 1100, Dallas, Texas 75201.

**FOR FURTHER INFORMATION CONTACT:** Fran Pollack at (202) 272-2856 or Special Counsel Karen Skidmore at (202) 272-3023, Office of Investment Company Regulation.

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 253-4300).

### Applicant's Representations

1. Applicant is a direct, wholly-owned limited purpose financing subsidiary of Merrill Lynch Mortgage Capital, Inc., a Delaware corporation, which is a wholly-owned indirect subsidiary of Merrill Lynch & Co., Inc., a Delaware corporation. Applicant, a newly-formed Delaware Corporation, was organized to facilitate the financing of mortgage loans through the issuance of one or more series of bonds secured by such mortgages and it will not engage in any business or investment activities unrelated to such purpose.

2. Applicant will form separate trusts ("Trusts") for the limited purpose of issuing one or more series ("Series") of collateralized mortage obligations ("Bonds") and investing in certain Mortgage Certificates [1] which will be used to collateralize such Bonds.

3. Each Trust will be established under a separate deposit trust agreement ("Trust Agreement") between Applicant, acting as depositor, and a bank or trust company or other fiduciary acting as owner-trustee ("Owner Trustee"). Each Trust will issue one or more Series of Bonds under the terms of an indenture ("Indenture") between the Owner Trustee and an independent trustee ("Trustee"), as supplemented by one or more series supplements. The Indenture will be qualified under the Trust Indenture Act of 1939 unless an appropriate exemption is available.

4. In the case of each Series of Bonds: (a) Each Trust will hold no substantial assets other than the Mortgage Certificates; (b) the Bonds will be secured by Mortgage Certificates having collateral value determined under the Indenture, at the time of issuance and following each payment date, equal to or greater than the outstanding principal balance of the Bonds; (c) distributions of principal and interest received on the Mortgage Certificates securing the Bonds and any applicable reserve funds, plus reinvestment income thereon, will be sufficient to pay all interest on the Bonds and to retire each class of Bonds by its stated maturity; and (d) the Mortgage Certificates will be assigned by the Owner Trustee to the Trustee and will be subject to the lien of the related Indenture.

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[1] By definition, the "Mortgage Certificates" collateralizing the Bonds will consist of (1) "fully-modified" pass-through mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), (2) mortgage participation certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates"), and (3) guaranteed mortgage pass-through securities issued by the Federal National Mortgage Association ("FNMA Certificates"). All or a portion of the Mortgage Certificates securing a Series of Bonds may be "partial pool" Mortgage Certificates. Some of the GNMA Certificates securing a Series of Bonds may be backed by mortgage loans that provide for payments during the initial portion of their term that are less than the actual amount of principal and interest payable thereon on a level debt service basis ("GPM GNMA Certificates"). In addition to the Mortgage Certificates directly securing the Bonds, a series may have additional collateral which may include certain collection accounts and reserve funds as specified in the related Indenture.

5. In addition to the issue and sale of the Bonds, Applicant intends to sell the beneficial interests in each Trust to a limited number, in no event more than one hundred, of sophisticated institutional investors in transactions exempt from the registration requirements of the Securities Act of 1933 ("1933 Act") under section 4(2) thereof. Such institutional investors may include one or more banks, savings and loan associations, insurance companies, and pension plans or other investors that would have prior experience in making investments in mortgage related securities or real estate ("Eligible Institutions"). Each Eligible Institution will be required to represent that it is purchasing such beneficial interests for investment purposes. In addition, the Trust Agreement relating to each Trust will further prohibit the transfer of any certificates for such beneficial interests if there would be more than one hundred owners of such certificates at any time.

6. Neither the holders of the beneficial interests of any of the Trusts, the Owner Trustee nor the Trustee will be able to impair the security afforded by the Mortgage Certificates to the holders of the Bonds. That is, without the consent of each Bondholder to be affected, neither the holders of the beneficial interest of any of the Trusts, the Owner Trustee nor the Trustee will be able to: (1) Change the stated maturity on any Bonds; (2) reduce the principal amount or the rate of interest on any Bonds; (3) change the priority of payment on any class of any Series of Bonds; (4) impair or adversely affect the Mortgage Certificates securing a Series of Bonds; (5) permit the creation of a lien ranking prior to or on a parity with the lien of the related Indenture with respect to the Mortgage Certificates; or (6) otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

7. The sale of the beneficial interests in each Trust will not alter the payment of cash flows under the Indenture including the amounts to be deposited in the collection account or any reserve fund created pursuant to the Indenture to support payments of principal and interest on the Bonds.

8. No holder of a controlling interest in the Trust (as the term "control" is defined in Rule 405 under the 1933 Act), will be affiliated with either the custodian or the statistical rating agency rating the Bonds. None of the owners of the beneficial interests in the Trust will be affiliated with the Trustee.

9. The interests of the Bondholders will not be compromised or impaired by the ability of the Applicant to sell beneficial interests in each Trust, and there will not be a conflict of interest between the Bondholders and the holders of the beneficial interests for several reasons: (a) The Collateral which initially will be deposited into each Trust and will be pledged to secure the Bonds issued by such Trust will not be speculative in nature because it will consist solely of GNMA Certificates, FNMA Certificates or FHLMC Certificates, which Mortgage Certificates are guaranteed as to timely payment of interest and timely or ultimate payment of principal by each respective agency; (b) the Bonds will only be issued provided an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories, which by definition means that the capacity of the issuing Trust to repay principal and interest on the Bonds is extremely strong; (c) the Indenture under which the Bonds will be issued subjects the collateral pledged to secure the Bonds, all income contributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Trustee on behalf of the Bondholders;[2] and (d) the owners of the beneficial interests will be entitled to receive current distributions representing the residual payments on the collateral from each Trust in accordance with the terms of the applicable Trust Agreement, which distributions are analogous to dividends payable to a shareholder of a corporate issuer of collateralized mortgage obligations. Furthermore, unless the Trust elects to be treated as a "real estate mortgage investment conduit" under the Internal Revenue Code of 1986, the beneficial interest owners will be liable for the expenses, taxes and other liabilities of the Trust (other than the principal and interest on the Bonds) to the extent not previously paid from the trust estate. The choice of the form of issuer for the collateralized mortgage obligations and the identity of the owners of the beneficial interests in such issuer, however, will not alter in any way the payments made to the holders of such collateralized mortgage obligations, which are payments governed by an Indenture which will meet the requirements of the Trust Indenture Act of 1939.

10. The aggregate interests of the owners of the beneficial interests in the collateral and the expected returns earned by such owners will be far less than the payments made to Bondholders. Applicant does not intend to deposit in any Trust, Mortgage Certificates with a collateral value which exceeds 110% of the aggregate principal amount of the related Bonds.

11. Except to the extent permitted by the limited right to substitute collateral; it will not be possible for the owners of the beneficial interests to alter the collateral initially deposited into a Trust, and in no event will such right to substitute collateral result in a diminution in the value or quality of such collateral. Although it is possible that any collateral substituted for collateral initially deposited into a Trust may have a different prepayment experience than the original collateral, the interests of the Bondholders will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the control of the owners of the beneficial interests, which market conditions are likely to affect all mortgage certificates of similar payment terms and maturities in a similar fashion; (b) the interests of the holders of the beneficial interests are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience; and (c) to the extent that it may be possible for the owners of the beneficial interests to cause the substitution of collateral which has a different prepayment experience than the original collateral, this situation is no different for the Bondholders than the traditional collateralized mortgage obligation structure where bonds are issued by an entity that is a wholly-owned subsidiary. Further, due to the fact that there usually will be more than one owner of the Trust, it appears less likely that the owners will be able to agree on any desired substitution of collateral than if there were a single owner who could unilaterally decide on the timing and execution of the substitution.

12. For additional representations and conditions concerning classes of Bonds, certain optional and mandatory redemption features, and the application

[2] The Indenture further specifically provides that no amounts may be released from the lien of the Indenture to be remitted to the issuing Trust (and any owner of the beneficial interests thereof) until (i) the Trustee has made the scheduled payment of principal and interest on the Bonds, (ii) the Trustee has received all fees currently owed to it, and (iii) to the extent required by any supplemental indentures executed in connection with the issuance of the Bonds, deposits have been made to certain reserve funds which will ultimately be used to make payments of principal and interest on the Bonds. Once amounts have been released from the lien of the Indenture, the Trust Agreement for each Trust will provide that the Owner Trustee under the Trust Agreement will have a lien superior to that of the owners of the beneficial interests of the Trust to the remaining cash flow.

of "excess cash flow," see the application.

13. The requested order is necessary and appropriate in the public interest because: (a) The Trusts should not be deemed to be entities to which the provisions of the 1940 Act were intended to be applied; (b) the Trusts may be unable to proceed with their proposed activities if the uncertainties concerning the applicability of the 1940 Act are not removed; (c) the Trust's activities are intended to serve a recognized and critical public need; (d) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemption provisions of the 1933 Act and thereafter by the Trustee representing their interests under the Indenture; and (e) the beneficial interests in the Trusts will be held entirely by the Applicant or offered only to a limited number of sophisticated institutional investors through private placements.

**Applicant's Conditions**

Applicant agrees that if an order is granted it will be expressly conditioned on the following conditions:

(1) Each Series of Bonds will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

(2) The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, as amended. However, the collateral directly securing the Bonds will be limited to GNMA Certificates, FNMA Certificates, or FHLMC Certificates.

(3) If new mortgage collateral is substituted, the substitute collateral will: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; and (vi) meet the conditions set forth in paragraphs (2) and (4). In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as mortgage collateral. In no event may any new mortgage collateral be substituted for any substitute mortgage collateral.

(4) All Mortgage Certificates, funds, accounts or other collateral securing a Series of Bonds ("Collateral") will be held by a Trustee, or on behalf of a Trustee by an independent custodian. The custodian may not be an affiliate (as the term "affiliate" is defined in Rule 405 under the 1933 Act, 17 CFR 230.405) of the Applicant. The Trustee will be provided with a first priority perfected security or lien interest in and to all collateral.

(5) Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating agency that is not affiliated with the Applicant. The Bonds will not be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

(6) No less often than annually, an independent public accountant will audit the books and records of each Trust and, in addition, will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's reports will be provided to the Trustee.

(7) In addition, the above representations regarding the equity interests (and more fully described in the application) will be express conditions to the requested order.

For the Commission, by the Division of Investment Management, under delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26271 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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**[Rel. No. IC-15414; File No. 811-3998]**

## Morgan Grenfell International Dollar Fund; Application for Deregistration

**AGENCY:** Security and Exchange Commission ("SEC").

**ACTION:** Notice of application for deregistration under the Investment Company Act of 1940 ("1940").

*Applicant:* Morgan Grenfell International Dollar Fund.

*Relevant 1940 Act Section:* Deregistration under section 8 (f).

*Summary of Application:* Applicant seeks an order declaring that it has ceased to be an investment company.

**DATE:** *Filing Date:* The application was filed on September 5, 1986.

*Hearing or Notification of Hearing:* If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 8, 1986. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for attorneys, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

**ADDRESSES:** SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 520 Madison Avenue, New York, New York 10022.

**FOR FURTHER INFORMATION CONTACT:** Sherry A. Hutchins, Staff Attorney (202) 272-2799 or Brion Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3262 (in Maryland (301) 253-4300).

**Applicant's Representations**

(1) On March 29, 1984, Applicant filed a notification of registration on Form N-8A, a registration statement on Form N-1A and registered as an open-end diversified management company. The registration statement was declared effective June 8, 1984.

(2) The Board of Trustees of Applicant determined to liquidate Applicant and Applicant was dissolved under Massachusetts law on June 27, 1986. Applicant's sole shareholder consented to such termination.

(3) Applicant never made a public offering of its securities, has no debts or other liabilities outstanding and is not a party to any litigation or administrative proceedings. Applicant has no shareholders and is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Dated: November 14, 1986.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 86-26272 Filed 11-20-86; 8:45 am]

BILLING CODE 8010-01-M

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## DEPARTMENT OF STATE

**[CM-8/1023]**

## Advisory Committee on South Africa; Closed Meeting

The Advisory Committee on South Africa will meet in a closed session on December 2,

1986. The meeting will commence at 9 a.m. and will be held in Room 7219, Department of State, Washington, DC.

The session will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552b(c)(1) and (c)(9)(B). The Committee will have access to and will discuss classified information. Disclosure of the Committee's deliberations could adversely affect the Committee's ability to function as a group in providing the Secretary of State with advice on matters of critical importance to the conduct of United States foreign policy. The purpose of the meeting will be to discuss the current situation in South Africa and to evaluate U.S. policy toward South Africa.

Requests for further information should be directed to: Ann Miller (202) 632-0190, 1730 K Street NW., Washington, DC 20006.

Dated: November 18, 1986.

**C. William Kontos,**

*Executive Director.*

[FR Doc. 86-26349 Filed 11-20-86; 8:45 am]

BILLING CODE 4710-26-M

## DEPARTMENT OF THE TREASURY

### Office of the Comptroller of the Currency

### Privacy Act of 1974; Proposed Changes to a System of Records

**AGENCY:** Office of the Comptroller of the Currency; Treasury.

**ACTION:** Notice of proposed change to system of records.

**SUMMARY:** Pursuant to the requirements of the Privacy Act of 1974, the Office of the Comptroller of the Currency (Office) gives notice of a change to Treasury/Comptroller .013, the system of records entitled the Enforcement and Compliance Information System (ECIS). The changes are proposed in order to permit the Office to maintain additional information within the system concerning individuals who are the subject of or witnesses in investigations, enforcement actions, and criminal referrals instituted by the agency. The expansion of the system will facilitate the performance of the Office's law enforcement functions.

**DATES:** Comments must be received no later than December 22, 1986. The changes to the system of records will become effective January 20, 1987.

**ADDRESS:** Comments should be sent to Communications Division, Office of the Comptroller of the Currency, Washington, DC 20219, Attn: Lynnette Carter, (202) 447-1800.

**FOR FURTHER INFORMATION CONTACT:** Laura Hedal, Attorney, Securities and Corporate Practices Division, (202) 447-1954, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:**

**1. Purpose**

ECIS is a system of records containing names of persons who are suspected of crimes or violations of law or who have been the subject of administrative enforcement actions. This information is used to enhance the Office's ability to track criminal referrals, to analyze applications for bank charters and changes in bank control and to evaluate proposed bank directors or officers.

**2. Reasons for the Changes**

The proposed amendments will expand the purpose of the system to include records contained in those investigation, enforcement action, and criminal referral files maintained by the Office which will be indexed and retrievable by name of individual. Maintaining the proposed additional information within the system of records will enhance the Office's ability to conduct investigations and to carry out enforcement actions against individuals pursuant to its authority under the Securities Exchange Act of 1934 and the national banking laws (12 U.S.C. 1818 and 1817(j)).

**3. Changes to the System**

ECIS will be expanded to include information about individuals who are the subject of or have been or may be witnesses in investigations, enforcement actions, and criminal referrals instituted by this Office pursuant to its enforcement authority under the Securities Exchange Act of 1934 and the national banking laws. The categories of records maintained in the system will be enlarged to include information describing the known or suspected violations of law, evidentiary material, transcripts of testimony, documents prepared for administrative or court proceedings, related correspondence and staff memoranda. The record source categories will be expanded to include information contained in filings made with the Office pursuant to law and to include communications and documents received by the Office in the course of its bank regulatory functions. In addition, six new routine uses are published for the system. Certain of the records maintained in the system will now be stored in investigation and enforcement action files and in criminal referral files which will be indexed and retrievable by name of individual. The Director of the Securities and Corporate Practices Division is named as an additional systems manager.

The Office is also publishing technical amendments in the category entitled "Systems Exempted from Certain Provisions of the Act," changing the citations from 5 U.S.C. 552a(j)(4) to 5 U.S.C. 552a(j)(2). This will correct typographical errors which appeared in the previously published ECIS system notice, (50 FR 30334).

**Treasury/Comptroller .013**

**SYSTEM NAME:**

Enforcement and Compliance Information System—Treasury/Comptroller .013.

**SYSTEM LOCATION:**

Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, D.C. 20219

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and entities involved in actual or suspected fraudulent activities or other violation of law, and bank directors, officers and shareholders named in administrative enforcement actions; actual or potential witnesses in investigations and enforcement actions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information identifying the individual, describing the known or suspected criminal activity or violation of law or the enforcement action in which the individual is involved or named, giving the bank name and location, and where applicable, the law enforcement agency to which referred and date referred, indicating if a grand jury subpoena has been issued, indicating other actions, and identifying the OCC attorney. These records also include evidentiary material, transcripts of testimony, documents prepared for administrative or court proceedings, correspondence and staff memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 481, 1817(j), 1818, and 1820; 15 U.S.C. 78c(a)(34), 781(i), 78u, 78o-4.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records may be used: (1) To provide the Department of Justice with periodic reports which indicate the number, place and individual identity of outstanding potential criminal violations of the law which have been referred to the Department. (2) To provide the Office of the Comptroller of the Currency with statistical information to respond to general information requests from the

Congress. (3) To disclose information to foreign governments in accordance with formal or informal international agreements. (4) To disclose information to the news media in accordance with guidelines contained in 28 CFR 50.2 which covers release of information relating to civil and criminal proceedings. (5) To disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) To provide information or records to any other appropriate domestic or foreign governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing a statute, rule, regulation, order or license. (7) To disclose information to a court, magistrate, or administrative tribunal, including disclosure to opposing counsel or potential or actual witnesses in the course of discovery, in litigation or settlement negotiations, or in response to a subpoena, where relevant or potentially relevant to the proceeding. (8) To disclose information of federally insured financial institutions in connection with such institutions' hiring or retention of an employee, when considered appropriate. (9) When considered appropriate, to disclose information to a bar association, the American Institute of Certified Public Accountants, or other professional organization performing similar functions, for possible disciplinary action. (10) To disclose information to members of Congress in response to an inquiry made at the request of the individual to whom the record pertains. (11) To disclose information to any person with whom the Comptroller contracts to reproduce, by typing, photocopying or other means, any record within this system for use by the Comptroller and its staff in connection with their official duties or to any person who is utilized by the Comptroller to perform clerical or stenographic functions relating to the offical business of the Comptroller.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records will be maintained in general correspondence files, enforcement action and investigatory files, criminal referral files, in card files and on computer discs.

**RETRIEVABILITY:**

Some records will be indexed by bank name and location. In addition, records on computer discs or in enforcement action, investigatory, or criminal referral files will be indexed by name of individual. Records on computer discs will also be indexed by code provision known or suspected to be violated.

**SAFEGUARDS:**

Correspondence files are stored in the Office's central file room and may only be retrieved by authorized personnel. Enforcement, investigation, and criminal referral files are stored in lockable file cabinets and accessible only to authorized personnel. Card files will be stored in lockable file cabinets. Computer discs will be accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Enforcement and Compliance Division, and Director, Securities and Corporate Practices Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Certain records in this system are exempt from notification requirements under 5 U.S.C. 552a(k)(2) of the Act as relating to investigatory material compiled for law enforcement purposes. Requests relating to records not subject to the exemption should contain the following elements: (1) Identity of the record system; (2) identity of the category and type of records sought; (3) the location of the Comptroller of the Currency office where the record might be stored; and (4) at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Submit requests to Director, Public Affairs, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit requests to Director, Public Affairs, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**RECORD SOURCE CATEGORIES:**

Examination of national banks by national bank examiners; investigations performed by agency attorneys and notifications from the Department of Justice, other Federal and State law enforcement agencies, and other Federal and State bank regulatory agencies; filings made with the Office of the Comptroller of the Currency pursuant to law; communications and documents received by the agency in the course of its bank supervisory activities.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Components of the system have been designated as exempt under 5 U.S.C. 552a(j)(2). To the extent that the exemption under 5 U.S.C. 552a(j)(2) does not apply, components of the system are exempt under 5 U.S.C. 552a(k)(2).

Dated: November 17, 1986.

**John F. W. Rogers,**

*Assistant Secretary of the Treasury (Management).*

[FR Doc. 86-26307 Filed 11-20-86; 8:45 am]

**BILLING CODE 4810-31-M**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Renewal of NTT Agreement; Request for Comments

**AGENCY:** Trade Policy Staff Committee, Office of the United States Trade Representative, Executive Office of the President.

**ACTION:** Request for comments.

**SUMMARY:** In connection with the renewal of the agreement between the United States and Japan relating to government procurement in the field of telecommunications (the "NTT Agreement"), the Trade Policy Staff Committee requests comments from the public.

**DATE AND ADDRESS:** Interested parties should submit written comments no later than December 5, 1986 to Carolyn Frank, Secretary, Trade Policy Staff Committee, Office of the U.S. Trade Representative, 600 17th St., NW, Room 521, Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Beverly Vaughan, Director for Procurement Trade Policy Office of the U.S. Trade Representative, (202) 395-3063.

**SUPPLEMENTARY INFORMATION:** On December 19, 1980, the United States entered into an agreement with Japan relating to government procurement in the field of telecommunications (TIAS 9961). This agreement, commonly known as the "NTT Agreement", was continued in effect by an exchange of letters between the governments of the United States and Japan on January 30, 1984, effective January 1, 1984 (TIAS ———). The scheduled expiration date for the NTT Agreement as extended is December 31, 1987.

The Office of the U.S. Trade Representative intends to renew the

NTT Agreement. To assist in this process, comments are solicited from interested parties. Comments should state views concisely and with particularity, and should state the nature of the interest of the party on whose behalf comments are submitted. Comments must be submitted in 20 copies by December 5, 1986 to the Trade Policy Staff Committee at the address above.

**Donald Phillips,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc. 86-26457 Filed 11-21-86; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register
Vol. 51, No. 225
Friday, November 21, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**CONSUMER PRODUCT SAFETY COMMISSION**

**"FEDERAL REGISTER" ANNOUNCEMENT OF PREVIOUS CITATION:** Vol. 51 No. 220, page 41460.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING:** November 21, 1986 at 10:00 a.m.

