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Contents

Federal Register

Vol. 51, No. 199

Wednesday, October 15, 1986

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

5548 36673
5549 36675
5550 36677
5551 36679

7 CFR

51 36681
301 36682
418 36682
419 36682
427 36682
429 36682
713 36782

Proposed Rules:

918 36701

8 CFR

Proposed Rules:

214 36701

12 CFR

304 36683

15 CFR

Proposed Rules:

Ch. III 36702

19 CFR

Proposed Rules:

175 36703

21 CFR

442 36687

24 CFR

888 36689

29 CFR

2619 36690
2676 36691

30 CFR

Proposed Rules:

936 36704

37 CFR

Proposed Rules:

201 36705

40 CFR

65 36691
157 36692
162 36692

Proposed Rules:

261 36707

44 CFR

64 (2 documents) 36693, 36698

45 CFR

2001 36786

46 CFR

Proposed Rules:

502 36731

47 CFR

Proposed Rules:

67 36731
69 36731
73 36731

48 CFR

513 36700
553 36700

Proposed Rules:

15 36777

49 CFR

Proposed Rules:

1162 36732
1312 36732

Federal Register
Vol. 51, No. 199
Wednesday, October 15, 1986

Presidential Documents

Title 3—

The President

Proclamation 5548 of October 13, 1986

Polish American Heritage Month, 1986

By the President of the United States of America

A Proclamation

In October, we celebrate Polish American Heritage Month in the United States. Our Nation owes an immeasurable debt of gratitude to the millions of freedom-loving Poles who have come to our shores to build a new land. Polish Americans can be justly proud of the vital contributions people of Polish descent have made to our Nation in the arts, the sciences, religion, scholarship, and every area of endeavor.

The military genius of Kosciuszko and Pulaski was essential in the defense of our freedoms in the Revolutionary War. Since then, millions of Poland's sons and daughters have helped build our country's prosperity and defend our liberty.

Mankind's desire for liberty is universal. We are, as a country, linked with the Polish people in love for individual liberty, faith, and defense of the family. We share unstinting devotion to political and religious freedom, as expressed so courageously by Pope John Paul II and Lech Walesa.

We have supported the aspirations of Poles in recent years for a greater voice in determining their nation's destiny. We welcome the recent general amnesty for political prisoners in Poland as a positive step. We reaffirm our solidarity with these brave Polish citizens who, at great risk to themselves, have sought to expand liberty and to promote justice in their homeland.

As Polish Americans celebrate their cultural and spiritual values across the country during Polish American Heritage Month, all Americans can express gratitude for Poland's heroic example of faith and sacrifice through the centuries and for Polish Americans' manifest contributions to our Nation.

The Congress, by House Joint Resolution 547, has designated the month of October as "Polish American Heritage Month" and authorized and requested the President to issue a proclamation in observance of this event.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 1986 as Polish American Heritage Month. I urge all Americans to join their fellow citizens of Polish descent in observance of this month.

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

Ronald Reagan

[FR Doc. 86-23455
Filed 10-14-86; 10:42 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5549 of October 13, 1986

National Children's Television Awareness Week, 1986

By the President of the United States of America

A Proclamation

Television is a medium of enormous potential capable of bringing a myriad of sights and sounds into our homes, schools, and places of work. Parental involvement and guidance can ensure that this miracle of modern technology can be used as an innovative tool of learning to enhance and enrich the education of our children.

The advent of cable television and video cassette recorders has created a technological revolution in the television industry that affords producers and broadcasters virtually limitless possibilities to improve and enrich TV programming. Quality television programming can open wide the windows of curiosity for children and enable them to share in the wonder of man's experience—whether in history, politics, religion, culture, or sports.

Television can also be a powerful tool in convincing children to say "no" to illegal drugs and "yes" to life. Parents now have a wonderful opportunity to work closely with schools, churches, libraries, and community groups to encourage and foster programming that will nurture the intellect and imagination of our children while at the same time promoting and reinforcing parental values that strengthen the family unit. Although television can never replace the adventure of good books, the two can serve to stimulate and reinforce each other while preparing our children to take up the exciting challenges that lie before them.

In order to increase the awareness of how television can be used to enhance the education of our children, the Congress, by Public Law 99–444, has designated the week beginning October 12, 1986, as "National Children's Television Awareness Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 12, 1986, as National Children's Television Awareness Week. I invite all of our citizens to observe this week with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 86–23456
Filed 10–14–86; 10:43 am]
Billing code 3195–01–M

Presidential Documents

Proclamation 5550 of October 13, 1986

White Cane Safety Day, 1986

By the President of the United States of America

A Proclamation

As more and more blind and visually handicapped Americans enter the mainstream of society to live and work among sighted people, all of us should reflect on the significance of the white cane. Through the aid of a white cane and an informed public, many blind and visually handicapped people can better enjoy the fullness of life.

The white cane guides its users and signals others—but it also symbolizes the ability of blind and visually impaired citizens to enjoy the freedom and independence meant for all Americans. Sighted people should be aware that many white cane users lead independent lives and that others are well on their way to doing so. White cane bearers should always receive friendliness, consideration, and respect on the street, on the job, and everywhere else Americans' paths cross.

In recognition of the significance of the white cane, the Congress, by joint resolution approved October 6, 1964, has authorized the President to designate October 15 of each year as "White Cane Safety Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 15, 1986, as White Cane Safety Day. I urge all Americans to salute the independence of those who carry the white cane and to consider how each of us, in our work and in our daily rounds, can show our respect for these proud and able Americans.

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

Ronald Reagan

[FR Doc. 86-23457
Filed 10-14-86; 10:44 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5551 of October 13, 1986

Thanksgiving Day, 1986

By the President of the United States of America

A Proclamation

Perhaps no custom reveals our character as a Nation so clearly as our celebration of Thanksgiving Day. Rooted deeply in our Judeo-Christian heritage, the practice of offering thanksgiving underscores our unshakeable belief in God as the foundation of our Nation and our firm reliance upon Him from Whom all blessings flow. Both as individuals and as a people, we join with the Psalmist in song and praise: "Give thanks unto the Lord, for He is good."

One of the most inspiring portrayals of American history is that of George Washington on his knees in the snow at Valley Forge. That moving image personifies and testifies to our Founders' dependence upon Divine Providence during the darkest hours of our Revolutionary struggle. It was then—when our mettle as a Nation was tested most severely—that the Sovereign and Judge of nations heard our plea and came to our assistance in the form of aid from France. Thereupon General Washington immediately called for a special day of thanksgiving among his troops.

Eleven years later, President Washington, at the request of the Congress, first proclaimed November 26, 1789, as Thanksgiving Day. In his Thanksgiving Day Proclamation, President Washington exhorted the people of the United States to observe "a day of public thanksgiving and prayer" so that they might acknowledge "with grateful hearts the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness." Washington also reminded us that "it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor."

Today let us take heart from the noble example of our first President. Let us pause from our many activities to give thanks to Almighty God for our bountiful harvests and abundant freedoms. Let us call upon Him for continued guidance and assistance in all our endeavors. And let us ever be mindful of the faith and spiritual values that have made our Nation great and that alone can keep us great. With joy and gratitude in our hearts, let us sing those stirring stanzas:

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties,
Above the fruited plain!
America! America!
God shed His grace on thee.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in the spirit of George Washington and the Founders, do hereby proclaim Thursday, November 27, 1986, as a National Day of Thanksgiving, and I call upon every citizen of this great Nation to gather together in homes and places of worship on that day of thanks to affirm by their prayers and their gratitude the many blessings bestowed upon this land and its people.

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

Ronald Reagan

[FR Doc. 86-23458
Filed 10-14-86; 10:45 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 51, No. 199
Wednesday, October 15, 1986

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

United States Standards for Grades of Kiwifruit

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action revises the United States Standards for Grades of Kiwifruit. The Kiwifruit Administrative Committee (KAC), representing California kiwifruit growers, requested this action so the grade standards would reflect current industry practices and consumer demand. The Agricultural Marketing Service (AMS), in cooperation with industry, has the responsibility to develop and improve standards of quality, condition, quantity, grade, and packaging in order to encourage uniformity and consistency in commercial practices.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-2011.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Departmental Regulation 1512-1 and Executive Order 12291 and has been designated as "nonmajor." It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the requirements set forth in the Regulatory Flexibility Act, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This action brings the U.S. Standards for Grades of Kiwifruit into conformity with current marketing practices. Compliance with these standards will not impose substantial direct economic costs, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of such entities relative to large businesses.