**CHANGES:** Agenda revised to add item 2, Operating Plan, and to change the time of the meeting.

**LISTED BELOW IS THE REVISED AGENDA:**

Commission Meeting, Monday, November 24, 1986, 1:00 p.m.
Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

**Open to the Public**

*1. General Policy Statement*

The Commission will consider a proposed Statement of General Policy concerning the structure and workings of the Commission Staff and the flow of information within the Agency.

*2. FY 1987 Operating Plan*

The Commission will consider the 1987 Operating Plan.

The Commission decided that Agency business required scheduling this meeting without normal advance notice.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** 301–492–5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

**Edward J. Chapin,**

*Acting Deputy Secretary.*

[FR Doc. 86–26426 Filed 11–19–86; 2:22 p.m.]

BILLING CODE 6355–01–M

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**FEDERAL MARITIME COMMISSION**

**TIME AND DATE:** 10:00 a.m., November 25, 1986.

**PLACE:** Hearing Room One, 1100 L Street, NW., Washington, DC 20573.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Yangming Marine Transport, Evergreen Marine Corporation and Orient Overseas Container Line, Inc.; Proposed Investigation of Unfiled Agreements.
2. Fact Finding Investigation No. 14—Possible Unlawful Activity of Eller & Company, Inc., Harrington & Company, Inc., and Continental Stevedoring and Terminal, Inc.
3. Classification of Nauru Pacific Line and National Shipping Corporation of the Philippines as Controlled Carriers.

**CONTACT PERSON FOR MORE INFORMATION:** Joseph C. Polking, Secretary (202) 523–5725.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 86–26376 Filed 11–19–86; 11:23 am]

BILLING CODE 6730–01–M

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**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** 11:00 a.m., Tuesday, November 18, 1986.

The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

**PLACE:** 20th Street and Constitution Avenue, NW., Washington, DC 20551.

**STATUS:** Closed.

**MATTERS CONSIDERED:** Federal Reserve Bank director matter.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 18, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86–26334 Filed 11–18–86; 5:02 pm]

BILLING CODE 6210–01–M

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**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** 10:00 a.m., Wednesday, November 26, 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 18, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86–26335 Filed 11–18–86; 5:02 pm]

BILLING CODE 6210–01–M

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**FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS**

**TIME AND DATE:** 10:00 a.m., Monday, November 24, 1986.

The business of the Board requires that this meeting be held with less than one week's advance notice to the public and no earlier announcement of the meeting was practicable.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

*Summary Agenda*

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to index the low reserve tranche for transactions accounts, the reserve requirements exemption amount, and the reporting cutoff level for 1987.

*Discussion Agenda*

2. Consideration of proposal for public comment regarding real estate activities of bank holding companies. (Proposed earlier for public comment; Docket No. R–0537)
3. Any items carried forward from a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: November 18, 1986.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 86-26373 Filed 11-19-86; 10:54 am]

BILLING CODE 6210-01-M

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**POSTAL SERVICE**

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. section 552b), hereby gives notice that it intends to hold meetings at 1:00 p.m. on Monday, December 1, 1986, in Washington, DC, and at 8:30 a.m. on Tuesday, December 2, 1986, in the Benjamin Franklin Room, U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, DC. As indicated in the following paragraph, the December 1 meeting is closed to public observation. The December 2 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

At its meeting on November 4, 1986, the Board voted in accordance with the provisions of the Government in the Sunshine Act to close to public observation its meeting scheduled for December 1, 1986, to consider the Postal Rate Commission's Recommended Decision on Destination-BMC Parcel Post. (See 51 FR 41044, November 12, 1986.)

**Agenda**

*Monday Session*

December 1, 1986—1:00 p.m. (Closed)

1. Consideration of Postal Rate Commission's Recommended Decision on Destination-BMC Parcel Post.

*Tuesday Session*

December 2, 1986—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, November 3-4, 1986.
2. Remarks of the Postmaster General.
3. Officer Compensation.
4. Consideration of the FY 1986 Financial Statements.
5. Briefing on Procurement Study.
6. Postal Service Budget Program.
7. FY 87 Borrowing.
8. Annual Comprehensive Statement to Congress.
9. Chief Postal Inspector's Report on Consumer Protection (Pub. L. 98-186).
10. Capital Investments:
    a. Montgomery, Alabama, GMF.
    b. Gainesville, Florida, GMF.
    c. Small parcel sorters.
11. Tentative agenda for January 5-6, 1987, meeting in Washington, DC.

**David F. Harris,**

*Secretary.*

[FR Doc. 86-26351 Filed 11-19-86; 10:20 am]

BILLING CODE 7710-12-M

# Corrections

Federal Register
Vol. 51, No. 225
Friday, November 21, 1986

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency-prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### National Bureau of Standards

[Docket No. 60116-6175]

### Federal Information Processing Standards Publication 125; MUMPS; Approval

*Correction*

In notice document 86-24860 beginning on page 40056 in the issue of Tuesday, November 4, 1986, make the following corrections: On page 40057, in the second column, in the third line of paragraph e., insert "program" after "automatic"; and in the fifth line, insert "generator" after "program".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140079; FRL-3100-1]

### Contractor and Subcontractor Access to Confidential Business Information

*Correction*

In notice document 86-24132 beginning on page 37786 in the issue of Friday, October 24, 1986, make the following corrections:

1. On page 37787, in the first column, second paragraph, thirteenth line, "CFR" should read "CRC"; and on the same page, second column, third line from the bottom, insert "be" after "may".

BILLING CODE 1505-01-D

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00233; FRL-3102-2]

### FIFRA Scientific Advisory Panel; Open Meeting

*Correction*

In notice document 86-24197 beginning on page 37785 in the issue of Friday, October 24, 1986, make the following corrections:

1. On page 37785, in the last line of the second column, after "Agency's" insert "proposed regulatory decision on dinocap."

2. On the same page, the first two lines of the third column should be moved to become the last two lines of column three.

3. On the same page, in the third column, in the eighteenth line from the bottom, "Francis" should read "Frances".

4. On page 37786, delete the first two lines of the first column.

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 520

### Oral Dosage Form New Animal Drugs Not Subject to Certification; Morantel Tartrate Cartridge

*Correction*

In rule document 86-25541 appearing on page 41081 in the issue of Thursday, November 13, 1986, make the following correction:

In the third column, in the second line of the Authority, "360(i)" should read "360b(i)".

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 33 CFR Part 110

[CGD3-85-81]

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

*Correction*

In rule document 86-24796 appearing on page 39857 in the issue of Monday, November 3, 1986, make the following correction:

§ 110.60 [Corrected]

In the third column, in the fourth line of paragraph (p-1), the N. long. description should read "73°52'04" W".

BILLING CODE 1505-01-D

Federal Register

Friday
November 21, 1986

## Part II

# Department of Justice

**Bureau of Prisons**

**28 CFR Part 544**

**Control, Custody, Care, Treatment and Instruction of Inmates; Adult Basic Education (ABE) Programs; Interim Rule**

**28 CFR Part 545**

**Control, Custody, Care, Treatment and Instruction of Inmates; Financial Responsibility Program; Proposed Rule**

**DEPARTMENT OF JUSTICE**

**Bureau of Prisons**

**28 CFR Part 544**

## Control, Custody, Care, Treatment and Instruction of Inmates; Adult Basic Education (ABE) Programs

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Interim rule.

**SUMMARY:** In this document, the Bureau of Prisons is amending its final rule on adult basic education (ABE) programs to clarify an issue concerning the promotion of an inmate above the fourth grade level of pay when that inmate has been exempted from the rule's mandatory ABE educational requirements.

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

**ADDRESS:** Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534.

**FOR FURTHER INFORMATION CONTACT:** Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

**SUPPLEMENTARY INFORMATION:** The Bureau of Prisons is amending its final rule on adult basic education (ABE) programs. A final rule on this subject was published in the **Federal Register** June 10, 1986 (at 51 FR 21114 et seq.). The present amendment is intended to clarify the Bureau's rule regarding promotions to pay grades above the fourth grade level for inmates exempted by § 544.71(a) from the mandatory ABE educational requirements.

Section 544.71(a) states that the ABE provisions of the subpart on adult basic education programs apply to all inmates in Federal institutions except those inmates for whom the Bureau believes it is inappropriate to require placement in a *mandatory* ABE program. Six exemptions are listed. Section 544.71(a)(1)–(3), exempts pre-trial inmates, inmates committed for study and observation under 18 U.S.C. 4205(c), and sentenced aliens with deportation detainers. These exemptions were not based on the inmate's efforts, but rather on the nature of the inmate's confinement, and the belief that it was not feasible to require ABE participation.

The exemptions in § 544.71(a) (4) and (5) include inmates who during their present confinement previously completed the ABE program or who were already occupying a grade level 1, 2, or 3 UNICOR or IPP work assignment at the time the increased academic grade level requirement was implemented. Both of these exemptions recognized the efforts previously made by the affected inmates, in accordance with the Bureau policy then in effect. The last exemption, § 544.71(a)(6), authorizes Wardens to exempt, for good cause, other inmates from the provisions of the rule.

Section 544.71(a) did not specifically address the issue of pay compensation above the fourth grade, and it appears that some institutions have interpreted paragraphs (a) (1) through (3) to apply to both the educational and pay requirements, while other institutions have interpreted the exemption as limited to the education area. The present revision is intended to clarify the Bureau's policy by stating that the exemptions listed in (a) (1) through (3) are limited to the educational area, while the exemptions listed in paragraph (a) (4) through (6) apply to both the educational and pay compensation area. For an inmate exempted by (a) (1) through (3) to go above the 4th grade of compensation, that inmate must voluntarily enroll in, and complete the ABE program, or obtain a "good cause" exemption from the Warden. Section 544.71(a)(6) is amended to reflect this intent.

This revision will not affect the current earning status of those inmates within paragraphs (a) (1) through (3) who are already being compensated at pay Grades 1, 2, or 3. If the inmate should subsequently lose this status, that inmate would then fall under the provisions of this rule. The rule, as amended, eliminates any preferential treatment based solely on the nature of the inmate's confinement, while not penalizing the efforts of other inmates or those already exempted. Based on these facts, plus the fact that Wardens are authorized to exempt any inmate from the provisions of this rule, the Bureau of Prisons finds good cause under 5 U.S.C. 553, to make this amendment effective immediately, without notice of proposed rulemaking, an opportunity for public comment, or a delay in the effective date. The Bureau has decided, however, to publish this amendment as an interim rule to determine if any further revision or clarification will be required. Public comment received on or before the closing date will be considered prior to publication of the final amendment.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entitites.

### List of Subjects in 28 CFR Part 544

Education, Libraries, Prisoners, Recreation.

### Conclusion

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(q), 28 CFR, Chapter V, Subchapter C, Part 544, Subpart H is amended as set forth below.

Dated: November 17, 1986.

**Norman A. Carlson,**

*Director, Bureau of Prisons.*

**SUBCHAPTER C—INSTITUTION MANAGEMENT**

## PART 544—EDUCATION

In Subchapter C, Part 544, amend Subpart H to read as follows:

### Subpart H—Adult Basic Education (ABE) Program

A. The authority citation for Part 544, Subpart H continues to read as follows:

**Authority:** 5 U.S.C. 301; 18 U.S.C. 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

**§ 544.71 [Amended]**

B. In Part 544, Subpart H, revise § 544.71(a)(6) to read as follows:

**§ 544.71 Applicability**

(a) * * *

(6) Other inmates who, for good cause, the Warden may determine are exempt from the provisions of this rule. Inmates exempted under the provisions of paragraphs (a) (1), (2), and (3) of this section ordinarily may not be promoted above the fourth grade of compensation unless they meet the 8.0 academic achievement level. The Warden may, for good cause, exempt individuals from this requirement, and shall document the basis for the exemption.

* * * * *

[FR Doc. 86–26293 Filed 11–20–86; 8:45 am]

BILLING CODE 4410–05–M

**DEPARTMENT OF JUSTICE**

**Bureau of Prisons**

**28 CFR Part 545**

## Control, Custody, Care, Treatment and Instruction of Inmates, Financial Responsibility Program

**AGENCY:** Bureau of Prisons, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** In this document, the Bureau of Prisons is publishing a new proposed rule on the Bureau's inmate financial responsibility program. The rule describes the Bureau's policy on encouraging inmates to satisfy legitimate financial obligations by providing inmates with the opportunity to develop a financial plan.

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

**ADDRESS:** Office of General Counsel, Bureau of Prisons, Room 770, 320 1st Street, NW., Washington, DC 20534. Comments received will be available for examination by interested persons at the above address.

**FOR FURTHER INFORMATION CONTACT:** Hank Jacob, Office of General Counsel, Bureau of Prisons, phone 202/272–6874.

**SUPPLEMENTARY INFORMATION:** Pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons, in 28 CFR 0.96(q), notice is hereby given that the Bureau of Prisons intends to publish in the **Federal Register** a new proposed rule on the inmate financial responsibility program.

The Bureau's proposed rule on inmate financial responsibilty is intended to encourage inmates to satisfy legitimate financial obligations. The rule requires that staff review an inmate's financial obligation(s), ordinarily during initial classification, and develop a plan to meet those obligation(s) by using the inmate's outside resources and/or institution earnings for payment. Inmates already classified at the time the rule is implemented would be reviewed, and have a financial plan developed, at their next scheduled review at the institution. The rule requires inmates to be responsible for making all payments required by the plan. The rule also requires that staff consider the inmate's efforts to meet identified obligations as indicative of the inmate's acceptance of financial responsibility.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. The Bureau of Prisons has determined that EO 12291 does not apply to this rule since the rule involves agency management. After review of the law and regulations, the Director, Bureau of Prisons, has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

Interested persons may participate in this proposed rule making by submitting data, views, or arguments in writing to the Bureau of Prisons, Room 770, 320 1st Street NW., Washington, D.C. 20534. Comments received will be considered before final action is taken. The proposed rule may be changed in light of the comments received. No oral hearings are contemplated.

**List of Subjects in 28 CFR Part 545**

Prisoners.

**SUBCHAPTER C—INSTITUTION MANAGEMENT**

In consideration of the the foregoing, it is proposed to amend Subchapter C of 28 CFR, Chapter V, by adding a new Subpart B to Part 545.

## PART 545—WORK AND COMPENSATION

Part 545, Subpart B consisting of §§ 545.10 and 545.11 is added to read as follows:

**Subpart B—Inmate Financial Responsibility Program**

Sec.
545.10 Purpose and Scope.
545.11 Procedures.

**Authority:** 5 U.S.C. 301; 18 U.S.C. 3013, 4001, 4042, 4081, 4082, 5006–5024, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

### Subpart B—Inmate Financial Responsibility Program

#### § 545.10 Purpose and Scope.

The Bureau of Prisons encourages each sentenced inmate to satisfy his legitimate financial obligations. As part of the initial classification process, Bureau staff will provide the inmate with the opportunity to develop a financial plan for satisfying these obligations. At subsequent program reviews, Bureau staff shall consider the inmate's efforts to meet these financial obligations as indicative of the inmate's acceptance of responsibility.

#### § 545.11 Procedures.

Unit staff shall meet with each inmate with identified financial obligation(s) to develop a plan for meeting the obligation(s) by using the inmate's outside resources and/or institution earnings for payment.

(a) *Developing a Financial Plan.* At initial classification, the unit team will review an inmate's financial obligations. All documentation should be considered, including, but not limited to, the Pre-Sentence Report and the Judgment and Commitment Order(s). A financial plan shall be developed and documented and will include the following obligations, in priority order:

(1) Special assessments imposed under 18 U.S.C. 3013;

(2) Court-ordered restitution;

(3) Fines and court costs;

(4) Judgments in favor of the United States; and

(5) Other debts owed the federal government.

(b) *Payment.* The inmate is responsible for making all payments required by the financial responsibility plan, and for providing documentation to staff. Payments may be made from earnings of the inmate within the institution and/or from outside resources. The minimal amount of payment that may be made by a participant will be set by the Assistant Director, Correctional Programs Division.

(c) *Monitoring.* An inmate's participation in the financial responsibility plan will be reviewed each time staff assess the inmate's demonstrated level of responsible behavior, including when determining security/custody classification level, eligibility for community activities, good time status, housing assignments, work assignments, etc. Progress on the financial responsibility plan will be reported to the United States Parole Commission. An inmate who fails to demonstrate financial responsibility may not secure a UNICOR work assignment, nor receive performance pay above the maintenance pay level. An inmate already in a UNICOR work assignment or receiving performance pay who fails to make adequate progress on the financial plan will be considered for removal from UNICOR, or reduction to the maintenance pay level of performance pay.

Dated: November 17, 1986.

**Norman A. Carlson,**

*Director, Bureau of Prisons.*

[FR Doc. 86–26295 Filed 11–20–86; 8:45 am]

BILLING CODE 4410–05–M

federal register

Friday
November 21,1986

Part III

# Department of Agriculture

## Cooperative State Research Service

## Special Research Grants Program for Fiscal Year 1987; Solicitation of Applications

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research Service

### Special Research Grants Program for Fiscal Year 1987; Solicitation of Applications

Applications are invited for competitive grant awards under the Special Research Grants Program for Fiscal Year 1987.

The authority for this program is contained in section 2(c)(1) of the Act of August 4, 1965, Pub. L. 89–106, as amended (7 U.S.C. 450i(c)(1)). This program is administered by the Cooperative State Research Service (CSRS) of the U.S. Department of Agriculture (USDA). Under this program, and subject to the availability of funds, the Secretary may award grants for periods not to exceed five years, for the support of research projects to further the programs discussed below. Proposals may be submitted by any land-grant college or university, research foundation established by a land-grant college or university, State agricultural experiment station, and any college or university having a demonstrable capacity in food and agricultural research. Proposals from scientists at non-United States organizations will not be considered for support.

#### Applicable Regulations

Regulations applicable to this program include the following: (a) The regulation governing the Special Research Grants Program, 7 CFR Part 3400 (50 FR 5498, February 8, 1985), which sets forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; and (b) the USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015.

#### Introduction to Program Description

Standard grants will be awarded to support basic studies in selected areas of: (1) Animal health research and (2) aquaculture research. Consideration will be given to proposals that address innovative as well as fundamental approaches to the research areas outlined below and that are consistent with the mission of USDA. The following specific program areas and guidelines are thus provided as a base from which proposals may be developed:

#### Program Area

*1.0 Animal Health Research*

CSRS Contacts:

Dr. Dyarl D. King; Telephone: (202) 447–6428

Dr. Howard S. Teague; Telephone: (202) 447–3847

Funds will be awarded to support research seeking solutions to health problems of livestock and poultry and major aquaculture species. A total of $5,408,340 has been appropriated for this program area for Fiscal Year 1987. No more than $150,000 will be awarded for the support of any one project under the program area. A proposal will not be evaluated by more than one peer panel in the Animal Health program area.

*Investigators and co-investigators who have received Special Research Grant awards in the Animal Health area during the past five years must include a brief summary of progress and a list of publications resulting from such grants.*

The overall objective of this research is to develop and/or refine methodologies for suppression of animal losses due to infectious and noninfectious diseases and internal and external parasites of livestock, poultry and major aquaculture species.

Research should be directed toward: (1) Basic studies to clarify high priority infectious and noninfectious diseases and parasites or their interactive effects on animal health; and (2) development of practical, implementable management systems for the producer to prevent or alleviate these significant causes of animal losses. Interdisciplinary research is encouraged on predisposing factors to animal disease including the effects of production environment. Research may include clarification of complex or unknown etiologies including nutritional, physiological, genetic, and environmental interactions; development of improved methods of detecting disease agents or antibodies in animals, animal products, tissues, etc.; clarification of disease pathogenesis; determination of methods of disease transmission including transmission by embryo transfer, artificial insemination and importation of animal products (such studies should mimic as closely as possible the normal conditions of collection, preparation and use of these items); development of improved methods of immunization against disease agents that will provide solid and persistent protection without compromising diagnosis; development of alternative disease eradication methods so as to limit the use and dependence on biotoxic substances (such alternatives may include biologic methods, sterile male techniques, artificial pheromones, etc.); development of other disease prevention, control and eradication technology; and evaluation of the economics of disease and disease prevention or control.

The specific commodity areas, and their subcategories (not prioritized), in which projects will be funded are listed below. The commodity areas will be funded in the approximate percentages shown. Utilizing the recommendations of the peer panels, the Administrator of CSRS will make the final determination on specific grants to be awarded.

*1.1 Beef Cattle (approximately 41 percent of available funds)*

(1) Respiratory diseases.
(2) Reproductive diseases.
(3) Digestive and enteric diseases.
(4) Parasitic diseases.
(5) Metabolic diseases.

*1.2 Dairy Cattle (approximately 18 percent of available funds)*

(1) Mastitis.
(2) Reproductive diseases.
(3) Respiratory diseases.
(4) Digestive and enteric diseases.
(5) Metabolic diseases.

*1.3 Swine (approximately 18 percent of funds available)*

(1) Enteric diseases.
(2) Respiratory diseases.
(3) Reproductive diseases.
(4) Metabolic and musculoskeletal diseases.
(5) Parasitic diseases.

*1.4 Poultry (approximately 13 percent of funds available)*

(1) Respiratory diseases.
(2) Metabolic and immunologic diseases.
(3) Enteric diseases.
(4) Skeletal diseases.

*1.5 Sheep and Goats (approximately 5 percent of available funds)*

(1) Musculoskeletal diseases.
(2) Respiratory diseases.
(3) Digestive and enteric diseases.
(4) Internal parasitic diseases.

*1.6 Horses (approximately 3 percent available funds)*

(1) Respiratory diseases.
(2) Digestive and enteric diseases.
(3) Reproductive diseases.
(4) Musculoskeletal diseases.
(5) Parasitic diseases.

*1.7 Aquaculture (approximately 2 percent of available funds)*

(1) Infectious diseases.

(2) Parasitic diseases.

**Program Area**

*2.0 Aquaculture Research*

CSRS Contacts:

Dr. Meryl Broussard; Telephone: (202) 447–6014

Dr. Howard S. Teague; Telephone: (202) 447–3847

A total of $270,180 has been appropriated for this program area for Fiscal Year 1987. No more than $80,000 will be awarded for support of any one project under this program area, regardless of the amount requested. The objective of this research is to provide and improve upon the scientific and technical base needed by the aquaculture industry.