On July 28, 1986, a proposed rule inviting public comment on a possible change in minimum shape requirements for U.S. Fancy Kiwifruit was published in the **Federal Register** (51 FR 144). The proposal also outlined a request that USDA redesignate two official kiwifruit models and modify a definition for "not badly misshapen" fruit in official inspection instructions. The models and inspection instructions are used by USDA licensed fruit and vegetable inspectors in the official application of these U.S. grade standards.

The 30-day comment period ended on August 27, 1986, and 27 comments were received. Commentors included the Kiwifruit Growers of California, the California Kiwifruit Commission, and various growers and handlers. All but one approved of the proposed change and many urged that it become effective prior to the 1986 harvest, anticipated to begin in mid-September.

One grower suggested that the USDA inspection instructions explanation of a "not badly misshapen" fruit, the minimum shape allowed in the U.S. No. 2 grade, should not be changed. This explanation provides guidelines for scoring "fan" shaped fruit that the grower asserts are considered highly desireable by consumers. However, such fruit cannot be marketed even under current California Kiwifruit Marketing Order rules. The change is made to clarify the inspection instructions to accurately reflect current practices. Other issues addressed by this commentor were primarily concerned with marketing practices established by the KAC and do not apply to this proposed change in U.S. grade standards.

All U.S. grade standards are developed and revised at the specific request of industry and with their support. The grade standards serve as a common trading langauge so that the industry can uniformly market the commodity. In addition to the grade standards, USDA prepares inspection instructions and visual aids that are used by inspectors in the application of the grade standards. The content of the inspection instructions and the visual aids are based on marketing practices used by the majority of the industry in both shipping areas and terminal markets. The comments received by USDA indicate clearly that industry approves of these changes. Therefore, the changes previously proposed and discussed herein, are revised with no changes.

Pursuant to 5 U.S.C. 553, it is also found contrary to industry needs and unnecessary to the public interest to postpone the effective date of this final rule until 30 days after the date of publication because of the following:

1. Harvest began on September 8, 1986, and this change should apply to as much of the crop as possible;

2. These grade standards are an integral part of the kiwifruit industry's marketing program in that they are used in wholesale sales contracts and referred to in a Federal Marketing Order (7 CFR 920.302);

3. The industry has requested this change and is prepared to market kiwifruit in accordance with its provisions during and subsequent to the 1986 season.

List of Subjects in 7 CFR Part 51

Fresh fruits, Vegetables, and Other products (inspection, certification, and standards).

PART 51—[AMENDED]

Accordingly, 7 CFR Part 51 is amended as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended 1090 as amended. (7 U.S.C. 1622, 1624).

2. In Subpart—United States Standards for Grades of Kiwifruit, § 51.2335, paragraph (a)(1)(vi) is revised to read as follows:

§ 51.2335 [Amended]

* * * * *

(vi) Well formed.

* * * * *

3. Section 51.2339 is amended by adding a definition for "well formed" preceding the current definition for "fairly well formed."

§ 51.2339 [Amended]

* * * * *

"Well formed" means the fruit has the shape characteristic of the variety and slight bumps or other roughness are permitted providing they do not detract from the appearance.

* * * * *

Done in Washington, D.C., on October 8, 1986.

James C. Handley,

Administrator.

[FR Doc. 86-23205 Filed 10-14-86; 8:45 am]

BILLING CODE 2320-05-M

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 86-336]

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms without change an interim rule published in the **Federal Register** on June 13, 1986, which amended the witchweed quarantine and regulations by adding areas in North Carolina and South Carolina to the list of suppressive areas. The interim rule also amended the list of suppressive areas by deleting areas in North Carolina and South Carolina and by making certain nonsubstantive editorial changes. This action is necessary in order to impose certain restrictions on the interstate movement of regulated articles for the purpose of preventing the artificial spread of witchweed and to delete unnecessary restrictions on the interstate movement of regulated articles.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Michael J. Shannon, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Background

An interim rule published in the **Federal Register** on June 13, 1986, (51 FR 21499-21509) amended § 301.80-2a of the witchweed quarantine and regulations (7 CFR 301.80 *et seq.*, referred to below as the regulations) by adding areas in North Carolina and South Carolina to the list of suppressive areas. The interim rule also amended the list of suppressive areas by deleting areas in North Carolina and South Carolina. In addition, the interim rule made certain nonsubstantive editorial changes to the regulations. The regulations imposed certain restrictions on the movement of regulated articles and deleted restrictions on the interstate movement of regulated articles. The interim rule became effective on the date of publication.

Comments were solicited for 60 days after publication of the interim rule. No comments were received in response to the interim rule. The factual situations set forth in the document of June 13, 1986, still provide a basis for the amendments made by the interim rule. Accordingly, it has been determined that the amendments should remain effective as published in the **Federal Register** on June 13, 1986.

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 have an estimated annual effect on the economy of approximately $100; 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 cause 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 the review process required by Executive Order 12291.

This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, it has been determined that approximately 290,000 small entities move regulated articles interstate from the specified areas in North Carolina and South Carolina, and that many hundreds of thousands of small entities move such articles interstate from nonregulated areas in the United States. However, it has been determined that only 10 small entities in North Carolina and South Carolina move regulated articles interstate from the areas that will be affected by this action. Further, the overall economic impact from this action is estimated to be approximately $100.

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

Executive Order 12372

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

Paperwork Reduction Act

The regulations in this subpart contain no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases, Plant pests, Plants (agriculture), Quarantine, Transportation, Witchweed.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the interim rule published at 51 FR 21499-21509 on June 13, 1986, is adopted as a final rule.

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 161, 162; and 164-167 7 CFR 2.17, 2.51, and 371.2(c).

Done at Washington, D.C., this 9th day of October 1986.

William F. Helms,

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

[FR Doc. 86-23248 Filed 10-14-86; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation

7 CFR Parts 418, 419, 427, and 429

[Doc. No. 3751S]

Wheat, Barley, Oat, and Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby adopts, as a final rule, an interim rule which was published in the **Federal Register** on June 16, 1986 (51 FR 21729). The interim rule amended the Wheat, Barley, Oat, and Rye Crop Insurance Regulations (7 CFR Parts 418, 419, 427, and 429), by removing the effect of the provision which cancels the policy for failure to furnish production records for the previous crop year for the 1986 crop year. The intended effect of this rule is to remove a restriction requiring retroactive production records which was inadvertently included in the regulations. The authority for the promulgation of this rule is contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: October 15, 1986.

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 does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures.

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.

On Monday, June 16, 1986, FCIC published an interim rule, effective upon publication in the **Federal Register** at 51 FR 21729, amending the Wheat, Barley, Oat, and Rye (7 CFR Parts 418, 419, 427, and 429), by removing the effect of the provision which cancels the policy for failure to furnish production records for the previous crop year for the 1986 crop year.

Written comments on the interim rule were solicited by FCIC for 60 days after publication of the rule in the **Federal Register**, and the rule was scheduled for review so that any amendments made necessary by public comment could be published in the **Federal Register** as quickly as possible.

No comments were received, therefore, the interim rule is hereby adopted as final.

List of Subjects in 7 CFR Parts 418, 419, 427, and 429

Crop insurance; Wheat, Barley, Oat, Rye.

Final Rule

PARTS 418, 419, 427 AND 429—[AMENDED]

Accordingly, the Interim Rule published in the **Federal Register** on Monday, June 16, 1986, at 51 FR 21729, is hereby adopted as final.

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

Done in Washington, DC, on September 10, 1986.

Edward Hews,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 86–23176 Filed 10–14–86; 8:45 am]

BILLING CODE 3410–08–M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 304

Forms, Instructions and Reports

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation ("FDIC") has revised Part 304 (12 CFR Part 304) of its regulations which identifies the necessary forms and the places at which the forms used by insured banks for submitting reports and other information required by the FDIC may be obtained. The purpose of the revision was to remove obsolete information from the regulation, update information which still pertains, and to add information not previously included. Also, Part 304 was reorganized in order to improve its clarity and overall utility to the reader.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: John R. Keiper, Jr., Assistant Executive Secretary (Administration), Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, (202) 898–3810.