Proposals focused on production of commercially important aquaculture species in the following *specific areas of inquiry* will be considered:

*2.1 Improved Production Efficiency in Nutrient Requirements, Reproduction and Breeding, and Disease and Parasite Control*

*2.2 Improved Water Quality for Production*

**How To Obtain Application Materials**

Copies of this solicitation, the "Research Grant Application Kit," and the Administrative Provisions governing this program, 7 CFR Part 3400 (50 FR 5498, February 8, 1985), may be obtained by writing to the following address or by calling the telephone number below: Grants Administrative Management, Attention: Proposal Services Unit, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 005, J.S. Morrill Building, 15th and Independence Ave., SW., Washington, DC 20251; telephone number (202) 475–5049.

**What To Submit**

An original and 9 copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Each copy of the proposal must include a Form S&E–661, "Grant Application," which is included in the "Research Grant Application Kit." Proposers should note that one copy of this form, must contain pen and ink signatures of the Principal Investigator(s) and the Authorized Organizational Representatitive.

Members of review committees and the staff expect each project description to be complete in itself. Grant proposals must be limited to 10 pages (single-spaced) exclusive of required forms, bibliography and vitae of the principal investigators, senior associates and other professional personnel. Attachment of appendices is discouraged and should be included only if pertinent to the understanding of the proposal.

All copies of a proposal must be mailed in one package. Also, please see that each copy of each proposal is stapled securely in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the Application Requirements checklist contained in the "Research Grant Application Kit" and instructions contained in the regulations governing the Special Research Grants Program, 7 CFR Part 3400.

Applicants should not submit the same research proposal twice in the same fiscal year to different research program area categories within the Special Research Grants Program. Duplicate proposals will be returned without review.

**Where and When To Submit Grant Applications**

Each research grant application must be submitted by the date set forth below to: Grants Administrative Management, Attention: Proposal Services Unit, Office of Grants and Program Systems, U.S. Department of Agriculture, Room 005, J.S. Morrill Building, 15th and Independence Avenue, SW., Washington, DC 20251.

To be considered for funding during Fiscal Year 1987, *proposals must be received* in the Grants Administrative Management office *postmarked no later than February 16, 1986* for both the Animal Health Research and the Aquaculture Research program areas.

One copy of each proposal not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

**Special Instructions**

The Special Research Grants Program should be indicated in Block 7, and the applicable program area and commodity area should be indicated in Block 8 on Form S&E–661 provided in the Research Grant Application Kit. *Select one program area only.* The number assigned to the commodity area must also be cited in Block 8. Example: (Animal Health, 1.5 Sheep and Goats). The final determination of the program area and commodity area will be made by agency staff members and/or the appropriate peer review panel. The code numbers assigned to commodity areas and specific areas of inquiry are listed below:

1.0 Animal Health Research (use appropriate commodity area 1.1 through 1.7)
1.1 Beef Cattle
1.2 Dairy Cattle
1.3 Swine
1.4 Poultry
1.5 Sheep and Goats
1.6 Horses
1.7 Aquaculture
2.0 Aquaculture Research
2.1 Nutrient Requirements, Reproduction and Breeding, and Disease and Parasite Control.
2.2 Water Quality for Production.

**Supplementary Information**

The Special Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.200. For reasons set forth in the final-rule related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0525–0001.

The award of any grants under the Special Research Grants Program during FY 1987 is subject to the availability of funds.

Done at Washington, DC, this 17th day of November 1986.

**John Patrick Jordan,**

*Administrator, Cooperative State Research Service.*

[FR Doc. 86–26255 Filed 11–20–86; 8:45 am]

BILLING CODE 3410–22–M

federal register

Friday
November 21, 1986

Part IV

# Department of Transportation

**Research and Special Programs Administration**

**49 CFR Parts 171 and 172**
**Hazardous Substances; Final Rule**

**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 171 and 172**

**[Docket No. HM-145F, Amdt. Nos. 171-90, 172-108]**

## Hazardous Substances

**AGENCY:** Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This final rule amends the Hazardous Materials Regulations (HMR) by incorporating into these regulations, as hazardous materials, substances designated as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA); Pub. L. 96-510). This action is necessary to comply with the Superfund Amendments and Reauthorization Act of 1986. The intended effect of this action is to enable carriers of hazardous materials to specifically identify CERCLA hazardous substances and to make the required notification if a discharge occurs.

**EFFECTIVE DATE:** This regulation is effective January 1, 1987. Under this final rule, the exceptions provided in 49 CFR 172.101(j) will apply only to a hazardous substance that is subject to an entry in the 49 CFR 172.101 Table prior to January 1, 1987, unless there is a difference in its reportable quantity as specified in the Appendix adopted herein.

**FOR FURTHER INFORMATION CONTACT:** Lee Jackson (202) 366-4488 or George Cushmac (202) 366-4545, Office of Hazardous Materials Transportation, RSPA, Washington, DC 20590. Questions about hazardous substance designations or reportable quantities should be directed to the EPA. Call the RCRA/Superfund hotline at (800) 424-9346 or, in Washington, DC (202) 382-3000.

**SUPPLEMENTARY INFORMATION:**

### I. Background

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99-499), which made several important changes to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Section 202 of Pub. L. 99-499 amended section 306 of CERCLA to require that the Secretary list *and regulate* hazardous substances listed or designated under section 101(14) of CERCLA as hazardous materials within thirty days of enactment of the Amendments. RSPA is today publishing a final rule under Docket HM-145F to fulfill this requirement.

RSPA has been considering incorporating CERCLA hazardous substances into the Hazardous Materials Regulations (HMR, 49 CFR Parts 171-179) under Docket HM-145E, and published both an advance notice of proposed rulemaking (ANPRM, 49 FR 35965, August 8, 1983) and a notice of proposed rulemaking (NPRM, 51 FR 22902, June 23, 1986) dealing with these issues. The Superfund Amendments of 1986 have overtaken most of the issues presented in these two notices. In this final rule, RSPA has selected the most practical method of listing and regulating hazardous substances in order to comply with the statutory deadline. A few issues remain, such as whether or not to remove the hazardous substance discharge notification requirement found at 49 CFR 171.17 from the HMR. These issues will be dealt with in the future under Docket HM-145E. Issues raised in HM-145E which are dealt with in this final rule will not be raised again under Docket HM-145E.

Today's rule includes a list of current hazardous substances with their reportable quantities (RQs), funished by the U.S. Environmental Protection Agency (EPA). This list appears in an Appendix to § 172.101 (Appendix) which replaces the CERCLA List. In addition, the rule contains amendments which apply the HMR to these hazardous substances. It is RSPA's intention to make changes from time to time to the list of hazardous substances or their RQs in the Appendix as adjustments are made by EPA.

The listing of hazardous substances and application of the HMR to them in this rule is being done differently from procedures which have been required until now. Formerly, hazardous substances were integrated into the Hazardous Materials Table (Table) found at 49 CFR 172.101. This listing of hazardous substances in the Table contained the normal complement of entries (i.e., proper shipping name, hazard class, identification number, required labels, packaging requirements, quantity limitations aboard aircraft, and entries for water shipments), and in addition, for each hazardous substance, the notation "E" was placed in column 1 with an italicized "RQ" notation in column 2 following the proper shipping name which in turn was followed by two numbers: the reportable quantity in both pounds and kilograms. When a hazardous substance was shipped (and by definition, at least a reportable quantity of the material had to be present in the package), both the shipping paper and the package (unless it was a bulk package (greater than 110 gallons)) had to bear the notation "RQ". This was to alert persons that a reportable quantity of a hazardous substance was present, and, should a spill occur, require the spill to be reported to the National Response Center (NRC).

In this final rule, RSPA is not integrating hazardous substances into the Table, but is placing them in a separate list, along with the reportable quantity for each substance, in the Appendix. In fact, this rule removes the special notations ("E" in column 1 and "RQ" and quantities in column 2) for hazardous substances presently in the Table. Where the hazard class for the hazardous substance is "ORM-E" (Other Regulated Material, category E), which means that that material does not meet any DOT hazard class definition except ORM-E, and is regulated only because it is a hazardous substance, the entire entry is removed from the Table. All specified hazardous substances listed and regulated under the HMTA are now found in the separate list in the Appendix. The only generic hazardous substance entry now present in the Table is "Hazardous substance, liquid or solid, n.o.s." The hazard class is ORM-E and the identification (ID) number is NA9188. One other ORM-E entry remains in the table, i.e., "Hazardous waste, liquid *or* solid, n.o.s."; ID number NA 9189. Materials which are designated hazardous substances and which satisfy a DOT hazard class other than ORM-E will be listed in both the Table and the Appendix, but the special notations no longer appear in the Table. This rule also removes the "CERCLA List" that appears after the Table and replaces that list with the Appendix.

RSPA has chosen this approach because of the great difficulty RSPA has with classing these materials. In order to place them in the Table, RSPA must determine their proper hazard class, using the hazard class definitions found in the HMR. RSPA has not been able to do this in a timely fashion due to the inherent differences in the technical and programmatic approach to these materials taken by RSPA and EPA on whose initial determinations RSPA relies.

EPA adjusted the reportable quantities of a number of hazardous substances in a final rule published on April 4, 1985 (50 FR 13456). Following this rule, RSPA published the notice of proposed rulemaking (NPRM) under Docket HM-145E. In the NPRM, RSPA

proposed to integrate approximately 200 of these hazardous substances into the Table. Although RSPA has information from EPA on the physical, chemical, and toxicological properties of those materials, this NPRM was not published until June 23, 1986. This was due to the difficulty in determining the proper hazard class for the materials because they were either not suited to the established process for hazardous materials classification or because many of them were relatively obscure materials. In some cases DOT was not even able to establish the physical state (solid, liquid, or gas) for the materials designated by EPA. Given the size of this problem and the short time available to issue regulations in accordance with Pub. L. 99-499, RSPA has decided to abandon this approach and let shippers, who should know the properties of their materials, determine their proper shipping names, hazard classes, and the correct identification numbers. To do this, a shipper has the Table with its specific and generic entries, the hazard class definitions contained in Part 173, and the list of hazardous substances, including their RQ's, as designated by EPA in the Appendix. Under the HMR it has always been the responsibility of the shipper to class each material for shipment (except for explosives which require prior laboratory testing), and that responsibility remains in this final rule.

RSPA is aware that this approach will create some inconsistencies in the application of the regulations. For example, asbestos is presently regulated as an ORM-C, but the regulations only apply to asbestos that has commercial value, not waste asbestos. The packaging for commercial asbestos is specified at § 173.1090. However, asbestos is on the EPA list of hazardous substances at a reportable quantity of one pound, and this applies to all asbestos, commercial and waste, provided it is in a friable (loose) form. Therefore, under this rule commercial asbestos is regulated as an ORM-C, with packaging specified at § 173.1090, and waste asbestos is regulated as an ORM-E, with packaging specified at § 173.1300. This inconsistency occurs because of the statutory mandate in the Superfund Amendments to regulate all hazardous substances. RSPA will undertake regulatory action in the near future to correct this and other inconsistencies. Because the determination of the appropriate degree of regulation is discretionary, unlike today's action which is based on a statutory mandate, the future rulemaking will provide for notice and comment. Interested persons should withhold their comments until that notice is published.

Other than the expanded list of hazardous substances and the relocation of hazardous substances from the table to the Appendix, the regulatory requirements remain essentially the same. The shipper will have to determine the hazard class and proper shipping name for the material and the authorized packaging for the material using the Table and the packing authorizations contained in Part 173. When a hazardous substance is present in a shipment (i.e., there is a reportable quantity or more of the designated material in the package), the shipping paper entry must contain the notation "RQ". This requirement is unchanged. When the proper shipping name does not contain the name of the constituents which make the material a hazardous substance, that information must be added in association with the basic description. This requirement is also unchanged. In the case of waste streams, RSPA is requiring the use of the EPA waste number instead of the entire narrative waste stream description. The EPA waste number for the waste stream must be entered in association with the proper shipping name. In the case of a hazardous substance which satisfies one of the EPA "ICRE" hazardous waste characteristics of ignitibility, corrosivity, reactivity, or extraction procedure toxicity (EP toxicity), the requirement for additional information must be satisfied by using the letters, "EPA" followed by the word "ignitibility", or "corrosivity", or "reactivity", or "EP toxicity", as appropriate, in association with the basic description.

Procedures for marking non-bulk packagings (those of 110 gallons or less) also remain essentially the same. The "RQ" notation is required when a hazardous substance is present and if the proper shipping name does not include the constituent or constituents which make the material a hazardous substance, that information must be added in association with the proper shipping name. As is the case with shipping papers, when the hazardous substance is a waste stream or a waste material exhibiting an EPA "ICRE" characteristic, the additional identifying information required in the marking in association with the proper shipping name must be the waste stream number or, for the ICRE materials, the letters "EPA" and the word "ignitibility", or "corrosivity", or "reactivity", or "EP toxicity" as appropriate.

The regulatory action in this final rule is mandated by statute, and, for this reason, with one exception, RSPA is not affording persons affected by this rule the relief afforded by § 172.101(j) which allows up to one year after a change in the Table to use up stocks of preprinted shipping papers and to ship packages that were marked prior to the change. The exception is that RSPA is allowing preprinted shipping papers to be used and previously marked packages of hazardous substances to be transported if prepared in conformance with the requirements for hazardous substances prior to January 1, 1987. For example, shipping papers for a hazardous substance which read: "RQ, Adipic acid, ORM-E, NA9077", may be used until exhausted or until January 1, 1988, whichever comes first. After exhaustion or one year, such a shipment would have to be described as: "RQ, Hazardous substance, solid, n.o.s., ORM-E, NA9188, (adipic acid)". This also applies to marked packages. However, if the reportable quantity for the material has changed and the shipping paper entry or package marking does not reflect the reportable quantity as it appears in the Appendix in this rule, the shipment does not qualify for the exception in § 172.101(j) and must comply with the new requirements after January 1, 1987.

## II. Review by Sections

*Section 171.8.* The definition of a hazardous material is revised to specifically include hazardous substances. The definition of a hazardous substance is revised to reference a new Appendix to § 172.101 which follows the Hazardous Materials Table (Table) at § 172.101. This Appendix replaces the CERCLA List currently shown and contains all hazardous substances and their reportable quantities. Reference to petroleum products has been removed from the hazardous substance definition since the determination of what materials should be designated as hazardous substances rests with EPA. Reference to "or in one transport vehicle if not packaged" has been removed since RSPA considers vehicles to be packagings when they are the primary means of containment (i.e., are used to transport materials in bulk).

*Section 171.11.* The wording of (d)(1)(i) of this section is amended to require the display of the waste stream number or "EPA" and the applicable ICRE characteristic on shipping papers.

*Section 171.12a.* The wording of (a)(3)(i) of this section is amended to require the display of the waste stream

number or "EPA" and the applicable ICRE characteristic on shipping papers.

*Section 172.101, Preamble.* Paragraph (b) is revised to eliminate all references to the letter "E" in the Table. Subparagraph (c)(9) is revised to remove reference to "E" and "reportable quantity" and to add provisions for selecting proper shipping names for hazardous substances.

*Section 172.101, Hazardous Materials Table.* The Table is revised by removing the letter "E" from Column 1 of the Title heading and all places where it appears in Column 1 of the Table. All RQ designations and quantities are removed from the descriptions in Column 2 of the Table (for example, *"(RQ–1000/454)"*). The Table is revised by removing all entries for hazardous substances which only meet the definition of the ORM–E hazard class, with the exception of the generic entry "Hazardous substance, liquid *or* solid, n.o.s.". This includes removing the following five entries with *"See"* references to certain hazardous substances classed as ORM–E:

(1) 2,4-D ester. *See* 2,4-Dichlorophenoxyacetic acid ester;

(2) EDTA. *See* Ethylenediaminetetraacetic acid;

(3) PCB. *See* Polychlorinated biphenyls;

(4) 2,4,5-T amine, ester, *or* salt. *See* 2,4,5-Trichlorophenoxyacetic acid, amine, ester, *or* salt;

(5) 2,4,5-TP ester. *See* 2,4,5-Trichlorophenoxypropionic acid ester.

The entry "Hazardous waste, liquid *or* solid, n.o.s." remains in the Table and continues to bear the ORM–E hazard class designation. Hazardous substances meeting only the DOT hazard class definition for ORM–E appear in the new Appendix to § 172.101, along with all of the other CERCLA hazardous substances. Certain hazardous substances which satisfy the definition of a DOT hazard class other than ORM–E remain in the Table and also appear in the new Appendix. However, the "E" symbol, "RQ", and quantities no longer appear in the Table for these materials.

*Section 172.101, Appendix.* The CERCLA List is removed and replaced by an Appendix entitled "List of Hazardous Substances and Reportable Quantities." The appendix lists those materials which are hazardous substances as listed or designated under Section 101(14) of CERCLA.

*Section 171.102.* Paragraph (e) of this section is amended to require display of the waste stream number or "EPA" and the applicable ICRE characteristic on shipping papers.

*Section 172.203.* Paragraph (c) is amended to reference the new Appendix of hazardous substances which follows the Table and to require that hazardous substance constituents be shown in parentheses in assocation with the basic description, if the proper shipping name does not identify the hazardous substance constituents as shown in Appendix A to § 172.101. A new sentence is added to this section to require that a waste stream number or "EPA" and the applicable ICRE characteristic be shown, instead of the name of the constituent from the Appendix, in parentheses on the shipping paper in association with the basic description for those waste materials which are either waste streams or exhibit an ICRE characteristic.

*Section 172.324.* Paragraph (a) is revised to require the name of a hazardous substance constituent to be shown as a package marking, if the proper shipping name does not identify the hazardous substance constituent, as shown in the Appendix to § 172.101. Paragraph (b) is revised to require that all packages of 110 gallons or less that contain waste streams or waste exhibiting ICRE characteristics, be marked in association with the proper shipping name with the waste stream number or "EPA" and the appropriate ICRE characteristic in parentheses. Existing paragraph (b) is redesignated as paragraph (c).

### III. Administrative Notices

1. Because the amendments adopted herein are mandated by the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. 99–499, October 17, 1986), and are to be adopted within 30 days of enactment, I find under 5 U.S.C. 553, that notice and public procedure are contrary to the public interest. In addition, due to the limited time available to prepare this final rule, no determinations have been made under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

2. Under the terms of "DOT Regulatory Policies and Procedures" (44 FR 11034, February 26, 1979), I have determined that this rulemaking is an emergency rulemaking because it is governed by a short-term statutory deadline, therefore, no determination is made as to whether it is "significant".

3. I certify that this rulemaking does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*).

Although the provisions of Pub. L. 99–499 provide insufficient time for RSPA to perform required analyses and make required findings under the statutory, regulatory, and executive authorities noted above, the agency is aware that a rulemaking of such broad and immediate applicability may produce significant impacts on industry segments, a substantial number of which may be small enterprises. In order to comply with the mandate of Pub. L. 99–499, RSPA has chosen a regulatory approach which both complies with the purpose of the Congress and presents the least possible disruption to the regulatory scheme of the HMR.

Because RSPA's role in regulating hazardous substances is directly tied to EPA's ongoing hazardous substances responsibility, primarily through the agency's determination of reportable quantities, there will be a mechanism for RSPA's oversight of the transportation impacts of these amendments as the agency conducts rulemaking to provide concordance with EPA requirements. As the need for adjustments to these amendments is demonstrated, RSPA will modify the requirements to the extent consistent with the intent of Congress expressed in Pub. L. 99–499.

### List of Subjects

*49 CFR Part 171*

Hazardous materials transportation, Definitions.

*49 CFR Part 172*

Hazardous materials transportation, Hazardous substances.

In consideration of the foregoing Parts 171 and 172 of Title 49, Code of Federal Regulations are amended as follows:

## PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. The authority citation for Part 171 is revised to read as follows:

**Authority:** 49 U.S.C. 1802, 1803, 1804, and 1808; Pub. L. 99–499; and 49 CFR Part 1, unless otherwise noted.

2. In § 171.8, the definitions for "Hazardous material" and "Hazardous substances" are revised to read as follows:

**§ 171.8 Definitions and abbreviations.**

* * * * *

"Hazardous material" means a substance or material, including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated.

"Hazardous substance" for the purposes of this subchapter, means a

material, including its mixtures and solutions, that—

(1) Is listed in the Appendix to § 172.101 of this subchapter;

(2) Is in a quantity, in one package, which equals or exceeds the reportable quantity (RQ) listed in the Appendix to § 172.101 of this subchapter; and

(3) When in a mixture or solution, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the following table:

| RQ pounds (kilograms) | Concentration by weight | |
|---|---|---|
| | Percent | PPM |
| 5000 (2270) | 10 | 100,000 |
| 1000 (454) | 2 | 20,000 |
| 100 (45.4) | 0.2 | 2,000 |
| 10 (4.54) | 0.02 | 200 |
| 1 (0.454) | 0.002 | 20 |

* * * * *

3. In § 171.11 paragraph (d)(1)(i) is revised to read as follows:

**§ 171.11 Use of ICAO Technical Instructions.**

* * * * *

(d) * * *

(1) * * *

(i) The name of the hazardous substance shall be entered on shipping papers in parentheses in association with the basic description, and in association with the proper shipping name required to be marked on the package, unless the proper shipping name required by the ICAO Technical Instructions already includes the name of the hazardous substance. For waste streams or for wastes which exhibit an EPA characteristic of ignitibility, corrosivity, reactivity, or EP toxicity, the basic description shall be followed by the waste stream number in parentheses or by the letters "EPA" and the word "ignitibility" or "corrosivity" or "reactivity", or "EP toxicity", in parentheses, as appropriate; and

4. In § 171.12a, paragraph (a)(3)(i) is revised to read as follows:

**§ 171.12a Canadian shipments and packagings.**

* * * *

(a) * * *

(3) * * *

(i) The name of the hazardous substance shall be entered on shipping papers and in association with the proper shipping name required to be marked on the package, in parentheses, unless the proper shipping name required by the TDG regulations already includes the name of the hazardous substance. For waste streams or for wastes which exhibit an EPA characteristic of ignitibility, corrosivity, reactivity, or EP toxicity, the basic description shall be followed by the waste stream number in parentheses or by the letters "EPA" and the word "ignitibility" or "corrosivity" or "reactivity", or "EP toxicity", in parentheses, as appropriate; and

* * * * *

## PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

5. The authority citation for Part 172 is revised to read as follows:

**Authority:** 49 U.S.C. 1803, 1804, 1805, and 1808; Pub. L. 99–499; and 49 CFR Part 1, unless otherwise noted.

6. In § 172.101, paragraphs (b) and (c)(9) are revised to read as follows:

**§ 172.101 Purpose and use of hazardous materials table.**

* * * * *

(b) Column 1 contains the three symbols as appropriate: Plus (+) and the letters "A" and "W".