SUPPLEMENTARY INFORMATION: Part 304 of FDIC's regulations is issued pursuant to section 552 of Title 5 of the United States Code (5 U.S.C. 552), which requires that each agency shall make available to the public information pertaining to the description of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of reports and other submittals. Part 304 was selected for review under FDIC's Regulation Review Program (see 50 FR 14247, April 11, 1985) and was found to contain outdated information. The regulation contained obsolete form numbers and references and information that was no longer applicable. The regulation was revised to remove the outdated information, publish current Office of Management and Budget control numbers assigned to forms pursuant to OMB regulation (5 CFR 1320.7(f)(2)), and to make such other changes that would improve the regulation's clarity and overall utility. As a further aid to the reader, an appendix has been added that lists all forms used in connection with applications, reports and other submittals required of insured banks by the FDIC. An appendix that lists FDIC regional offices bank supervision has also been included.

Regulatory Factors

The revised rule does not require any action by insured banks that they do not now perform pursuant to current regulations, policy or practice. The revision serves only to update and correct Part 304 of FDIC's regulations and to improve its clarity and overall utility to the reader. Therefore, in accordance with the Administrative Procedure Act (5 U.S.C. 553), the Board of Directors may waive notice of proposed rulemaking and public comment, and the Board of Directors

has determined that good cause exists for making the rule immediately effective.

In accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Board of Directors hereby certifies that the revised rule will not have a significant economic impact on a substantial number of small entities because the rule does not impose any new actions or requirements on insured banks.

The revised rule neither alters any existing nor creates any new recordkeeping or reporting requirements. Therefore, the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not applicable.

DERIVATION TABLE

New section	Old section
304.1—new	
304.2	304.3 introductory paragraph.
304.3 introductory paragraph	304.1.
304.3(a)	304.3(r).
304.3(b)	304.3(s).
304.3(c)	304.3(t).
304.3(d)	304.3(u).
304.4 introductory paragraph	304.2.
304.4(a)	304.3(m), 304.3(o)
304.4(b)	304.3(n), 304.3(p).
304.5 introductory paragraph—new	
304.5(a)	304.3(q).
304.5(b)	304.3(v).
304.5(c)	304.3(l).
304.5(d)	304.3(x).
304.5(e)	304.3(y).
304.6(a)(1)	304.4(a)(1).
304.5(a)(2)	304.4(a)(2).
304.5(b)(1)	304.4(b)(1).
304.5(b)(2)	304.4(b)(2).
304.6(b)(3)	304.4(b)(3).
304.6(b)(4)	304.4(b)(4).
304.6(b)(5)	304.4(b)(5).
304.6(b)(6)	304.4(b)(6).
304.7—new	

DISTRIBUTION TABLE

Old section	New section
304.1	304.3 introductory paragraph.
304.2	304.4 introductory paragraph.
304.3 introductory paragraph	304.2.
304.3(a)–(k)	Unnecessary.
304.3(l)	304.5(c).
304.3(m)	304.4(a).
304.3(n)	304.4(b).
304.3(o)	304.4(a).
304.3(p)	304.4(b).
304.3(q)	304.5(a).
304.3(r)	304.3(a).
304.3(s)	304.3(b).
304.3(t)	304.3(c).
304.3(u)	304.3(d).
304.3(v)	304.5(b).
304.3(w)	Obsolete.
304.3(x)	304.5(d).
304.3(y)	304.5(e).
304.3(a)(1)	304.6(a)(1).
304.3(a)(2)	304.6(a)(2).
304.4(b)(1)	304.6(b)(1).
304.4(b)(2)	304.6(b)(2).
304.4(b)(3)	304.6(b)(3).
304.4(b)(4)	304.6(b)(4).
304.4(b)(5)	304.6(b)(5).
304.4(b)(6)	304.6(b)(6).
304.4(c)	Unnecessary.
304.4(d)	304.7.

List of Subjects in 12 CFR Part 304

Administrative practice and procedure; Bank deposit insurance; Banks, banking; Foreign banks, banking; Reporting and recordkeeping requirements.

Accordingly, the FDIC hereby revises 12 CFR Part 304 to read as follows:

PART 304—FORMS, INSTRUCTIONS AND REPORTS

Sec.

Authority: 5 U.S.C. 552; 12 U.S.C. 1817, 1818, 1819, 1820.

§ 304.1 Purpose and scope.