(1) The plus (+) fixes the proper shipping name and the hazard class for that entry without regard to whether the material meets the definition of that class. An alternate proper shipping name and hazard class may be authorized by the Director, Office of Hazardous Materials Transportation, RSPA.

(2) A letter "A" restricts the application of this subchapter to materials offered or intended for transportation by aircraft, unless the material is a hazardous substance or a hazardous waste.

(3) The letter "W" restricts the application of this subchapter to materials offered or intended for transportation by vessel, unless the material is a hazardous substance or a hazardous waste.

(c) * * *

(9) *Hazardous substance.* The Appendix to this section lists materials which are listed or designated as hazardous substances under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Proper shipping names for hazardous substances (See Appendix and § 171.8 of this subchapter) shall be determined as follows:

(i) If the hazardous substance appears in the table by technical name, then the technical name is the proper shipping name.

(ii) If the hazardous substance does not appear in the table and is not a forbidden material (See §§ 173.21, 173.51, 183.86, and 173.114a of this subchapter), then an appropriate generic shipping name must be selected corresponding to the hazard class of the material as determined by the defining criteria of this subchapter and the hazard precedence prescribed in § 173.2 of this subchapter. For example, a hazardous substance which meets the definition of a flammable liquid might be described as "Flammable liquid, n.o.s." or other appropriate shipping name corresponding to the flammable liquid hazard class.

* * * * *

7. In § 172.101, the Hazardous Materials Table is amended as follows:

a. "E/" is removed from the heading of Column 1;

b. The symbol "E" is removed from Column 1;

c. All reportable quantity (RQ) designations and quantities are removed from the descriptions in Column 2 (e.g., *"(RQ–1000/454))"*;

d. The phrase *"(these materials may contain various hazardous substances for which the appropriate RQ applies)"* is removed from the Column 2 entry for "Motor fuel antiknock compound";

e. All entries in the table that are classed "ORM–E" as shown in Column 3 are removed from the table, except for the following two generic entries: "Hazardous substance, liquid *or* solid, n.o.s." and "Hazardous waste, liquid *or* solid, n.o.s", and

f. The following five *"See"* references to certain materials classed ORM–E are removed from the table:

(a) "2,4-D ester. *See* 2,4-Dichlorophenoxyacetic acid ester";

(b) "EDTA. *See* Ethylenediaminetetraacetic acid";

(c) "PCB. *See* Polychlorinated biphenyls";

(d) "2,4,5-T amine, ester, *or* salt. *See* 2,4,5-Trichlorophenoxyacetic acid, amine, ester, *or* salt"; and

(e) "2,4,5-TP ester. *See* 2,4,5-Trichlorophenoxypropionic acid ester".

8. The CERCLA list which follows the Table is removed and an Appendix to § 172.101 is added to read as follows:

**Appendix to § 172.101—List of Hazardous Substances and Reportable Quantities**

1. This Appendix lists materials and their corresponding reportable quantities (RQs) which are listed or designated as "hazardous substances" under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; Pub. L. 96–510). A material in this list is regulated as a hazardous material under this subchapter if it meets the definition of a hazardous substance in § 171.8 of this subchapter.

2. Column 1 of the list, entitled *"Hazardous substances"*, contains the names of

hazardous substances. Elements and compounds are listed first, in alphabetical sequence. Following the listing of elements and compounds is a listing of waste streams and their corresponding "F numbers". They are listed in numerical sequence by "F number". Column 2 of the list, entitled *"Synonyms"*, contains the names of synonyms for certain of the elements and are listed for waste streams. Synonyms are useful in identifying hazardous substances and in selecting proper shipping names. Column 3 of the list, entitled *"Reportable quantity (RQ)"*, contains the reportable quantity (RQ), in pounds and kilograms, for each hazardous substance listed in Column 1.

3. The procedure for selecting a proper compounds listed in Column 1. No synonyms shipping name for a hazardous substance is set forth in § 172.101(c)(9).

4. A series of notes is used throughout he list to provide additional information concerning certain hazardous materials. These notes are explained at the end of the list.

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LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Acenaphthene | | 100 (45.4) |
| Acenaphthylene | | 5000 (2270) |
| Acetaldehyde * | Ethanal | 1000 (454) |
| Acetaldehyde, chloro- | Chloroacetaldehyde | 1000 (454) |
| Acetaldehyde, trichloro- | Chloral | 1 (0.454) |
| Acetamide, N-(aminothioxomethyl)- | 1-Acetyl-2-thiourea | 1000 (454) |
| Acetamide, N-(4-ethoxyphenyl)- | Phenacetin | 1 (0.454) |
| Acetamide, N-fluoren-2-yl- | 2-Acetylaminofluorene | 1 (0.454) |
| Acetamide, 2-fluoro- | Fluoroacetamide | 100 (45.4) |
| Acetic acid * | | 5000 (2270) |
| Acetic acid, ethyl ester | Ethyl acetate | 5000 (2270) |
| Acetic acid, fluoro-, sodium salt | Fluoroacetic acid, sodium salt | 10 (4.54) |
| Acetic acid, lead salt | Lead acetate | 5000 (2270) |
| Acetic acid, thallium(I) salt | Thallium(I) acetate | 100 (45.4) |
| Acetic anhydride * | | 5000 (2270) |
| Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-methyl ester | Methomyl | 100 (45.4) |
| Acetone * | 2-Propanone | 5000 (2270) |
| Acetone cyanohydrin * | Propanenitrile, 2-hydroxy-2-methyl-<br>2-Methyllactonitrile | 10 (4.54) |
| Acetonitrile * | Ethanenitrile | 5000 (2270) |
| 3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts | Warfarin | 100 (45.4) |
| Acetophenone | Ethanone, 1-phenyl- | 5000 (2270) |
| 2-Acetylaminofluorene | Acetamide, N-fluoren-2-yl- | 1 (0.454) |
| Acetyl bromide * | | 5000 (2270) |
| Acetyl chloride * | Ethanoyl chloride | 5000 (2270) |
| 1-Acetyl-2-thiourea | Acetamide, N-(aminothioxomethyl)- | 1000 (454) |
| Acrolein * | 2-Propenal | 1 (0.454) |
| Acrylamide | 2-Propenamide | 5000 (2270) |
| Acrylic acid * | 2-Propenoic acid | 5000 (2270) |
| Acrylonitrile * | 2-Propenenitrile | 100 (45.4) |
| Adipic acid | | 5000 (2270) |
| Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L- | Melphalan | 1 (0.454) |
| Aldicarb | Propanal, 2-methyl-2-(methylthio)-,<br>O-[(methylamino)carbonyl]oxime | 1 (0.454) |
| Aldrin * | 1,2,3,4,10-10-Hexachloro-1,4,4a,5,8,8a-hexahydro-<br>1,4:5,8-endo,exo-dimethanonaphthalene | 1 (0.454) |
| Allyl alcohol * | 2-Propen-1-ol | 100 (45.4) |
| Allyl chloride * | | 1000 (454) |
| Aluminum phosphide * | | 100 (45.4) |
| Aluminum sulfate * | | 5000 (2270) |
| 2-Amino-1-methyl benzene | o-Toluidine | 1 (0.454) |
| 4-Amino-1-methyl benzene | p-Toluidine | 1 (0.454) |
| 5-(Aminomethyl)-3-isoxazolol | 3(2H)-Isoxazolone, 5-(aminomethyl)- | 1000 (454) |
| 4-Aminopyridine | 4-Pyridinamine | 1000 (454) |
| Amitrole | 1H-1,2,4-Triazol-3-amine | 1 (0.454) |
| Ammonia * | | 100 (45.4) |
| Ammonium acetate | | 5000 (2270) |
| Ammonium benzoate | | 5000 (2270) |
| Ammonium bicarbonate | | 5000 (2270) |
| Ammonium bichromate | Ammonium dichromate @ | 1000 (454) |
| Ammonium bifluoride * | | 100 (45.4) |
| Ammonium bisulfite * | | 5000 (2270) |
| Ammonium carbamate * | | 5000 (2270) |
| Ammonium carbonate * | | 5000 (2270) |
| Ammonium chloride | | 5000 (2270) |
| Ammonium chromate | | 1000 (454) |
| Ammonium citrate, dibasic | | 5000 (2270) |
| Ammonium dichromate @ | Ammonium bichromate | 1000 (454) |
| Ammonium fluoborate * | | 5000 (2270) |
| Ammonium fluoride * | | 100 (45.4) |
| Ammonium hydroxide * | | 1000 (454) |
| Ammonium oxalate * | | 5000 (2270) |
| Ammonium picrate * | Phenol, 2,4,6-trinitro-, ammonium salt | 10 (4.54) |
| Ammonium silicofluoride * | | 1000 (454) |
| Ammonium sulfamate | | 5000 (2270) |
| Ammonium sulfide * | | 100 (45.4) |
| Ammonium sulfite | | 5000 (2270) |
| Ammonium tartrate | | 5000 (2270) |
| Ammonium thiocyanate | | 5000 (2270) |
| Ammonium thiosulfate | | 5000 (2270) |
| Ammonium vanadate | Vanadic acid, ammonium salt | 1000 (454) |
| Amyl acetate * | | 5000 (2270) |
| iso-Amyl acetate | | |
| sec-Amyl acetate | | |
| tert-Amyl acetate | | |
| Aniline * | Benzenamine | 5000 (2270) |
| Anthracene | | 5000 (2270) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Antimony ¢ | | 5000 (2270) |
| ANTIMONY AND COMPOUNDS | | ** |
| Antimony pentachloride * | | 1000 (454) |
| Antimony potassium tartrate * | | 100 (45.4) |
| Antimony tribromide * | | 1000 (454) |
| Antimony trichloride * | | 1000 (454) |
| Antimony trifluoride * | | 1000 (454) |
| Antimony trioxide | | 1000 (454) |
| Aroclor 1016 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1221 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1232 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1242 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1248 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1254 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1260 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Arsenic * ¢ | | 1 (0.454) |
| Arsenic acid * | | 1 (0.454) |
| ARSENIC AND COMPOUNDS | | ** |
| Arsenic disulfide * | | 5000 (2270) |
| Arsenic(III) oxide | Arsenic trioxide * | 5000 (2270) |
| Arsenic(V) oxide | Arsenic pentoxide * | 5000 (2270) |
| Arsenic pentoxide * | Arsenic(V) oxide | 5000 (2270) |
| Arsenic trichloride * | | 5000 (2270) |
| Arsenic trioxide * | Arsenic(III) oxide | 5000 (2270) |
| Arsenic trisulfide * | | 5000 (2270) |
| Arsine, diethyl- | Diethylarsine | 1 (0.454) |
| Asbestos * ¢¢ | | 1 (0.454) |
| Auramine | Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl- | 1(0.454) |
| Azaserine | L-Serine, diazoacetate (ester) | 1 (0.454) |
| Aziridine | Ethylenimine | 1 (0.454) |
| Azinphos methyl @ | Guthion * | 1 (0.454) |
| Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione,6- amino-8-[((aminocarbonyl)oxy) methyl]-1,1a,2,8,8a, 8b-hexahydro-8a-methoxy-5-methyl- | Mitomycin C | 1 (0.454) |
| Barium cyanide * | | 10 (4.54) |
| Benz[j]aceanthrylene, 1,2-dihydro-3-methyl- | 3-Methylcholanthrene | 1 (0.454) |
| Benz[c]acridine | 3,4-Benzacridine | 1 (0.454) |
| 3,4-Benzacridine | Benz[c]acridine | 1 (0.454) |
| Benzal chloride | Benzene, dichloromethyl- | 5000 (2270) |
| Benz[a]anthracene | Benzo[a]anthracene | 1 (0.454) |
| 1,2-Benzanthracene | 1,2-Benzanthracene | |
| | Benz[a]anthracene | 1 (0.454) |
| | Benzo[a]anthracene | |
| 1,2-Benzanthracene, 7 12-dimethyl- | 7,12-Dimethylbenz[a]anthracene | 1 (0.454) |
| Benzenamine | Aniline * | 5000 (2270) |
| Benzenamine, 4,4'-carbonimidoylbis (N,N-dimethyl- | Auramine | 1(0.454) |
| Benzenamine, 4-chloro- | p-Chloroaniline | 1000 (454) |
| Benzenamine, 4-chloro-2-methyl-, hydrochloride | 4-Chloro-o-toluidine, hydrochloride | 1 (0.454) |
| Benzenamine, N,N-dimethyl-4-phenylazo- | Dimethylaminoazobenzene | 1 (0.454) |
| Benzenamine, 4,4'-methylenebis(2-chloro- | 4,4'-Methylenebis(2-chloroaniline) | 1 (0.454) |
| Benzenamine, 2-methyl-, hydrochloride | o-Toluidine hydrochloride | 1 (0.454) |
| Benzenamine, 2-methyl-5-nitro- | 5-Nitro-o-toluidine | 1 (0.454) |
| Benzenamine, 4-nitro- | p-Nitroaniline | 5000 (2270) |
| Benzene * | | 1000 (454) |
| Benzene, 1-bromo-4-phenoxy- | 4-Bromophenyl phenyl ether | 100 (45.4) |
| Benzene, chloro- | Chlorobenzene * | 100 (45.4) |
| Benzene, chloromethyl- | Benzyl chloride * | 100 (45.4) |
| Benzene, 1,2-dichloro- | o-Dichlorobenzene * | 100 (45.4) |
| | 1,2-Dichlorobenzene | |
| Benzene, 1,3-dichloro- | m-Dichlorobenzene | 100 (45.4) |
| | 1,3-Dichlorobenzene | |
| Benzene, 1,4-dichloro- | p-Dichlorobenzene * | 100 (45.4) |
| | 1,4-Dichlorobenzene | |
| Benzene, dichloromethyl- | Benzal chloride | 5000 (2270) |
| Benzene, 2,4-diisocyanatomethyl- | Toluene diisocyanate * | 100 (45.4) |
| Benzene, dimethyl | Xylene * (mixed) | 1000 (454) |
| m-Benzene, dimethyl | m-Xylene | |
| o-Benzene, dimethyl | o-Xylene | |
| p-Benzene, dimethyl | p-Xylene | |
| Benzene, hexachloro- | Hexachlorobenzene | 1 (0.454) |
| Benzene, hexahydro- | Cyclohexane * | 1000 (454) |
| Benzene, hydroxy- | Phenol * | 1000 (454) |
| Benzene, methyl- | Toluene * | 1000 (454) |
| Benzene, 1-methyl-2,4-dinitro- | 2,4-Dinitrotoluene * | 1000 (454) |
| Benzene, 1-methyl-2,6-dinitro- | 2,6-Dinitrotoluene * | 1000 (454) |
| Benzene, 1,2-methylenedioxy-4-allyl- | Safrole | 1 (0.454) |
| Benzene, 1,2-methylenedioxy-4-propenyl- | Isosafrole | 1 (0.454) |
| Benzene, 1,2-methylenedioxy-4-propyl- | Dihydrosafrole | 1 (0.454) |
| Benzene, 1-methylethyl- | Cumene | 5000 (2270) |
| Benzene, nitro- | Nitrobenzene * | 1000 (454) |
| Benzene, pentachloro- | Pentachlorobenzene | 10 (4.54) |
| Benzene, pentachloronitro- | Pentachloronitrobenzene | 1 (0.454) |
| Benzene, 1,2,4,5-tetrachloro- | 1,2,4,5-Tetrachlorobenzene | 5000 (2270) |
| Benzene, trichloromethyl- | Benzotrichloride | 1 (0.454) |
| Benzene, 1,3,5-trinitro- | sym-Trinitrobenzene * | 10 (4.54) |
| Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester | Ethyl 4,4'-dichlorobenzilate | 1 (0.454) |
| 1,2-Benzenedicarboxylic acid anhydride | Phthalic anhydride | 5000 (2270) |
| 1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)] ester | Bis(2-ethylhexyl)phthalate | 1 (0.454) |
| 1,2-Benzenedicarboxylic acid, dibutyl ester | Di-n-butyl phthalate | 10 (4.54) |
| | Dibutyl phthalate | |
| | n-Butyl phthalate * | |
| 1,2-Benzenedicarboxylic acid, diethyl ester | Diethyl phthalate | 1000 (454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| 1,2-Benzenedicarboxylic acid, dimethyl ester | Dimethyl phthalate | 5000 (2270) |
| 1,2-Benzenedicarboxylic acid, di-n-octyl ester | Di-n-octyl phthalate | 5000 (2270) |
| 1,3-Benzenediol | Resorcinol * | 5000 (2270) |
| 1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl]- | Epinephrine | 1000 (454) |
| Benzenesulfonic acid chloride | Benzenesulfonyl chloride | 100 (45.4) |
| Benzenesulfonyl chloride | Benzenesulfonic acid chloride | 100 (45.4) |
| Benzenethiol | Phenyl mercaptan @ | 100 (45.4) |
| | Thiophenol | |
| Benzidine * | (1,1'-Biphenyl)-4,4'diamine | 1 (0.454) |
| 1,2-Benzisothiazolin-3-one,1,1-dioxide, and salts | Saccharin and salts | 1 (0.454) |
| Benzo[a]anthracene | Benz[a]anthracene | 1 (0.454) |
| | 1,2-Benzanthracene | |
| Benzo[b]fluoranthene | | 1 (0.454) |
| Benzo(k)fluoranthene | | 1 (0.454) |
| Benzo[j,k]fluorene | Fluoranthene | 100 (45.4) |
| Benzoic acid | | 5000 (2270) |
| Benzonitrile * | | 5000 (2270) |
| Benzo[ghi]perylene | | 5000 (2270) |
| Benzo[a]pyrene | 3,4-Benzopyrene | 1 (0.454) |
| 3,4-Benzopyrene | Benzo[a]pyrene | 1 (0.454) |
| p-Benzoquinone | 1,4-Cyclohexadienedione | 10 (4.54) |
| Benzotrichloride | Benzene, trichloromethyl- | 1 (0.454) |
| Benzoyl chloride * | | 1000 (454) |
| 1,2-Benzphenanthrene | Chrysene | 1 (0.454) |
| Benzyl chloride * | Benzene, chloromethyl- | 100 (45.4) |
| Beryllium ¢ | Beryllium dust ¢ | 1 (0.454) |
| BERYLLIUM AND COMPOUNDS | | ** |
| Beryllium chloride * | | 5000 (2270) |
| Beryllium dust ¢ | Beryllium ¢ | 1 (0.454) |
| Beryllium fluoride * | | 5000 (2270) |
| Beryllium nitrate * | | 5000 (2270) |
| alpha - BHC | | 1 (0.454) |
| beta - BHC | | 1 (0.454) |
| delta - BHC | | 1 (0.454) |
| gamma - BHC | Hexachlorocyclohexane (gamma isomer) | 1 (0.454) |
| | Lindane * | |
| 2,2'-Bioxirane | 1,2:3,4-Diepoxybutane | 1 (0.454) |
| (1,1'-Biphenyl)-4,4'diamine | Benzidine * | 1 (0.454) |
| (1,1'Biphenyl)-4,4'-diamine,3,3'-dimethyl- | 3,3'-Dimethylbenzidine | 1 (0.454) |
| (1,1'-Biphenyl)-4,4'diamine,3,3'dichloro- | 3,3'-Dichlorobenzidine | 1 (0.454) |
| (1,1'-Biphenyl)-4,4'diamine,3,3'dimethoxy- | 3,3'-Dimethoxybenzidine | 1 (0.454) |
| Bis(2-chloroethoxy) methane | Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro- | 1000 (454) |
| Bis(2-chloroethyl) ether | Dichloroethyl ether | 1 (0.454) |
| | Ethane, 1,1'-oxybis(2-chloro- | |
| Bis(2-chloroisopropyl) ether | Propane, 2,2'-oxybis(2-chloro- | 1000 (454) |
| Bis(chloromethyl) ether | Methane, oxybis(chloro- | 1 (0.454) |
| Bis(dimethylthiocarbamoyl) disulfide | Thiram | 10 (4.54) |
| Bis(2-ethylhexyl)phthalate | 1,2-Benzenedicarboxylic acid, [bis(2-ethylhexyl)]ester | 1 (0.454) |
| Bromine cyanide | Cyanogen bromide * | 1000 (454) |
| Bromoacetone * | 2-Propanone, 1-bromo- | 1000 (454) |
| Bromoform | Methane, tribromo- | 100 (45.4) |
| 4-Bromophenyl phenyl ether | Benzene, 1-bromo-4-phenoxy- | 100 (45.4) |
| Brucine | Strychnidin-10-one, 2,3-dimethoxy- | 100 (45.4) |
| 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- | Hexachlorobutadiene * | 1(0.454) |
| 1-Butanamine, N-butyl-N-nitroso- | N-Nitrosodi-n-butylamine | 1 (0.454) |
| Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene- | Chlorambucil | 1 (0.454) |
| 1-Butanol | n-Butyl alcohol * | 5000 (2270) |
| 2-Butanone | Ethyl methyl ketone @ | 5000 (2270) |
| | Methyl ethyl ketone * | |
| 2-Butanone peroxide | Methyl ethyl ketone peroxide * | 10 (4.54) |
| 2-Butenal | Crotonaldehyde * | 100 (45.4) |
| 2-Butene, 1,4-dichloro- | 1,4-Dichloro-2-butene * | 1 (0.454) |
| Butyl acetate * | | 5000 (2270) |
| iso-Butyl acetate | | |
| sec-Butyl acetate | | |
| tert-Butyl acetate | | |
| n-Butyl alcohol * | 1-Butanol | 5000 (2270) |
| Butylamine * | | 1000 (454) |
| iso-Butylamine | | |
| sec-Butylamine | | |
| tert-Butylamine | | |
| Butyl benzyl phthalate | | 100 (45.4) |
| n-Butyl phthalate * | Di-n-butyl phthalate | 10 (4.54) |
| | Dibutyl phthalate | |
| | 1,2-Benzenedicarboxylic acid, dibutyl ester | |
| Butyric acid * | | 5000 (2270) |
| iso-Butyric acid | | |
| Cacodylic acid | Hydroxydimethylarsine oxide | 1 (0.454) |
| Cadmium ¢ | | 1 (0.454) |
| Cadmium acetate | | 100 (45.4) |
| CADMIUM AND COMPOUNDS | | ** |
| Cadmium bromide | | 100 (45.4) |
| Cadmium chloride | | 100 (45.4) |
| Calcium arsenate * | | 1000 (454) |
| Calcium arsenite * | | 1000 (454) |
| Calcium carbide * | | 10 (4.54) |
| Calcium chromate | Chromic acid, calcium salt | 1000 (454) |
| Calcium cyanide * | | 10 (4.54) |
| Calcium dodecylbenzene sulfonate | | 1000 (454) |
| Calcium hypochlorite * | | 10 (4.54) |
| Camphene, octachloro- | Toxaphene * | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Captan | | 10 (4.54) |
| Carbamic acid, ethyl ester | Ethyl carbamate (Urethan) | 1 (0.454) |
| Carbamic acid, methylnitroso-, ethyl ester | N-Nitroso-N-methylurethane | 1 (0.454) |
| Carbamide, N-ethyl-N-nitroso- | N-Nitroso-N-ethylurea | 1 (0.454) |
| Carbamide, N-methyl-N-nitroso- | N-Nitroso-N-methylurea | 1 (0.454) |
| Carbamide, thio- | Thiourea | 1 (0.454) |
| Carbamimidoselenoic acid | Selenourea | 1000 (454) |
| Carbamoyl chloride, dimethyl- | Dimethylcarbamoyl chloride | 1 (0.454) |
| Carbaryl * | | 100 (45.4) |
| Carbofuran * | | 10 (4.54) |
| Carbon bisulfide * | Carbon disulfide * | 100 (45.4) |
| Carbon disulfide * | Carbon bisulfide * | 100 (45.4) |
| Carbonic acid, dithallium (I) salt | Thallium(I) carbonate | 100(45.4) |
| Carbonochloridic acid, methyl ester | Methyl chlorocarbonate | 1000 (454) |
| Carbon oxyfluoride | Carbonyl fluoride | 1000 (454) |
| Carbon tetrachloride * | Methane, tetrachloro- | 5000 (2270) |
| Carbonyl chloride | Phosgene * | 10 (4.54) |
| Carbonyl fluoride | Carbon oxyfluoride | 1000 (454) |
| Chloral | Acetaldehyde, trichloro- | 1 (0.454) |
| Chlorambucil | Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene- | 1 (0.454) |
| Chlordane * | Chlordane, technical * | 1 (0.454) |
| | 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- | |
| CHLORDANE (TECHNICAL MIXTURE AND METABOLITES) | | ** |
| Chlordane, technical * | Chlordane * | 1 (0.454) |
| | 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- | |
| CHLORINATED BENZENES | | ** |
| CHLORINATED ETHANES | | ** |
| CHLORINATED NAPHTHALENE | | ** |
| CHLORINATED PHENOLS | | ** |
| Chlorine * | | 10 (4.54) |
| Chlorine cyanide | Cyanogen chloride * | 10 (4.54) |
| Chlornaphazine | 2-Naphthylamine, N,N-bis(2-chloroethyl)- | 1 (0.454) |
| Chloroacetaldehyde | Acetaldehyde, chloro- | 1000 (454) |
| CHLOROALKYL ETHERS | | ** |
| p-Chloroaniline | Benzenamine, 4-chloro- | 1000 (454) |
| Chlorobenzene * | Benzene, chloro- | 100 (45.4) |
| 4-Chloro-m-cresol | p-Chloro-m-cresol | 5000 (2270) |
| | Phenol, 4-chloro-3-methyl- | |
| p-Chloro-m-cresol | Phenol, 4-chloro-3-methyl- | 5000 (2270) |
| | 4-Chloro-m-cresol | |
| Chlorodibromomethane | | 100 (45.4) |
| 1-Chloro-2,3-epoxypropane | Epichlorohydrin * | 1000 (454) |
| | Oxirane, 2-(chloromethyl)- | |
| Chloroethane | Ethyl chloride @ | 1 (0.454) |
| 2-Chloroethyl vinyl ether | Ethene, 2-chloroethoxy- | 1000 (454) |
| Chloroform * | Methane, trichloro- | 5000 (2270) |
| Chloromethane | Methane, chloro- | 1 (0.454) |
| | Methyl chloride | |
| Chloromethyl methyl ether | Methane, chloromethoxy- | 1 (0.454) |
| | Methylchloromethyl ether @ | |
| beta-Chloronaphthalene | Naphthalene, 2-chloro- | 5000 (2270) |
| | 2-Chloronaphthalene | |
| 2-Chloronaphthalene | beta-Chloronaphthalene | 5000 (2270) |
| | Naphthalene, 2-chloro- | |
| 2-Chlorophenol | o-Chlorophenol | 100 (45.4) |
| | Phenol, 2-chloro- | |
| o-Chlorophenol | Phenol, 2-chloro- | 100 (45.4) |
| | 2-Chlorophenol | |
| 4-Chlorophenyl phenyl ether | | 5000 (2270) |
| 1-(o-Chlorophenyl)thiourea | Thiourea, (2-chlorophenyl)- | 100 (45.4) |
| 3-Chloropropionitrile | Propanenitrile, 3-chloro- | 1000 (454) |
| Chlorosulfonic acid * | | 1000 (454) |
| 4-Chloro-o-toluidine, hydrochloride | Benzenamine, 4-chloro-2-methyl-, hydrochloride | 1 (0.454) |
| Chlorpyrifos * | | 1 (0.454) |
| Chromic acetate | | 1000 (454) |
| Chromic acid * | | 1000 (454) |
| Chromic acid, calcium salt | Calcium chromate | 1000 (454) |
| Chromic sulfate * | | 1000 (454) |
| Chromium ¢ | | 1 (0.454) |
| CHROMIUM AND COMPOUNDS | | ** |
| Chromous chloride | | 1000 (454) |
| Chrysene | 1,2-Benzphenanthrene | 1 (0.454) |
| Cobaltous bromide | | 1000 (454) |
| Cobaltous formate | | 1000 (454) |
| Cobaltous sulfamate | | 1000 (454) |
| Coke Oven Emissions | | 1 (0.454) |
| Copper ¢ | | 5000 (2270) |
| COPPER AND COMPOUNDS | | ** |
| Copper cyanide * | | 10 (4.54) |
| Coumaphos * | | 10 (4.54) |
| Creosote | | 1 (0.454) |
| Cresols * | Cresylic acid | 1000 (454) |
| m-Cresols | m-Cresylic acid | |
| o-Cresols | o-Cresylic acid | |
| p-Cresols | p-Cresylic acid | |
| Cresylic acid | Cresols * | 1000 (454) |
| m-Cresols | m-Cresylic acid | |
| o-Cresols | o-Cresylic acid | |
| p-Cresols | p-Cresylic acid | |
| Crotonaldehyde * | 2-Butenal | 100 (45.4) |
| Cumene | Benzene, 1-methylethyl- | 5000 (2270) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Cupric acetate | | 100 (45.4) |
| Cupric acetoarsenite * | | 100 (45.4) |
| Cupric chloride * | | 10 (4.54) |
| Cupric nitrate * | | 100 (45.4) |
| Cupric oxalate | | 100 (45.4) |
| Cupric sulfate | | 10 (4.54) |
| Cupric sulfate ammoniated | | 100 (45.4) |
| Cupric tartrate | | 100 (45.4) |
| CYANIDES | | ** |
| Cyanides (soluble cyanide salts), not elsewhere specified * | | 10 (4.54) |
| Cyanogen * | | 100 (45.4) |
| Cyanogen bromide * | Bromine cyanide | 1000 (454) |
| Cyanogen chloride * | Chlorine cyanide | 10 (4.54) |
| 1,4-Cyclohexadienedione | p-Benzoquinone | 10 (4.54) |
| Cyclohexane * | Benzene, hexahydro- | 1000 (454) |
| Cyclohexanone | | 5000 (2270) |
| 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- | Hexachlorocyclopentadiene * | 1 (0.454) |
| Cyclophosphamide | 2H-1,3,2-Oxazaphosphorine,2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide | 1 (0.454) |
| 2,4-D Acid | 2,4-D *, salts and esters * | 100 (45.4) |
| | 2,4-Dichlorophenoxyaceticacid, salts and esters | |
| 2,4-D Esters * | | 100 (45.4) |
| 2,4-D *, salts and esters * | 2,4-D Acid | 100 (45.4) |
| | 2,4-Dichlorophenoxyacetic acid *, salts and esters * | |
| Daunomycin | 5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-. | 1 (0.454) |
| DDD | Dichlorodiphenyl dichloroethane | 1(0.454) |
| | TDE * | |
| | 4,4' DDD | |
| 4,4' DDD | DDD | 1(0.454) |
| | Dichlorodiphenyl dichloroethane | |
| | TDE * | |
| DDE | 4,4' DDE | 1 (0.454) |
| 4,4' DDE | DDE | 1 (0.454) |
| DDT * | Dichlorodiphenyl trichloroethane * | 1 (0.454) |
| | 4,4'DDT | |
| 4,4'DDT | DDT * | 1 (0.454) |
| | Dichlorodiphenyl trichloroethane * | |
| DDT AND METABOLITES | | ** |
| Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one | Kepone * | 1 (0.454) |
| Diallate | S-(2,3-Dichloroallyl) diisopropylthiocarbamate | 1 (0.454) |
| Diamine | Hydrazine * | 1 (0.454) |
| 2,4-Diaminotoluene | 2,4-Toluenediamine * | 1 (0.454) |
| | Toluene-2,4-diamine | |
| Diazinon * | | 1 (0.454) |
| Dibenz[a,h]anthracene | Dibenzo[a,h]anthracene | 1 (0.454) |
| | 1,2:5,6-Dibenzanthracene | |
| 1,2:5,6-Dibenzanthracene | Dibenz[a,h]anthracene | 1 (0.454) |
| | Dibenzo[a,h]anthracene | |
| Dibenzo[a,h]anthracene | Dibenz[a,h]anthracene | 1 (0.454) |
| | 1,2:5,6-Dibenzanthracene | |
| 1,2:7,8-Dibenzopyrene | Dibenz[a,i]pyrene | 1 (0.454) |
| Dibenz[a,i]pyrene | 1,2:7,8-Dibenzopyrene | 1 (0.454) |
| 1,2-Dibromo-3-chloropropane | Propane, 1,2-dibromo-3-chloro- | 1(0.454) |
| Dibutyl phthalate | Di-n-butyl phthalate | 10 (4.54) |
| | n-Butyl phthalate * | |
| | 1,2-Benzenedicarboxylic acid, dibutyl ester | |
| Di-n-butyl phthalate | Dibutyl phthalate | 10 (4.54) |
| | n-Butyl phthalate * | |
| | 1,2-Benzenedicarboxylic acid, dibutyl ester | |
| Dicamba | | 1000 (454) |
| Dichlobenil | | 100 (45.4) |
| Dichlone | | 1 (0.454) |
| S-(2,3-Dichloroallyl) diisopropylthiocarbamate | Diallate | 1 (0.454) |
| 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide | Pronamide | 5000 (2270) |
| Dichlorobenzene (mixed) | | 100 (45.4) |
| 1,2-Dichlorobenzene | Benzene, 1,2-dichloro- | 100 (45.4) |
| | o-Dichlorobenzene * | |
| 1,3-Dichlorobenzene | Benzene, 1,3-dichloro- | 100 (45.4) |
| | m-Dichlorobenzene | |
| 1,4-Dichlorobenzene | Benzene, 1,4-dichloro- | 100 (45.4) |
| | p-Dichlorobenzene * | |
| m-Dichlorobenzene | Benzene, 1,3-dichloro- | 100 (45.4) |
| | 1,3-Dichlorobenzene | |
| o-Dichlorobenzene * | Benzene, 1,2-dichloro- | 100 (45.4) |
| | 1,2-Dichlorobenzene | |
| p-Dichlorobenzene * | Benzene, 1,4-dichloro- | 100 (45.4) |
| | 1,4-Dichlorobenzene | |
| DICHLOROBENZIDINE | | ** |
| 3,3'-Dichlorobenzidine | (1,1'-Biphenyl)-4,4'diamine,3,3'dichloro- | 1 (0.454) |
| Dichlorobromomethane | | 5000 (2270) |
| 1,4-Dichloro-2-butene * | 2-Butene, 1,4-dichloro- | 1 (0.454) |
| Dichlorodifluoromethane * | Methane, dichlorodifluoro- | 5000 (2270) |
| Dichlorodiphenyl dichloroethane | DDD | 1(0.454) |
| | TDE * | |
| | 4,4' DDD | |
| Dichlorodiphenyl trichloroethane * | DDT * | 1 (0.454) |
| | 4,4'DDT | |
| 1,1-Dichloroethane | Ethane, 1,1-dichloro- | 1000 (454) |
| | Ethylidene dichloride | |
| 1,2-Dichloroethane | Ethane, 1,2-dichloro- | 5000 (2270) |
| | Ethylene dichloride * | |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| 1,1-Dichloroethylene | Ethene, 1,1-dichloro- | 5000 (2270) |
| | Vinylidene chloride * | |
| 1,2-trans-Dichloroethylene * | Ethene, trans-1,2-dichloro- | 1000 (454) |
| Dichloroethyl ether | Bis (2-chloroethyl) ether | 1 (0.454) |
| | Ethane, 1,1'-oxybis(2-chloro- | |
| 2,4-Dichlorophenol | Phenol, 2,4-dichloro- | 100 (45.4) |
| 2,6-Dichlorophenol | Phenol, 2,6-dichloro- | 100 (45.4) |
| 2,4-Dichlorophenoxyacetic acid *, salts and esters * | 2,4-D Acid | 100 (45.4) |
| | 2,4-D *, salts and esters * | |
| Dichlorophenylarsine | Phenyl dichloroarsine * | 1 (0.454) |
| Dichloropropane * | | 1000 (454) |
| 1,1-Dichloropropane | | 1000 (454) |
| 1,3-Dichloropropane | | 1000 (454) |
| 1,2-Dichloropropane | Propylene dichloride * | 1000 (454) |
| Dichloropropane - Dichloropropene (mixture) | | 100 (45.4) |
| Dichloropropene * | | 100 (45.4) |
| 2,3-Dichloropropene | | |
| 1,3-Dichloropropene * | Propene, 1,3-dichloro- | 100 (45.4) |
| 2,2-Dichloropropionic acid * | | 5000 (2270) |
| Dichlorvos * | | 10 (4.54) |
| Dieldrin * | 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene. | 1 (0.454) |
| 1,2:3,4-Diepoxybutane | 2,2'-Bioxirane | 1 (0.454) |
| Diethylamine * | | 1000 (454) |
| Diethylarsine | Arsine, diethyl- | 1 (0.454) |
| 1,4-Diethylene dioxide | 1,4-Dioxane * | 1 (0.454) |
| O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate | Disulfoton * | 1 (0.454) |
| N,N'-Diethylhydrazine | Hydrazine, 1,2-diethyl- | 1 (0.454) |
| O,O-Diethyl S-methyl dithiophosphate | Phosphorodithioic acid, O,O-diethyl S-methyl ester | 5000 (2270) |
| Diethyl-p-nitrophenyl phosphate | Phosphoric acid, diethyl p-nitrophenyl ester | 100 (45.4) |
| Diethyl phthalate | 1,2-Benzenedicarboxylic acid, diethyl ester | 1000 (454) |
| O,O-Diethyl O-pyrazinyl phosphorothioate | Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester | 100 (45.4) |
| Diethylstilbestrol | 4,4'-Stilbenediol, alpha,alpha'-diethyl- | 1 (0.454) |
| 1,2-Dihydro-3,6-pyridazinedione | Maleic hydrazide | 5000 (2270) |
| Dihydrosafrole | Benzene, 1,2-methylenedioxy-4-propyl- | 1 (0.454) |
| Diisopropyl fluorophosphate | Phosphorofluoridic acid, bis(1-methylethyl) ester | 100 (45.4) |
| Dimethoate | Phosphorodithioic acid, O,O-dimethyl S-[2(methylamino)-2-oxoethyl] ester | 10 (4.54) |
| 3,3'-Dimethoxybenzidine | (1,1'-Biphenyl)-4,4'diamine,3,3'dimethoxy- | 1 (0.454) |
| Dimethylamine * | Methanamine, N-methyl- | 1000 (454) |
| Dimethylaminoazobenzene | Benzenamine, N,N-dimethyl-4-phenylazo- | 1 (0.454) |
| 7,12-Dimethylbenz[a]anthracene | 1,2-Benzanthracene, 7,12-dimethyl- | 1 (0.454) |
| 3,3'-Dimethylbenzidine | (1,1'Biphenyl)-4,4'-diamine,3,3'-dimethyl- | 1 (0.454) |
| alpha,alpha-Dimethylbenzylhydroperoxide | Hydroperoxide, 1-methyl-1-phenylethyl- | 10 (4.54) |
| 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime | Thiofanox | 100 (45.4) |
| Dimethylcarbamoyl chloride | Carbamoyl chloride, dimethyl- | 1 (0.454) |
| 1,1-Dimethylhydrazine * | Hydrazine, 1,1-dimethyl- | 1 (0.454) |
| 1,2-Dimethylhydrazine | Hydrazine, 1,2-dimethyl- | 1 (0.454) |
| O,O-Dimethyl O-p-nitrophenyl phosphorothioate | Methyl parathion * | 100 (45.4) |
| Dimethylnitrosamine | N-Nitrosodimethylamine | 1 (0.454) |
| alpha,alpha-Dimethylphenethylamine | Ethanamine, 1,1-dimethyl-2-phenyl- | 5000 (2270) |
| 2,4-Dimethylphenol | Phenol, 2,4-dimethyl- | 100 (45.4) |
| | 2,4-Xylenol @ | |
| Dimethyl phthalate | 1,2-Benzenedicarboxylic acid, dimethyl ester | 5000 (2270) |
| Dimethyl sulfate * | Sulfuric acid, dimethyl ester | 1 (0.454) |
| Dinitrobenzene * (mixed) | | 100 (45.4) |
| m-Dinitrobenzene | | 100 (45.4) |
| o-Dinitrobenzene | | 100 (45.4) |
| p-Dinitrobenzene | | 100 (45.4) |
| 4,6-Dinitro-o-cresol and salts | Phenol, 2,4-dinitro-6-methyl-, and salts | 10 (4.54) |
| 4,6-Dinitro-o-cyclohexylphenol * | Phenol, 2-cyclohexyl-4,6-dinitro- | 100 (45.4) |
| Dinitrophenol * | | 10 (4.54) |
| 2,5-Dinitrophenol | | 10 (4.54) |
| 2,6-Dinitrophenol | | 10 (4.54) |
| 2,4-Dinitrophenol * | Phenol, 2,4-dinitro- | 10 (4.54) |
| Dinitrotoluene * | | 1000 (454) |
| 3,4-Dinitrotoluene | | |
| 2,4-Dinitrotoluene * | Benzene, 1-methyl-2,4-dinitro- | 1000 (454) |
| 2,6-Dinitrotoluene * | Benzene, 1-methyl-2,6-dinitro- | 1000 (454) |
| Dinoseb | Phenol, 2,4-dinitro-6-(1-methylpropyl)- | 1000 (454) |
| Di-n-octyl phthalate | 1,2-Benzenedicarboxylic acid, di-n-octyl ester | 5000 (2270) |
| 1,4-Dioxane * | 1,4-Diethylene dioxide | 1 (0.454) |
| DIPHENYLHYDRAZINE | | ** |
| 1,2-Diphenylhydrazine | Hydrazine, 1,2-diphenyl- | 1 (0.454) |
| Diphosphoramide, octamethyl- | Octamethylpyrophosphoramide | 100(45.4) |
| Dipropylamine | 1-Propanamine, N-propyl- | 5000 (2270) |
| Di-n-propylnitrosamine | N-Nitrosodi-n-propylamine | 1 (0.454) |
| Diquat | | 1000 (454) |
| Disulfoton * | O,O-Diethyl S-[2-(ethylthio)ethyl]phosphorodithioate | 1 (0.454) |
| 2,4-Dithiobiuret | Thioimidodicarbonic diamide | 100 (45.4) |
| Dithiopyrophosphoric acid, tetraethyl ester | Tetraethyldithiopyrophosphate | 100 (45.4) |
| Diuron | | 100 (45.4) |
| Dodecylbenzenesulfonic acid * | | 1000 (454) |
| Endosulfan * | 5-Norbornene-2,3-dimethanol,1,4,5,6,7,7-hexachloro,cyclic sulfite | 1 (0.454) |
| alpha - Endosulfan | | 1 (0.454) |
| beta - Endosulfan | | 1 (0.454) |
| ENDOSULFAN AND METABOLITES | | ** |
| Endosulfan sulfate | | 1 (0.454) |
| Endothall | 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid | 1000 (454) |
| Endrin * | 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene. | 1 (0.454) |
| Endrin aldehyde | | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| ENDRIN AND METABOLITES | | ** |
| Epichlorohydrin * | 1-Chloro-2,3-epoxypropane | 1000 (454) |
| | Oxirane, 2-(chloromethyl)- | |
| Epinephrine | 1,2-Benzenediol,4-[1-hydroxy-2-(methylamino)ethyl] | 1000 (454) |
| Ethanal | Acetaldehyde * | 1000 (454) |
| Ethanamine, 1,1-dimethyl-2-phenyl- | alpha,alpha-Dimethylphenethylamine | 5000 (2270) |
| Ethanamine, N-ethyl-N-nitroso- | N-Nitrosodiethylamine | 1 (0.454) |
| Ethane, 1,2-dibromo- | Ethylene dibromide * | 1000 (454) |
| Ethane, 1,1-dichloro- | Ethylidene dichloride | 1000 (454) |
| | 1,1-Dichloroethane | |
| Ethane, 1,2-dichloro- | Ethylene dichloride * | 5000 (2270) |
| | 1,2-Dichloroethane | |
| Ethane, 1,1,1,2,2,2-hexachloro- | Hexachloroethane * | 1 (0.454) |
| Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro- | Bis(2-chloroethoxy)methane | 1000 (454) |
| Ethane, 1,1'-oxybis- | Ethyl ether * | 100 (45.4) |
| Ethane, 1,1'-oxybis(2-chloro- | Bis (2-chloroethyl) ether | 1 (0.454) |
| | Dichloroethyl ether | |
| Ethane, pentachloro- | Pentachloroethane | 1 (0.454) |
| Ethane, 1,1,1,2-tetrachloro- | 1,1,1,2-Tetrachloroethane * | 1 (0.454) |
| Ethane, 1,1,2,2-tetrachloro- | 1,1,2,2-Tetrachloroethane * | 1 (0.454) |
| Ethane, 1,1,2-trichloro- | 1,1,2-Trichloroethane | 1 (0.454) |
| Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)- | Methoxychlor | 1 (0.454) |
| 1,2-Ethanediylbiscarbamodithioic acid | Ethylenebis(dithiocarbamic acid) | 5000 (2270) |
| Ethanenitrile | Acetonitrile * | 5000 (2270) |
| Ethanethioamide | Thioacetamide | 1 (0.454) |
| Ethanol, 2,2'-(nitrosoimino)bis- | N-Nitrosodiethanolamine | 1 (0.454) |
| Ethanone, 1-phenyl- | Acetophenone | 5000 (2270) |
| Ethanoyl chloride | Acetyl chloride * | 5000 (2270) |
| Ethenamine, N-methyl-N-nitroso- | N-Nitrosomethylvinylamine | 1 (0.454) |
| Ethene, chloro- | Vinyl chloride * | 1 (0.454) |
| Ethene, 2-chloroethoxy- | 2-Chloroethyl vinyl ether | 1000 (454) |
| Ethene, 1,1-dichloro- | Vinylidene chloride * | 5000 (2270) |
| | 1,1-Dichloroethylene | |
| Ethene, 1,1,2,2-tetrachloro- | | 1 (0.454) |
| | Perchloroethylene | |
| | Tetrachloroethene | |
| | Tetrachloroethylene | |
| Ethene, trans-1,2-dichloro- | 1,2-trans-Dichloroethylene * | 1000 (454) |
| Ethion * | | 10 (4.54) |
| 2-Ethoxyethanol | Ethylene glycol monoethyl ether * | 1 (0.454) |
| Ethyl acetate | Acetic acid, ethyl ester | 5000 (2270) |
| Ethyl acrylate * | 2-Propenoic acid, ethyl ester | 1000 (454) |
| Ethylbenzene * | | 1000 (454) |
| Ethyl carbamate (Urethan) | Carbamic acid, ethyl ester | 1 (0.454) |
| Ethyl chloride @ | Chloroethane | 1 (0.454) |
| Ethyl cyanide | Propanenitrile | 10 (4.54) |
| Ethyl 4,4'-dichlorobenzilate | Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester | 1 (0.454) |
| Ethylene dibromide * | Ethane, 1,2-dibromo- | 1000 (454) |
| Ethylene dichloride * | 1,2-Dichloroethane | 5000 (2270) |
| | Ethane, 1,2-dichloro- | |
| Ethylene glycol monoethyl ether * | 2-Ethoxyethanol | 1 (0.454) |
| Ethylene oxide * | Oxirane | 1 (0.454) |
| Ethylenebis(dithiocarbamic acid) | 1,2-Ethanediylbiscarbamodithioicacid | 5000 (2270) |
| Ethylenediamine * | | 5000 (2270) |
| Ethylenediamine tetraacetic acid (EDTA) | | 5000 (2270) |
| Ethylenethiourea | 2-Imidazolidinethione | 1 (0.454) |
| Ethylenimine | Aziridine | 1 (0.454) |
| Ethyl ether * | Ethane, 1,1'-oxybis- | 100 (45.4) |
| Ethylidene dichloride | Ethane, 1,1-dichloro- | 1000 (454) |
| | 1,1-Dichloroethane | |
| Ethyl methacrylate | 2-Propenoic acid, 2-methyl-, ethyl ester | 1000 (454) |
| Ethyl methanesulfonate | Methanesulfonic acid, ethyl ester | 1 (0.454) |
| Ethyl methyl ketone @ | 2-Butanone | 5000 (2270) |
| | Methyl ethyl ketone * | |
| Famphur | Phosphorothioic acid, O,O-dimethyl O-[p-[(dimethylamino)-sulfonyl] phenyl] ester | 1000 (454) |
| Ferric ammonium citrate | | 1000 (454) |
| Ferric ammonium oxalate | | 1000 (454) |
| Ferric chloride | | 1000 (454) |
| Ferric dextran *** | Iron dextran *** | 5000 (2270) |
| Ferric fluoride | | 100 (45.4) |
| Ferric nitrate * | | 1000 (454) |
| Ferric sulfate | | 1000 (454) |
| Ferrous ammonium sulfate | | 1000 (454) |
| Ferrous chloride * | | 100 (45.4) |
| Ferrous sulfate | | 1000 (454) |
| Fluoranthene | Benzo[j,k]fluorene | 100 (45.4) |
| Fluorene | | 5000 (2270) |
| Fluorine * | | 10 (4.54) |
| Fluoroacetamide | Acetamide, 2-fluoro- | 100 (45.4) |
| Fluoroacetic acid, sodium salt | Acetic acid, fluoro-, sodium salt | 10 (4.54) |
| Formaldehyde * | Methylene oxide | 1000 (454) |
| Formic acid * | Methanoic acid | 5000 (2270) |
| Fulminic acid, mercury(II)salt | Mercury fulminate | 10 (4.54) |
| Fumaric acid | | 5000 (2270) |
| Furan * | Furfuran | 100 (45.4) |
| Furan, tetrahydro- | Tetrahydrofuran * | 1000 (454) |
| 2-Furancarboxaldehyde | Furfural * | 5000 (2270) |
| 2,5-Furandione | Maleic anhydride * | 5000 (2270) |
| Furfural * | 2-Furancarboxaldehyde | 5000 (2270) |
| Furfuran | Furan * | 100 (45.4) |
| D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)- | Streptozotocin | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Glycidylaldehyde | 1-Propanal, 2,3-epoxy- | 1 (0.454) |
| Guanidine, N-nitroso-N-methyl-N'-nitro- | N-Methyl-N'-nitro-N-nitrosoguanidine | 1 (0.454) |
| Guthion * | Azinphos methyl @ | 1 (0.454) |
| HALOETHERS | | ** |
| HALOMETHANES | | ** |
| Heptachlor * | 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro- | 1 (0.454) |
| HEPTACHLOR AND METABOLITES | | ** |
| Heptachlor epoxide | | 1 (0.454) |
| Hexachlorobenzene | Benzene, hexachloro- | 1 (0.454) |
| Hexachlorobutadiene * | 1,3-Butadiene, 1,1,2,3,4,4-hexachloro- | 1(0.454) |
| HEXACHLOROCYCLOHEXANE (all isomers) | | ** |
| Hexachlorocyclohexane (gamma isomer) | gamma - BHC<br>Lindane * | 1 (0.454) |
| Hexachlorocyclopentadiene * | 1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro- | 1 (0.454) |
| 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene. | Endrin * | 1 (0.454) |
| 1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,exo-1,4:5,8-dimethanonaphthalene. | Dieldrin * | 1 (0.454) |
| Hexachloroethane * | Ethane, 1,1,1,2,2,2-hexachloro- | 1 (0.454) |
| Hexachlorohexahydro-endo,endo-dimethanonaphthalene | 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo,endo-dimethanonaphthalene.<br>Hexachlorohexahydro-endo,endo-dimethanonaphthalene | 1 (0.454)<br>1 (0.454) |
| 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo,endo-dimethanonaphthalene. | | |
| 1,2,3,4,10-10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,exo-dimethanonaphthalene. | Aldrin * | 1 (0.454) |
| Hexachlorophene | 2,2'-Methylenebis(3,4,6-trichlorophenol) | 100(45.4) |
| Hexachloropropene | 1-Propene, 1,1,2,3,3,3-hexachloro- | 1000 (454) |
| Hexaethyl tetraphosphate * | Tetraphosphoric acid, hexaethyl ester | 100 (45.4) |
| Hydrazine * | Diamine | 1 (0.454) |
| Hydrazine, 1,2-diethyl- | N,N'-Diethylhydrazine | 1 (0.454) |
| Hydrazine, 1,1-dimethyl- | 1,1-Dimethylhydrazine * | 1 (0.454) |
| Hydrazine, 1,2-dimethyl- | 1,2-Dimethylhydrazine | 1 (0.454) |
| Hydrazine, 1,2-diphenyl- | 1,2-Diphenylhydrazine | 1 (0.454) |
| Hydrazine, methyl- | Methyl hydrazine * | 10 (4.54) |
| Hydrazinecarbothioamide | Thiosemicarbazide | 100 (45.4) |
| Hydrochloric acid * | | 5000 (2270) |
| Hydrocyanic acid * | Hydrogen cyanide | 10 (4.54) |
| Hydrofluoric acid * | Hydrogen fluoride * | 100 (45.4) |
| Hydrogen cyanide | Hydrocyanic acid * | 10 (4.54) |
| Hydrogen fluoride * | Hydrofluoric acid * | 100 (45.4) |
| Hydrogen phosphide | Phosphine * | 100 (45.4) |
| Hydrogen sulfide * | Hydrosulfuric acid<br>Sulfur hydride | 100 (45.4) |
| Hydroperoxide, 1-methyl-1-phenylethyl- | alpha,alpha-Dimethylbenzylhydroperoxide | 10 (4.54) |
| Hydrosulfuric acid | Hydrogen sulfide *<br>Sulfur hydride | 100 (45.4) |
| Hydroxydimethylarsine oxide | Cacodylic acid | 1 (0.454) |
| 2-Imidazolidinethione | Ethylenethiourea | 1 (0.454) |
| Indeno(1,2,3-cd)pyrene | 1,10-(1,2-Phenylene)pyrene | 1 (0.454) |
| Iron dextran *** | Ferric dextran *** | 5000 (2270) |
| Isobutyl alcohol | 1-Propanol, 2-methyl- | 5000 (2270) |
| Isocyanic acid, methyl ester | Methyl isocyanate * | 1 (0.454) |
| Isophorone | | 5000 (2270) |
| Isoprene * | | 1000 (454) |
| Isopropanolamine dodecylbenzene sulfonate | | 1000 (454) |
| Isosafrole | Benzene, 1,2-methylenedioxy-4-propenyl- | 1 (0.454) |
| 3(2H)-Isoxazolone, 5-(aminomethyl)- | 5-(Aminomethyl)-3-isoxazolol | 1000 (454) |
| Kelthane | | 10 (4.54) |
| Kepone | Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one | 1 (0.454) |
| Lasiocarpine | | 1 (0.454) |
| Lead ¢ | | 1 (0.454) |
| Lead acetate | Acetic acid, lead salt | 5000 (2270) |
| LEAD AND COMPOUNDS | | ** |
| Lead arsenate * | | 5000 (2270) |
| Lead chloride * | | 100 (45.4) |
| Lead fluoborate * | | 100 (45.4) |
| Lead fluoride * | | 100 (45.4) |
| Lead iodide | | 100 (45.4) |
| Lead nitrate * | | 100 (45.4) |
| Lead phosphate | Phosphoric acid, lead salt | 1 (0.454) |
| Lead stearate | | 5000 (2270) |
| Lead subacetate | | 1 (0.454) |
| Lead sulfate * | | 100 (45.4) |
| Lead sulfide | | 5000 (2270) |
| Lead thiocyanate | | 100 (45.4) |
| Lindane * | gamma - BHC<br>Hexachlorocyclohexane (gamma isomer) | 1 (0.454) |
| Lithium chromate | | 1000 (454) |
| Malathion * | | 100 (45.4) |
| Maleic acid * | | 5000 (2270) |
| Maleic anhydride * | 2,5-Furandione | 5000 (2270) |
| Maleic hydrazide | 1,2-Dihydro-3,6-pyridazinedione | 5000 (2270) |
| Malononitrile | Propanedinitrile | 1000 (454) |
| Melphalan | Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L- | 1 (0.454) |
| Mercaptodimethur | | 10 (4.54) |
| Mercuric cyanide * | | 1 (0.454) |
| Mercuric nitrate * | | 10 (4.54) |
| Mercuric sulfate * | | 10 (4.54) |
| Mercuric thiocyanate | | 10 (4.54) |
| Mercurous nitrate * | | 10 (4.54) |
| Mercury * | | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| MERCURY AND COMPOUNDS | | ** |
| Mercury, (acetato-O)phenyl- | Phenylmercuric acetate | 100 (45.4) |
| Mercury fulminate | Fulminic acid, mercury(II)salt | 10 (4.54) |
| Methacrylonitrile | 2-Propenenitrile, 2-methyl- | 1000 (454) |
| Methanamine, N-methyl- | Dimethylamine * | 1000 (454) |
| Methane, bromo- | Methyl bromide * | 1000 (454) |
| Methane, chloro- | Methyl chloride * | 1 (0.454) |
| Methane, chloromethoxy- | Chloromethyl methyl ether | 1 (0.454) |
| | Methylchloromethyl ether @ | |
| Methane, dibromo- | Methylene bromide | 1000 (454) |
| Methane, dichloro- | Methylene chloride * | 1000 (454) |
| Methane, dichlorodifluoro- | Dichlorodifluoromethane * | 5000 (2270) |
| Methane, iodo- | Methyl iodide | 1 (0.454) |
| Methane, oxybis(chloro- | Bis(chloromethyl) ether | 1 (0.454) |
| Methane, tetrachloro- | Carbon tetrachloride * | 5000 (2270) |
| Methane, tetranitro- | Tetranitromethane * | 10 (4.54) |
| Methane, tribromo- | Bromoform | 100 (45.4) |
| Methane, trichloro- | Chloroform * | 5000 (2270) |
| Methane, trichlorofluoro- | Trichloromonofluoromethane | 5000 (2270) |
| Methanesulfenyl chloride, trichloro- | Perchloromethyl mercaptan @ | 100 (45.4) |
| | Trichloromethanesulfenyl chloride | |
| Methanesulfonic acid, ethyl ester | Ethyl methanesulfonate | 1 (0.454) |
| Methanethiol | Methyl mercaptan * | 100 (45.4) |
| | Thiomethanol | |
| 4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-a,4,7,7a-tetrahydro- | Heptachlor * | 1 (0.454) |
| Methanoic acid | Formic acid * | 5000 (2270) |
| 4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro- | Chlordane * | 1 (0.454) |
| | Chlordane, technical * | |
| Methanol * | Methyl alcohol * | 5000 (2270) |
| Methapyrilene | Pyridine, 2-[(2-(dimethylamino)ethyl)-2-thenylamino]- | 5000 (2270) |
| Methomyl | Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester | 100 (45.4) |
| Methoxychlor | Ethane, 1,1,1-trichloro-2,2-bis(p-methoxyphenyl)- | 1 (0.454) |
| Methyl alcohol * | Methanol * | 5000 (2270) |
| Methylamine @ | Monoethylamine * | 100 (45.4) |
| 2-Methylaziridine | 1,2-Propylenimine | 1 (0.454) |
| Methyl bromide * | Methane, bromo- | 1000 (454) |
| 1-Methylbutadiene | 1,3-Pentadiene | 100 (45.4) |
| Methyl chloride * | Methane, chloro- | 1 (0.454) |
| Methyl chlorocarbonate | Carbonochloridic acid, methyl ester | 1000 (454) |
| Methyl chloroform * | 1,1,1-Trichloroethane * | 1000 (454) |
| Methylchloromethyl ether @ | Chloromethyl methyl ether | 1 (0.454) |
| | Methane, chloromethoxy- | |
| 3-Methylcholanthrene | Benz[j]aceanthrylene, 1,2-dihydro-3-methyl- | 1 (0.454) |
| 4,4'-Methylenebis(2-chloroaniline) | Benzenamine, 4,4'-methylenebis(2-chloro- | 1 (0.454) |
| 2,2'-Methylenebis(3,4,6-trichlorophenol) | Hexachlorophene | 100(45.4) |
| Methylene bromide | Methane, dibromo- | 1000 (454) |
| Methylene chloride * | Methane, dichloro- | 1000 (454) |
| Methylene oxide | Formaldehyde * | 1000 (454) |
| Methyl ethyl ketone * | 2-Butanone | 5000 (2270) |
| | Ethyl methyl ketone @ | |
| Methyl ethyl ketone peroxide * | 2-Butanone peroxide | 10 (4.54) |
| Methyl hydrazine * | Hydrazine, methyl- | 10 (4.54) |
| Methyl iodide | Methane, iodo- | 1 (0.454) |
| Methyl isobutyl ketone | 4-Methyl-2-pentanone | 5000 (2270) |
| Methyl isocyanate * | Isocyanic acid, methyl ester | 1 (0.454) |
| 2-Methyllactonitrile | Acetone cyanohydrin * | 10 (4.54) |
| | Propanenitrile, 2-hydroxy-2-methyl- | |
| Methyl mercaptan * | Methanethiol | 100 (45.4) |
| | Thiomethanol | |
| Methyl methacrylate * | 2-Propenoic acid, 2-methyl-, methyl ester | 1000 (454) |
| N-Methyl-N'-nitro-N-nitrosoguanidine | Guanidine, N-nitroso-N-methyl-N'-nitro- | 1 (0.454) |
| Methyl parathion * | O,O-Dimethyl O-p-nitrophenyl phosphorothioate | 100 (45.4) |
| 4-Methyl-2-pentanone | Methyl isobutyl ketone | 5000 (2270) |
| Methylthiouracil | 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- | 1 (0.454) |
| Mevinphos * | | 10 (4.54) |
| Mexacarbate * | | 1000 (454) |
| Mitomycin C | Azirino(2',3':3,4)pyrrolo(1,2-a)indole-4,7-dione,6-amino-8-[((aminocarbonyl)oxy) methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-. | 1 (0.454) |
| Monoethylamine * | Methylamine @ | 100 (45.4) |
| Monomethylamine | | 100 (45.4) |
| 5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl) oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-. | Daunomycin | 1 (0.454) |
| Naphthalene * | | 100 (45.4) |
| Naphthalene, 2-chloro- | beta-Chloronaphthalene | 5000 (2270) |
| | 2-Chloronaphthalene | |
| 1,4-Naphthalenedione | 1,4-Naphthoquinone | 5000 (2270) |
| 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(l,1'-biphenyl)-4,4'-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt. | Trypan blue | 1 (0.454) |
| Naphthenic acid | | 100 (45.4) |
| 1,4-Naphthoquinone | 1,4-Naphthalenedione | 5000 (2270) |
| alpha-Naphthylamine | 1-Naphthylamine | 1 (0.454) |
| beta-Naphthylamine | 2-Naphthylamine | 1 (0.454) |
| 2-Naphthylamine, N,N-bis(2-chloroethyl)- | Chlornaphazine | 1 (0.454) |
| 1-Naphthylamine | alpha-Naphthylamine | 1 (0.454) |
| 2-Naphthylamine | beta-Naphthylamine | 1 (0.454) |
| alpha-Naphthylthiourea | Thiourea, 1-naphthalenyl- | 100 (45.4) |
| Nickel ¢ | | 1 (0.454) |
| Nickel ammonium sulfate | | 5000 (2270) |
| NICKEL AND COMPOUNDS | | ** |
| Nickel carbonyl * | Nickel tetracarbonyl | 1 (0.454) |
| Nickel chloride * | | 5000 (2270) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Nickel cyanide * | Nickel(II) cyanide | 1 (0.454) |
| Nickel(II) cyanide | Nickel cyanide * | 1 (0.454) |
| Nickel hydroxide | | 1000 (454) |
| Nickel nitrate * | | 5000 (2270) |
| Nickel sulfate | | 5000 (2270) |
| Nickel tetracarbonyl | Nickel carbonyl * | 1 (0.454) |
| Nicotine * and salts * | Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts | 100 (45.4) |
| Nitric acid * | | 1000 (454) |
| Nitric oxide * | Nitrogen(II) oxide | 10 (4.54) |
| p-Nitroaniline * | Benzenamine, 4-nitro- | 5000 (2270) |
| Nitrobenzene * | Benzene, nitro- | 1000 (454) |
| Nitrogen dioxide * | Nitrogen(IV) oxide | 10 (4.54) |
| Nitrogen(II) oxide | Nitric oxide * | 10 (4.54) |
| Nitrogen(IV) oxide | Nitrogen dioxide * | 10 (4.54) |
| Nitroglycerine * | 1,2,3-Propanetriol, trinitrate- | 10 (4.54) |
| Nitrophenol * (mixed) | | 100 (45.4) |
| m-Nitrophenol | | 100 (45.4) |
| o-Nitrophenol | 2-Nitrophenol | 100 (45.4) |
| p-Nitrophenol | Phenol, 4-nitro- | 100 (45.4) |
| | 4-Nitrophenol | |
| o-Nitrophenol * | 2-Nitrophenol * | 100 (45.4) |
| p-Nitrophenol * | Phenol, 4-nitro- | 100 (45.4) |
| | 4-Nitrophenol * | |
| 2-Nitrophenol * | o-Nitrophenol * | 100 (45.4) |
| 4-Nitrophenol * | p-Nitrophenol * | 100 (45.4) |
| | Phenol, 4-nitro- | |
| NITROPHENOLS | | ** |
| 2-Nitropropane | Propane, 2-nitro- | 1 (0.454) |
| NITROSAMINES | | ** |
| N-Nitrosodi-n-butylamine | 1-Butanamine, N-butyl-N-nitroso- | 1 (0.454) |
| N-Nitrosodiethanolamine | Ethanol, 2,2'-(nitrosoimino)bis- | 1 (0.454) |
| N-Nitrosodiethylamine | Ethanamine, N-ethyl-N-nitroso- | 1 (0.454) |
| N-Nitrosodimethylamine | Dimethylnitrosamine | 1 (0.454) |
| N-Nitrosodiphenylamine | | 100 (45.4) |
| N-Nitrosodi-n-propylamine | Di-n-propylnitrosamine | 1 (0.454) |
| N-Nitroso-N-ethylurea | Carbamide, N-ethyl-N-nitroso- | 1 (0.454) |
| N-Nitroso-N-methylurea | Carbamide, N-methyl-N-nitroso- | 1 (0.454) |
| N-Nitroso-N-methylurethane | Carbamic acid, methylnitroso-, ethyl ester | 1 (0.454) |
| N-Nitrosomethylvinylamine | Ethenamine, N-methyl-N-nitroso- | 1 (0.454) |
| N-Nitrosopiperidine | Pyridine, hexahydro-N-nitroso- | 1 (0.454) |
| N-Nitrosopyrrolidine | Pyrrole, tetrahydro-N-nitroso- | 1 (0.454) |
| Nitrotoluene * | | 1000 (454) |
| m-Nitrotoluene | | |
| o-Nitrotoluene | | |
| p-Nitrotoluene | | |
| 5-Nitro-o-toluidine | Benzenamine, 2-methyl-5-nitro- | 1 (0.454) |
| 5-Norbornene-2,3-dimethanol,1,4,5,6,7,7-hexachloro,cyclic sulfite | Endosulfan * | 1 (0.454) |
| Octamethylpyrophosphoramide | Diphosphoramide, octamethyl- | 100(45.4) |
| Osmium oxide | Osmium tetroxide | 1000 (454) |
| Osmium tetroxide | Osmium oxide | 1000 (454) |
| 7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid | Endothall | 1000 (454) |
| 1,2-Oxathiolane, 2,2-dioxide | 1,3-Propane sultone | 1 (0.454) |
| 2H-1,3,2-Oxazaphosphorine,2-[bis(2-chloroethyl) amino] tetrahydro-2-oxide | Cyclophosphamide | 1 (0.454) |
| Oxirane | Ethylene oxide * | 1 (0.454) |
| Oxirane, 2-(chloromethyl)- | Epichlorohydrin * | 1000 (454) |
| | 1-Chloro-2,3-epoxypropane | |
| Paraformaldehyde * | | 1000 (454) |
| Paraldehyde * | 1,3,5-Trioxane, 2,4,6-trimethyl- | 1000 (454) |
| Parathion * | Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl)ester | 1 (0.454) |
| Pentachlorobenzene | Benzene, pentachloro- | 10 (4.54) |
| Pentachloroethane | Ethane, pentachloro- | 1 (0.454) |
| Pentachloronitrobenzene | Benzene, pentachloronitro- | 1 (0.454) |
| Pentachlorophenol * | Phenol, pentachloro- | 10 (4.54) |
| 1,3-Pentadiene | 1-Methylbutadiene | 100 (45.4) |
| Perchloroethylene * | Ethene, 1,1,2,2-tetrachloro- | 1 (0.454) |
| | Tetrachloroethene | |
| | Tetrachloroethylene * | |
| Perchloromethyl mercaptan @ | Methanesulfenyl chloride, trichloro- | 100 (45.4) |
| | Trichloromethanesulfenyl chloride | |
| Phenacetin | Acetamide, N-(4-ethoxyphenyl)- | 1 (0.454) |
| Phenanthrene | | 5000 (2270) |
| Phenol * | Benzene, hydroxy- | 1000 (454) |
| Phenol, 4-chloro-3-methyl- | p-Chloro-m-cresol | 5000 (2270) |
| | 4-Chloro-m-cresol | |
| Phenol, 2-chloro- | o-Chlorophenol | 100 (45.4) |
| | 2-Chlorophenol | |
| Phenol, 2-cyclohexyl-4,6-dinitro- | 4,6-Dinitro-o-cyclohexylphenol * | 100 (45.4) |
| Phenol, 2,4-dichloro- | 2,4-Dichlorophenol | 100 (45.4) |
| Phenol, 2,6-dichloro- | 2,6-Dichlorophenol | 100 (45.4) |
| Phenol, 2,4-dimethyl- | 2,4-Dimethylphenol | 100 (45.4) |
| | 2,4-Xylenol @ | |
| Phenol, 2,4-dinitro-6-(1-methylpropyl)- | Dinoseb | 1000 (454) |
| Phenol, 2,4-dinitro-6-methyl-, and salts | 4,6-Dinitro-o-cresol andsalts | 10 (4.54) |
| Phenol, 2,4-dinitro- | 2,4-Dinitrophenol * | 10 (4.54) |
| Phenol, 4-nitro- | p-Nitrophenol * | 100 (45.4) |
| | 4-Nitrophenol * | |
| Phenol, pentachloro- | Pentachlorophenol * | 10 (4.54) |
| Phenol, 2,3,4,6-tetrachloro- | 2,3,4,6-Tetrachlorophenol * | 10 (4.54) |
| Phenol, 2,4,5-trichloro- | 2,4,5-Trichlorophenol * | 10 (4.54) |
| Phenol, 2,4,6-trichloro- | 2,4,6-Trichlorophenol * | 10 (4.54) |
| Phenol, 2,4,6-trinitro-, ammonium salt | Ammonium picrate * | 10 (4.54) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Phenyl dichloroarsine * | Dichlorophenylarsine | 1 (0.454) |
| 1,10-(1,2-Phenylene)pyrene | Indeno(1,2,3-cd)pyrene | 1 (0.454) |
| Phenyl mercaptan @ | Benzenethiol | 100 (45.4) |
| | Thiophenol * | |
| Phenylmercuric acetate | Mercury, (acetato-O)phenyl- | 100 (45.4) |
| N-Phenylthiourea | Thiourea, phenyl- | 100 (45.4) |
| Phorate | Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methylester | 10 (4.54) |
| Phosgene * | Carbonyl chloride | 10 (4.54) |
| Phosphine * | Hydrogen phosphide | 100 (45.4) |
| Phosphoric acid * | | 5000 (2270) |
| Phosphoric acid, diethyl p-nitrophenyl ester | Diethyl-p-nitrophenyl phosphate | 100 (45.4) |
| Phosphoric acid, lead salt | Lead phosphate | 1 (0.454) |
| Phosphorodithioic acid, O,O-diethyl S-(ethylthio), methyl ester | Phorate | 10 (4.54) |
| Phosphorodithioic acid, O,O-diethyl S-methyl ester | O,O-Diethyl S-methyl dithiophosphate | 5000 (2270) |
| Phosphorodithioic acid, O,O-dimethyl S-[2 (methylamino)-2-oxoethyl] ester | Dimethoate | 10 (4.54) |
| Phosphorofluoridic acid, bis(1-methylethyl) ester | Diisopropyl fluorophosphate | 100 (45.4) |
| Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester | Parathion * | 1 (0.454) |
| Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester | O,O-Diethyl O-pyrazinyl phosphorothioate | 100 (45.4) |
| Phosphorothioic acid, O,O-dimethyl O-[p-[(dimethylamino)-sulfonyl] phenyl] ester | Famphur | 1000 (454) |
| Phosphorus * | | 1 (0.454) |
| Phosphorus oxychloride * | | 1000 (454) |
| Phosphorus pentasulfide * | Phosphorus sulfide | 100 (45.4) |
| | Sulfur phosphide | |
| Phosphorus sulfide | Phosphorus pentasulfide * | 100 (45.4) |
| | Sulfur phosphide | |
| Phosphorus trichloride * | | 1000 (454) |
| PHTHALATE ESTERS | | ** |
| Phthalic anhydride | 1,2-Benzenedicarboxylic acid anhydride | 5000 (2270) |
| 2-Picoline | Pyridine, 2-methyl- | 5000 (2270) |
| Plumbane, tetraethyl- | Tetraethyl lead * | 10 (4.54) |
| POLYCHLORINATED BIPHENYLS (PCBs) * | | 10 (4.54) |
| Aroclor 1016 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1221 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1232 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1242 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1248 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1254 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| Aroclor 1260 | POLYCHLORINATED BIPHENYLS (PCBs) | 10 (4.54) |
| POLYNUCLEAR AROMATIC HYDROCARBONS | | ** |
| Potassium arsenate * | | 1000 (454) |
| Potassium arsenite * | | 1000 (454) |
| Potassium bichromate | Potassium dichromate @ | 1000 (454) |
| Potassium chromate | | 1000 (454) |
| Potassium cyanide * | | 10 (4.54) |
| Potassium dichromate @ | Potassium bichromate | 1000 (454) |
| Potassium hydroxide * | | 1000 (454) |
| Potassium permanganate * | | 100 (45.4) |
| Potassium silver cyanide | | 1 (0.454) |
| Pronamide | 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide | 5000 (2270) |
| 1-Propanal, 2,3-epoxy- | Glycidylaldehyde | 1 (0.454) |
| Propanal, 2-methyl-2-(methylthio)-,O-[(methylamino)carbonyl]oxime | Aldicarb | 1 (0.454) |
| 1-Propanamine | n-Propylamine * | 5000 (2270) |
| 1-Propanamine, N-propyl- | Dipropylamine | 5000 (2270) |
| Propane, 1,2-dibromo-3-chloro- | 1,2-Dibromo-3-chloropropane | 1(0.454) |
| Propane, 2-nitro- | 2-Nitropropane | 1 (0.454) |
| Propane, 2,2'-oxybis(2-chloro- | Bis(2-chloroisopropyl) ether | 1000 (454) |
| 1,3-Propane sultone | 1,2-Oxathiolane, 2,2-dioxide | 1 (0.454) |
| Propanedinitrile | Malononitrile | 1000 (454) |
| Propanenitrile | Ethyl cyanide | 10 (4.54) |
| Propanenitrile, 3-chloro- | 3-Chloropropionitrile | 1000 (454) |
| Propanenitrile, 2-hydroxy-2-methyl- | Acetone cyanohydrin * | 10 (4.54) |
| | 2-Methyllactonitrile | |
| 1,2,3-Propanetriol, trinitrate- | Nitroglycerine * | 10 (4.54) |
| 1-Propanol, 2,3-dibromo-, phosphate (3:1) | Tris(2,3-dibromopropyl)phosphate | 1 (0.454) |
| 1-Propanol, 2-methyl- | Isobutyl alcohol | 5000 (2270) |
| 2-Propanone | Acetone * | 5000 (2270) |
| 2-Propanone, 1-bromo- | Bromoacetone * | 1000 (454) |
| Propargite | | 10 (4.54) |
| Propargyl alcohol * | 2-Propyn-1-ol | 1000 (454) |
| 2-Propenal | Acrolein * | 1 (0.454) |
| 2-Propenamide | Acrylamide | 5000 (2270) |
| Propene, 1,3-dichloro- | 1,3-Dichloropropene * | 100 (45.4) |
| 1-Propene, 1,1,2,3,3,3-hexachloro- | Hexachloropropene | 1000 (454) |
| 2-Propenenitrile | Acrylonitrile * | 100 (45.4) |
| 2-Propenenitrile, 2-methyl- | Methacrylonitrile | 1000 (454) |
| 2-Propenoic acid | Acrylic acid * | 5000 (2270) |
| 2-Propenoic acid, ethyl ester | Ethyl acrylate * | 1000 (454) |
| 2-Propenoic acid, 2-methyl-, ethyl ester | Ethyl methacrylate | 1000 (454) |
| 2-Propenoic acid, 2-methyl-, methyl ester | Methyl methacrylate * | 1000 (454) |
| 2-Propen-1-ol | Allyl alcohol * | 100 (45.4) |
| Propionic acid * | | 5000 (2270) |
| Propionic acid, 2-(2,4,5-trichlorophenoxy)- | Silvex | 100 (45.4) |
| | 2,4,5-TP @ | |
| | 2,4,5-TP acid | |
| Propionic anhydride | | 5000 (2270) |
| n-Propylamine * | 1-Propanamine | 5000 (2270) |
| Propylene dichloride * | 1,2-Dichloropropane | 1000 (454) |
| Propylene oxide * | | 100 (45.4) |
| 1,2-Propylenimine * | 2-Methylaziridine | 1 (0.454) |
| 2-Propyn-1-ol | Propargyl alcohol * | 1000 (454) |
| Pyrene | | 5000 (2270) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Pyrethrins | | 1 (0.454) |
| 4-Pyridinamine | 4-Aminopyridine | 1000 (454) |
| Pyridine * | | 1000 (454) |
| Pyridine, 2-[(2-(dimethylamino)ethyl)-2- thenylamino]- | Methapyrilene | 5000 (2270) |
| Pyridine, hexahydro-N-nitroso- | N-Nitrosopiperidine | 1 (0.454) |
| Pyridine, 2-methyl- | 2-Picoline | 5000 (2270) |
| Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts | Nicotine * and salts * | 100 (45.4) |
| 4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo- | Methylthiouracil | 1 (0.454) |
| Pyrophosphoric acid, tetraethyl ester | Tetraethyl pyrophosphate * | 10 (4.54) |
| Pyrrole, tetrahydro-N-nitroso- | N-Nitrosopyrrolidine | 1 (0.454) |
| Quinoline | | 5000 (2270) |
| RADIONUCLIDES *** | | 1 (0.454) |
| Reserpine | Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester. | 5000 (2270) |
| Resorcinol * | 1,3-Benzenediol | 5000 (2270) |
| Saccharin and salts | 1,2-Benzisothiazolin-3-one,1,1-dioxide, and salts | 1 (0.454) |
| Safrole | Benzene, 1,2-methylenedioxy-4-allyl- | 1 (0.454) |
| Selenious acid | | 10 (4.54) |
| Selenium ¢ | | 100 (45.4) |
| SELENIUM AND COMPOUNDS | | ** |
| Selenium dioxide | Selenium oxide * | 10 (4.54) |
| Selenium disulfide | Sulfur selenide | 1 (0.454) |
| Selenium oxide * | Selenium dioxide | 10 (4.54) |
| Selenourea | Carbamimidoselenoic acid | 1000 (454) |
| L-Serine, diazoacetate (ester) | Azaserine | 1 (0.454) |
| Silver ¢ | | 1000 (454) |
| SILVER AND COMPOUNDS | | ** |
| Silver cyanide * | | 1 (0.454) |
| Silver nitrate * | | 1 (0.454) |
| Silvex | Propionic acid, 2-(2,4,5-trichlorophenoxy)- | 100 (45.4) |
| | 2,4,5-TP @ | |
| | 2,4,5-TP acid | |
| Sodium * | | 10 (4.54) |
| Sodium arsenate * | | 1000 (454) |
| Sodium arsenite * | | 1000 (454) |
| Sodium azide * | | 1000 (454) |
| Sodium bichromate | Sodium dichromate @ | 1000 (454) |
| Sodium bifluoride * | | 100 (45.4) |
| Sodium bisulfite * | | 5000 (2270) |
| Sodium chromate | | 1000 (454) |
| Sodium cyanide * | | 10 (4.54) |
| Sodium dichromate @ | Sodium bichromate | 1000 (454) |
| Sodium dodecylbenzene sulfonate | | 1000 (454) |
| Sodium fluoride * | | 1000 (454) |
| Sodium hydrosulfide * | | 5000 (2270) |
| Sodium hydroxide * | | 1000 (454) |
| Sodium hypochlorite * | | 100 (45.4) |
| Sodium methylate * | | 1000 (454) |
| Sodium nitrite * | | 100 (45.4) |
| Sodium phosphate, dibasic | | 5000 (2270) |
| Sodium phosphate, tribasic | | 5000 (2270) |
| Sodium selenite * | | 1000 (454) |
| 4,4'-Stilbenediol, alpha,alpha'-diethyl- | Diethylstilbestrol | 1 (0.454) |
| Streptozotocin | D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)- | 1 (0.454) |
| Strontium chromate | | 1000 (454) |
| Strontium sulfide | | 100 (45.4) |
| Strychnidin-10-one, and salts | Strychnine * and salts * | 10 (4.54) |
| Strychnidin-10-one, 2,3-dimethoxy- | Brucine | 100 (45.4) |
| Strychnine * and salts * | Strychnidin-10-one, and salts | 10 (4.54) |
| Styrene | | 1000 (454) |
| Sulfur hydride | Hydrogen sulfide * | 100 (45.4) |
| | Hydrosulfuric acid | |
| Sulfur monochloride | | 1000 (454) |
| Sulfur phosphide | Phosphorus pentasulfide * | 100 (45.4) |
| | Phosphorus sulfide | |
| Sulfur selenide | Selenium disulfide | 1 (0.454) |
| Sulfuric acid | | 1000 (454) |
| Sulfuric acid, dimethyl ester | Dimethyl sulfate * | 1 (0.454) |
| Sulfuric acid, thallium(I) salt | Thallium(I) sulfate * | 100 (45.4) |
| 2,4,5-T acid | 2,4,5-T * | 1000 (454) |
| | 2,4,5-Trichlorophenoxyacetic acid * | |
| 2,4,5-T amines * | | 5000 (2270) |
| 2,4,5-T esters * | | 1000 (454) |
| 2,4,5-T salts * | | 1000 (454) |
| 2,4,5-T * | 2,4,5-T acid | 1000 (454) |
| | 2,4,5-Trichlorophenoxyacetic acid * | |
| TDE * | DDD | 1(0.454) |
| | Dichlorodiphenyl dichloroethane | |
| | 4,4' DDD | |
| 1,2,4,5-Tetrachlorobenzene | Benzene, 1,2,4,5-tetrachloro- | 5000 (2270) |
| 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) | | 1 (0.454) |
| 1,1,1,2-Tetrachloroethane * | Ethane, 1,1,1,2-tetrachloro- | 1 (0.454) |
| 1,1,2,2-Tetrachloroethane * | Ethane, 1,1,2,2-tetrachloro- | 1 (0.454) |
| Tetrachloroethene | Ethene, 1,1,2,2-tetrachloro- | 1 (0.454) |
| | Perchloroethylene * | |
| | Tetrachloroethylene * | |
| Tetrachloroethylene * | Ethene, 1,1,2,2-tetrachloro- | 1 (0.454) |
| | Perchloroethylene * | |
| | Tetrachloroethene | |
| 2,3,4,6-Tetrachlorophenol | Phenol, 2,3,4,6-tetrachloro- | 10 (4.54) |
| Tetraethyl lead * | Plumbane, tetraethyl- | 10 (4.54) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Tetraethyl pyrophosphate * | Pyrophosphoric acid, tetraethyl ester | 10 (4.54) |
| Tetraethyldithiopyrophosphate | Dithiopyrophosphoric acid, tetraethyl ester | 100 (45.4) |
| Tetrahydrofuran * | Furan, tetrahydro- | 1000 (454) |
| Tetranitromethane * | Methane, tetranitro- | 10 (4.54) |
| Tetraphosphoric acid, hexaethyl ester | Hexaethyl tetraphosphate * | 100 (45.4) |
| Thallic oxide | Thallium(III) oxide | 100 (45.4) |
| Thallium ¢ | | 1000 (454) |
| THALLIUM AND COMPOUNDS | | ** |
| Thallium(I) acetate | Acetic acid, thallium(I) salt | 100 (45.4) |
| Thallium(I) carbonate | Carbonic acid, dithallium (I) salt | 100(45.4) |
| Thallium(I) chloride | | 100 (45.4) |
| Thallium(I) nitrate | | 100 (45.4) |
| Thallium(III) oxide | Thallic oxide | 100 (45.4) |
| Thallium(I) selenide | | 1000 (454) |
| Thallium(I) sulfate * | Sulfuric acid, thallium(i) salt | 100 (45.4) |
| Thioacetamide | Ethanethioamide | 1 (0.454) |
| Thiofanox | 3,3-Dimethyl-1-(methylthio)-2-butanone,O-[(methylamino)carbonyl] oxime | 100 (45.4) |
| Thioimidodicarbonic diamide | 2,4-Dithiobiuret | 100 (45.4) |
| Thiomethanol | Methanethiol | 100 (45.4) |
| | Methyl mercaptan * | |
| Thiophenol * | Benzenethiol | 100 (45.4) |
| | Phenyl mercaptan @ | |
| Thiosemicarbazide | Hydrazinecarbothioamide | 100 (45.4) |
| Thiourea | Carbamide, thio- | 1 (0.454) |
| Thiourea, (2-chlorophenyl)- | 1-(o-Chlorophenyl)thiourea | 100 (45.4) |
| Thiourea, 1-naphthalenyl- | alpha-Naphthylthiourea | 100 (45.4) |
| Thiourea, phenyl- | N-Phenylthiourea | 100 (45.4) |
| Thiram | Bis(dimethylthiocarbamoyl) disulfide | 10 (4.54) |
| Toluene * | Benzene, methyl- | 1000 (454) |
| Toluene-2,4-diamine | 2,4-Diaminotoluene | 1 (0.454) |
| | 2,4-Toluenediamine * | |
| 2,4-Toluenediamine * | Toluene-2,4-diamine | 1 (0.454) |
| | 2,4-Diaminotoluene | |
| Toluene diisocyanate * | Benzene, 2,4-diisocyanatomethyl- | 100 (45.4) |
| o-Toluidine hydrochloride | Benzenamine, 2-methyl-, hydrochloride | 1 (0.454) |
| o-Toluidine | 2-Amino-1-methyl benzene | 1 (0.454) |
| p-Toluidine | 4-Amino-1-methyl benzene | 1 (0.454) |
| Toxaphene * | Camphene, octachloro- | 1 (0.454) |
| 2,4,5-TP @ | Propionic acid, 2-(2,4,5-trichlorophenoxy)- | 100 (45.4) |
| | Silvex | |
| | 2,4,5-TP acid | |
| 2,4,5-TP acid esters | 2,4,5-TP ester @ | 100 (45.4) |
| 2,4,5-TP acid | Propionic acid, 2-(2,4,5-trichlorophenoxy)- | 100 (45.4) |
| | Silvex | |
| | 2,4,5-TP @ | |
| 2,4,5-TP ester @ | 2,4,5-TP acid esters | 100 (45.4) |
| 1H-1,2,4-Triazol-3-amine | Amitrole | 1 (0.454) |
| Trichlorfon | | 100 (45.4) |
| 1,2,4-Trichlorobenzene | | 100 (45.4) |
| 1,1,1-Trichloroethane * | Methyl chloroform * | 1000 (454) |
| 1,1,2-Trichloroethane | Ethane, 1,1,2-trichloro- | 1 (0.454) |
| Trichloroethene | Trichloroethylene * | 1000 (454) |
| Trichloroethylene * | Trichloroethene | 1000 (454) |
| Trichloromethanesulfenyl chloride | Methanesulfenyl chloride, trichloro- | 100 (45.4) |
| | Perchloromethyl mercaptan @ | |
| Trichloromonofluoromethane | Methane, trichlorofluoro- | 5000 (2270) |
| Trichlorophenol * | | 10 (4.54) |
| 2,3,4-Trichlorophenol | | |
| 2,3,5-Trichlorophenol | | |
| 2,3,6-Trichlorophenol | | |
| Phenol, 2,4,5-trichloro- | 2,4,5-Trichlorophenol | 10 (4.54) |
| Phenol, 2,4,6-trichloro- | 2,4,6-Trichlorophenol | 10 (4.54) |
| 3,4,5-Trichlorophenol | | |
| 2,4,5-Trichlorophenol * | Phenol, 2,4,5-trichloro- | 10 (4.54) |
| 2,4,6-Trichlorophenol * | Phenol, 2,4,6-trichloro- | 10 (4.54) |
| 2,4,5-Trichlorophenoxyacetic acid * | 2,4,5-T * | 1000 (454) |
| | 2,4,5-T acid | |
| Triethanolamine dodecylbenzene sulfonate | | 1000 (454) |
| Triethylamine | | 5000 (2270) |
| Trimethylamine * | | 100 (45.4) |
| sym-Trinitrobenzene * | Benzene, 1,3,5-trinitro- | 10 (4.54) |
| 1,3,5-Trioxane, 2,4,6-trimethyl- | Paraldehyde | 1000 (454) |
| Tris(2,3-dibromopropyl) phosphate | 1-Propanol, 2,3-dibromo-, phosphate (3:1) | 1 (0.454) |
| Trypan blue | 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(l,1'-biphenyl)-4,4'-diyl)-bis(azo)]bis(5-amino-4-hydroxy)-tetrasodium salt. | 1 (0.454) |
| Unlisted Hazardous Wastes Characteristic of Corrosivity | | 100(45.4) |
| Unlisted Hazardous Wastes Characteristic of EP Toxicity | | |
| Arsenic D004 | | 1 (0.454) |
| Barium D005 | | 1000 (454) |
| Cadmium D006 | | 1 (0.454) |
| Chromium D007 | | 1 (0.454) |
| Lead D008 | | 1 (0.454) |
| Mercury D009 | | 1 (0.454) |
| Selenium D010 | | 10 (4.54) |
| Silver D011 | | 1 (0.454) |
| Endrin D012 | | 1 (0.454) |
| Lindane D013 | | 1 (0.454) |
| Methoxychlor D014 | | 1 (0.454) |
| Toxaphene D015 | | 1 (0.454) |
| 2,4-D D016 | | 100 (45.4) |
| 2,4,5-TP D017 | | 100 (45.4) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| Unlisted Hazardous Wastes Characteristic of Ignitability | | 100 (45.4) |
| Unlisted Hazardous Wastes Characteristic of Reactivity | | 100 (45.4) |
| Uracil, 5-[bis(2-chloroethyl)amino]- | Uracil mustard | 1 (0.454) |
| Uracil mustard | Uracil, 5-[bis(2-chloroethyl)amino]- | 1 (0.454) |
| Uranyl acetate * | | 100 (45.4) |
| Uranyl nitrate * | | 100 (45.4) |
| Vanadic acid, ammonium salt | Ammonium vanadate | 1000 (454) |
| Vanadium(V) oxide | Vanadium pentoxide * | 1000 (454) |
| Vanadium pentoxide * | Vanadium(V) oxide | 1000 (454) |
| Vanadyl sulfate | | 1000 (454) |
| Vinyl acetate * | | 5000 (2270) |
| Vinyl chloride * | Ethene, chloro- | 1 (0.454) |
| Vinylidene chloride * | Ethene, 1,1-dichloro- | 5000 (2270) |
| | 1,1-Dichloroethylene | |
| Warfarin | 3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts | 100 (45.4) |
| Xylene * (mixed) | Benzene, dimethyl | 1000 (454) |
| m-Benzene, dimethyl | m-Xylene | |
| o-Benzene, dimethyl | o-Xylene | |
| p-Benzene, dimethyl | p-Xylene | |
| Xylenol * | | 1000 (454) |
| 2,4-Xylenol @ | 2,4-Dimethylphenol | 100 (45.4) |
| | Phenol, 2,4-dimethyl- | |
| Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester. | Reserpine | 5000 (2270) |
| Zinc ¢ | | 1000 (454) |
| ZINC AND COMPOUNDS | | ** |
| Zinc acetate | | 1000 (454) |
| Zinc ammonium chloride | | 1000 (454) |
| Zinc borate | | 1000 (454) |
| Zinc bromide | | 1000 (454) |
| Zinc carbonate | | 1000 (454) |
| Zinc chloride | | 1000 (454) |
| Zinc cyanide * | | 10 (4.54) |
| Zinc fluoride | | 1000 (454) |
| Zinc formate | | 1000 (454) |
| Zinc hydrosulfite * | | 1000 (454) |
| Zinc nitrate * | | 1000 (454) |
| Zinc phenolsulfonate | | 5000 (2270) |
| Zinc phosphide * | | 100 (45.4) |
| Zinc silicofluoride | | 5000 (2270) |
| Zinc sulfate | | 1000 (454) |
| Zirconium nitrate * | | 5000 (2270) |
| Zirconium potassium fluoride | | 1000 (454) |
| Zirconium sulfate * | | 5000 (2270) |
| Zirconium tetrachloride * | | 5000 (2270) |
| F001 | | 1 (0.454) |
| The following spent halogenated solvents used in degreasing and sludges from the recovery of these solvents in degreasing operations:. | | |
| (a) Tetrachloroethylene | | 1# (0.454) |
| (b) Trichloroethylene | | 1000# (454) |
| (c) Methylene chloride | | 1000 (454) |
| (d) 1,1,1-Trichloroethane | | 1000 (454) |
| (e) Carbon tetrachloride | | 5000# (2270) |
| (f) Chlorinated fluorocarbons | | 5000 (2270) |
| F002 | | 1 (0.454) |
| The following spent halogenated solvents and the still bottoms from the recovery of these solvents. | | |
| (a) Tetrachloroethylene | | 1# (0.454) |
| (b) Methylene chloride | | 1000 (454) |
| (c) Trichloroethylene | | 1000# (454) |
| (d) 1,1,1-Trichloroethane | | 1000 (454) |
| (e) Chlorobenzene | | 100 (45.4) |
| (f) 1,1,2-Trichloro-1,2,2-trifluoroethane | | 5000 (2270) |
| (g) o-Dichlorobenzene | | 100 (45.4) |
| (h) Trichlorofluoromethane | | 5000 (2270) |
| F003 | | 100 (45.4) |
| The following spent non-halogenated solvents and solvents | | |
| (a) Xylene | | 1000 (454) |
| (b) Acetone | | 5000 (2270) |
| (c) Ethyl acetate | | 5000 (2270) |
| (d) Ethylbenzene | | 1000 (454) |
| (e) Ethyl ether | | 100 (45.4) |
| (f) Methyl isobutyl ketone | | 5000 (2270) |
| (g) n-Butyl alcohol | | 5000 (2270) |
| (h) Cyclohexanone | | 5000 (2270) |
| (i) Methanol | | 5000 (2270) |
| F004 | | 1000 (454) |
| The following spent non-halogenated solvents and the stillbottoms from the recovery of these solvents: (a) Cresols/Cresylic acid (b) Nitrobenzene. | | |
| F005 | | 100 (45.4) |
| The following spent non-halogenated solvents and the stillbottoms from the recovery of these solvents: (a) Toluene (b) Methyl ethyl ketone (c) Carbon disulfide (d) Isobutanol (e) Pyridine. | | |
| F006 | | 1 (0.454) |
| Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum,(2) tin plating on carbon steel, (3) zinc plating (segregated basis) on carbonsteel, (4) aluminum or zinc-aluminum plating on carbon steel, (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, and (6) chemical etching and milling of aluminum | | |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| F007 | | 10 (4.54) |
| Spent cyanide plating bath solutions from electroplating operations | | |
| F008 | | 10 (4.54) |
| Plating bath sludges from the bottom of plating baths fromelectroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges). | | |
| F009 | | 10 (4.54) |
| Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions). | | |
| F010 | | 10 (4.54) |
| Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges). | | |
| F011 | | 10 (4.54) |
| Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning). | | |
| F012 | | 10 (4.54) |
| Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges). | | |
| F019 | | 1 (0.454) |
| Wastewater treatment sludges from the chemical conversion coating of aluminum | | |
| F020 | | 1 (0.454) |
| Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri-or-tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.). | | |
| F021 | | 1 (0.454) |
| Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. | | |
| F022 | | 1 (0.454) |
| Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. | | |
| F023 | | 1 (0.454) |
| Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the productionor use of hexachlorophene from highly purified 2,4,5-trichlorophenol.). | | |
| F024 | | 1 (0.454) |
| Wastes, including but not limited to distillation residues, heavy ends, tars, and reactor cleanout wastes, from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (This listing does not include light ends, spent filters and filter aids, spent dessicants(sic), wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in Section 261.32.). | | |
| F026 | | 1 (0.454) |
| Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. | | |
| F027 | | 1 (0.454) |
| Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derivedfrom these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.). | | |
| F028 | | 1 (0.454) |
| Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027. | | |
| K001 | | 1 (0.454) |
| Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. | | |
| K002 | | 1 (0.454) |
| Wastewater treatment sludge from the production of chrome yellow and orange pigments. | | |
| K003 | | 1 (0.454) |
| Wastewater treatment sludge from the production of molybdate orange pigments | | |
| K004 | | 1 (0.454) |
| Wastewater treatment sludge from the production of zinc yellow pigments | | |
| K005 | | 1 (0.454) |
| Wastewater treatment sludge from the production of chrome green pigments | | |
| K006 | | 1 (0.454) |
| Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). | | |
| K007 | | 1 (0.454) |
| Wastewater treatment sludge from the production of iron blue pigments | | |
| K008 | | 1 (0.454) |
| Oven residue from the production of chrome oxide green pigments | | |
| K009 | | 1 (0.454) |
| Distillation bottoms from the production of acetaldehyde from ethylene | | |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| K010 | | |
| Distillation side cuts from the production of acetaldehydefrom ethylene | | 1 (0.454) |
| K011 | | |
| Bottom stream from the wastewater stripper in the production of acrylonitrile | | 1 (0.454) |
| K013 | | |
| Bottom stream from the acetonitrile column in the production of acrylonitrile | | 1 (0.454) |
| K014 | | |
| Bottoms from the acetonitrile purification column in the production of acrylonitrile | | 5000 (2270) |
| K015 | | |
| Still bottoms from the distillation of benzyl chloride | | 1 (0.454) |
| K016 | | |
| Heavy ends or distillation residues from the production ofcarbon tetrachloride | | 1 (0.454) |
| K017 | | |
| Heavy ends (still bottoms) from the purification column inthe production of epichlorohydrin. | | 1 (0.454) |
| K018 | | |
| Heavy ends from the fractionation column in ethyl chlorideproduction | | 1 (0.454) |
| K019 | | |
| Heavy ends from the distillation of ethylene dichloride inethylene dichloride production. | | 1 (0.454) |
| K020 | | |
| Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. | | 1 (0.454) |
| K021 | | |
| Aqueous spent antimony catalyst waste from fluoromethanes production | | 1 (0.454) |
| K022 | | |
| Distillation bottom tars from the production of phenol/acetone from cumene | | 1 (0.454) |
| K023 | | |
| Distillation light ends from the production of phthalic anhydride from naphthalene | | 5000 (2270) |
| K024 | | |
| Distillation bottoms from the production of phthalic anhydride from naphthalene | | 5000 (2270) |
| K025 | | |
| Distillation bottoms from the production of nitrobenzene by the nitration of benzene. | | 1 (0.454) |
| K026 | | |
| Stripping still tails from the production of methyl ethyl pyridines | | 1000 (454) |
| K027 | | |
| Centrifuge and distillation residues from toluene diisocyanate production | | 1 (0.454) |
| K028 | | |
| Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. | | 1 (0.454) |
| K029 | | |
| Waste from the product steam stripper in the production of1,1,1-trichloroethane | | 1 (0.454) |
| K030 | | |
| Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. | | 1 (0.454) |
| K031 | | |
| By-product salts generated in the production of MSMA and cacodylic acid | | 1 (0.454) |
| K032 | | |
| Wastewater treatment sludge from the production of chlordane | | 1 (0.454) |
| K033 | | |
| Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. | | 1 (0.454) |
| K034 | | |
| Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. | | 1 (0.454) |
| K035 | | |
| Wastewater treatment sludges generated in the production of creosote | | 1 (0.454) |
| K036 | | |
| Still bottoms from toluene reclamation distillation in theproduction of disulfoton | | 1 (0.454) |
| K037 | | |
| Wastewater treatment sludges from the production of disulfoton | | 1 (0.454) |
| K038 | | |
| Wastewater from the washing and stripping of phorate production | | 1 (0.454) |
| K039 | | |
| Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. | | 10 (4.54) |
| K040 | | |
| Wastewater treatment sludge from the production of phorate | | 1 (0.454) |
| K041 | | |
| Wastewater treatment sludge from the production of toxaphene | | 1 (0.454) |
| K042 | | |
| Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. | | 1 (0.454) |
| K043 | | |
| 2,6-dichlorophenol waste from the production of 2,4-D | | 1 (0.454) |
| K044 | | |
| Wastewater treatment sludges from the manufacturing and processing of explosives. | | 10 (4.54) |
| K045 | | |
| Spent carbon from the treatment of wastewater containing explosives | | 10 (4.54) |
| K046 | | |
| Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. | | 100 (45.4) |
| K047 | | |
| Pink/red water from TNT operations | | 10 (4.54) |
| K048 | | |
| Dissolved air flotation (DAF) float from the petroleum refining industry | | 1 (0.454) |
| K049 | | |
| Slop oil emulsion solids from the petroleum refining industry | | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| K050 | | |
| Heat exchanger bundle cleaning sludge from the petroleum refining industry | | 1 (0.454) |
| K051 | | |
| API separator sludge from the petroleum refining industry | | 1 (0.454) |
| K052 | | |
| Tank bottoms (leaded) from the petroleum refining industry | | 10 (4.54) |
| K060 | | |
| Ammonia still lime sludge from coking operations | | 1 (0.454) |
| K061 | | |
| Emission control dust/sludge from the primary production of steel in electric furnaces. | | 1 (0.454) |
| K062 | | |
| Spent pickle liquor from steel finishing operations | | 1 (0.454) |
| K069 | | |
| Emission control dust/sludge from secondary lead smelting | | 1 (0.454) |
| K071 | | |
| Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. | | 1(0.454) |
| K073 | | |
| Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. | | 1 (0.454) |
| K083 | | |
| Distillation bottoms from aniline extraction | | 100 (45.4) |
| K084 | | |
| Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | | 1 (0.454) |
| K085 | | |
| Distillation or fractionation column bottoms from the production of chlorobenzenes. | | 1 (0.454) |
| K086 | | |
| Solvent washes and sludges, caustic washes and sludges, orwater washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. | | 1 (0.454) |
| K087 | | |
| Decanter tank tar sludge from coking operations | | 100 (45.4) |
| K093 | | |
| Distillation light ends from the production of phthalic anhydride from ortho-xylene | | 5000 (2270) |
| K094 | | |
| Distillation bottoms from the production of phthalic anhydride from ortho-xylene | | 5000 (2270) |
| K095 | | |
| Distillation bottoms from the production of 1,1,1-trichloroethane | | 1 (0.454) |
| K096 | | |
| Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. | | 1 (0.454) |
| K097 | | |
| Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. | | 1 (0.454) |
| K098 | | |
| Untreated process wastewater from the production of toxaphene | | 1 (0.454) |
| K099 | | |
| Untreated wastewater from the production of 2,4-D | | 1 (0.454) |
| K100 | | |
| Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. | | 1 (0.454) |
| K101 | | |
| Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | | 1 (0.454 |
| K102 | | |
| Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. | | 1 (0.454) |
| K103 | | |
| Process residues from aniline extraction from the production of aniline | | 100 (45.4) |
| K104 | | |
| Combined wastewater streams generated from nitrobenzene/aniline chlorobenzenes. | | 1 (0.454) |
| K105 | | |
| Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. | | 1 (0.454) |
| K106 | | |
| Wastewater treatment sludge from the mercury cell process in chlorine production. | | 1 (0.454) |
| K111 | | |
| Product washwaters from the production of dinitrotoluene via nitration of toluene | | 1 (0.454) |
| K112 | | |
| Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.. | | 1 (0.454) |
| K113 | | |
| Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.. | | 1 (0.454) |
| K114 | | |
| Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.. | | 1 (0.454) |
| K115 | | |
| Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.. | | 1 (0.454) |
| K116 | | |
| Organic condensate from the solvent recovery column in theproduction of toluene diisocyanate via phosgenation of toluenediamine.. | | 1 (0.454) |

LIST OF HAZARDOUS SUBSTANCES AND REPORTABLE QUANTITIES—Continued

| Hazardous Substance | Synonyms | Reportable Quantity(RQ) Pounds(Kilograms) |
|---|---|---|
| K117 | | 1 (0.454) |
| Wastewater from the reaction vent gas scrubber in the production of ethylene bromide via bromination of ethene.. | | |
| K118 | | 1 (0.454) |
| Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide.. | | |
| K136 | | 1 # (0.454) |
| Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.. | | |

Footnotes:
# - indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or chronic toxicity is complete
¢ - no reporting of releases of this hazardous substance is required if the diameter of the pieces of the solid metal released is equal to or exceeds 100 micrometers (0.004 inches)
¢¢ - the RQ for asbestos is limited to friable forms only
* - indicates that this material appears by name in the Hazardous Materials Table
** - indicates that no RQ is being assigned to the generic or broad class
*** - Iron dextran was designated as a hazardous substance under CERCLA solely because of its listing as a hazardous waste under Section 3001 of RCRA. The Agency [EPA] recently proposed to delist iron dextran under RCRA(50 FR 46468-46470, November 8,1985). The Agency has also proposed to delist iron dextran from Table 302.4 of 40 CFR 302.4 and thereby remove its designation as a CERCLA hazardous substance.
@ - indicates that the name was added by RSPA because (1) the name is a synonym for a specific hazardous substance and (2) the name appears in the Hazardous Materials Table as a proper shipping name.

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9. In § 172.102, paragraph (e) is revised to read as follows:

**§ 172.102 Purpose and use of Optional Hazardous Materials Table for international shipments.**

* * * * *

(e) If a hazardous material that is a hazardous substance is offered, accepted or transported under an acceptable shipping name from the Optional Table that does not contain the name of the hazardous substance, the name of the hazardous substance must be entered, in parentheses, in association with the proper shipping name. For waste streams or for wastes which exhibit an EPA characteristic of ignitibility, corrosivity, reactivity, or EP toxicity, the basic description must be followed by the waste stream number in parentheses or by the letters "EPA" and the word "ignitability" or "corrosivity" or "reactivity", or "EP toxicity", in parentheses, as appropriate.

* * * * *

10. In § 172.203, paragraph (c) is revised to read as follows:

**§ 172.203 Additional description requirements.**

* * * * *

(c) *Hazardous substances.* (1) If the proper shipping name for a mixture or solution that is a hazardous substance does not identify the constituents making it a hazardous substance, the name or names of such hazardous substance constituents as shown in the Appendix to § 172.101 must be entered in parentheses in association with the basic description. For waste streams or for wastes which exhibit an EPA characteristic of ignitibility, corrosivity, reactivity or EP toxicity the basic description must be followed by the waste stream number in parentheses or by the letters "EPA" and the word "ignitibility", or "corrosivity", or "reactivity", or "EP toxicity", in parentheses, as appropriate. These requirements also apply when descriptions from the Optional Table in § 172.102 are used.

(2) The letters "RQ" must be entered on the shipping paper either before or after the basic description required by § 172.202 for each hazardous substance. For example: "RQ, Cresol, Corrosive material, UN 2076"; or "Hazardous substance, liquid, n.o.s., ORM-E, NA 9188 (Adipic Acid), RQ".

* * * * *

11. § 172.324 is revised to read as follows:

**§ 172.324 Hazardous substances.**

(a) Except as provided in paragraph (b) of this section, if the proper shipping name for a mixture or solution that is a hazardous substance does not identify the constituents making it a hazardous substance, the name or names of such hazardous substance constituents as shown in the Appendix to § 172.101 must be marked in parentheses in association with the proper shipping name on each packaging having a capacity of 110 gallons or less. This requirement also applies when descriptions from the Optional Table in § 172.102 are used.

(b) Those packages with a capacity of 110 gallons or less which contain waste streams or wastes which exhibit an EPA characteristic of ignitibility, corrosivity, reactivity, or EP toxicity, must be marked in parentheses in association with the proper shipping name with the applicable waste stream number or the letters "EPA" and the word "ignitibility", or "corrosivity", or "reactivity", or "EP toxicity" as appropriate.

(c) The letters RQ must be displayed in association with the proper shipping name on a packaging having a capacity of 110 gallons or less that contains a hazardous substance.

Issued in Washington, DC on November 17, 1986 under authority delegated in 49 CFR 1.53.

**M. Cynthia Douglass,**

*Administrator, Research and Special Programs Administration.*

[FR Doc. 86-26261 Filed 11-20-86; 8:45 am]

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