This part is issued under section 552 of Title 5 of the United States Code (5 U.S.C. 552), which requires that each agency shall make available to the public information pertaining to the description of forms available or the places at which forms may be obtained, and instructions as to the scope and content of reports and other submittals. The forms mentioned in this part are limited to those which are not already mentioned elsewhere within the rules and regulations of the Federal Deposit Insurance Corporation. However, Appendix A to this part lists all forms required by the FDIC and identifies the sections of FDIC's regulations where the forms are referenced.

§ 304.2 Forms and instructions—general.

Necessary forms with their related instructions to be used in connection with applications, reports, and other submittals can be obtained from FDIC regional offices—bank supervision. Appendix B to this part lists FDIC regional offices—bank supervision.

§ 304.3 Certified statements.

The certified statements required to be filed by insured banks under the provisions of section 7 of the Federal Deposit Insurance Act as amended (12 U.S.C. 1817), shall be filed with the Fiscal Agent, FDIC, Washington, DC 20429. Assessments must be certified and paid to the Corporation at the time the statements are required to be filed. The certified statement forms will be furnished to all insured banks by, or may be obtained upon request from, the Fiscal Agent. Questions regarding the forms should be directed to the Fiscal Agent. The forms which are applicable are as follows:

(a) *Form 6420/07: Certified Statement.* Form 6420/07 must be submitted on or before January 31 and July 31 of each year by every insured bank, except any newly insured banks which must submit their first certified statement on Form 6420/10. Form 6420/07 shows the deposit liabilities, less authorized deductions, reported in two reports of condition in each semiannual assessment period. The form must show the computation of the assessment base and the amount of the assessment due the Corporation;

(b) *Form 6420/10: First Certified Statement.* The First Certified Statement, Form 6420/10, must be submitted on or before July 31 or January 31 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, as provided by law, on the last date within the period for which it was required to submit a report of condition or, if the bank became an insured bank after the last date in such period for which a report of condition was required, the bank shall make a report of condition as of the last day of the semiannual period, and shall file with the Corporation a certified statement showing, as its assessment base for the period, its assessment base for the date of the special report. The form must show the computation of the assessment base and the amount of the assessment due the Corporation;

(c) *Form 6420/11: Final Certified Statement—for use by an insured bank whose deposits are assumed by another insured bank.* This statement shows the deposit liabilities, less authorized deductions, of the bank in the report or reports of condition prior to the assumption date. Form 6420/11, accompanied by an appropriate letter of explanation and instructions, will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 6420/11 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect;

(d) *Form 6400/01: Consolidated Statement Amending Certified Statements.* This form is for amending or correcting previously submitted certified

statements. The form is prepared and mailed by the Fiscal Agent of the Corporation, signed by an official of the bank, and returned to the Fiscal Agent.

§ 304.4 Reports of condition and income.

Quarterly reports of condition and income shall be filed by all State nonmember Banks (except District banks) with the Bank Financial Reporting Section, Division of Accounting and Corporate Services, FDIC, Washington, DC 20429. The report forms and the instructions for completing the reports will be furnished to all such banks by, or may be obtained upon request from, the Bank Financial Reporting Section. The forms which are applicable are as follows:

(a) *Forms FFIEC 031, 032, 033, and 034: Consolidated Reports of Condition and Income (from banks other than mutual and stock savings).* Forms FFIEC 031, 032, 033, and 034 are reports, for banks of different asset sizes or with foreign offices, as appropriate, in the form of an income statement, a reconciliation of changes in total equity capital accounts, and a balance sheet of the reporting bank. Supporting schedules request additional detail with respect to charge-offs and recoveries, income from international operations, specific assets and liability accounts, commitments and contingencies, past due and nonaccrual loans and leases, and information for assessment purposes. Reports of condition and income must be prepared and submitted in accordance with the appropriate instructions contained in the Federal Financial Institutions Examination Council booklet entitled "Instructions—Consolidated Reports of Condition and Income," which is furnished by the Corporation to all insured State nonmember commerical banks (except District banks);

(b) *Form 8040/25: Consolidated Reports of Income and Condition for Savings Banks.* Form 8040/25 contains reports in the form of an income statement, a reconciliation of changes in total net worth accounts, and a balance sheet of the reporting bank. Supporting schedules request additional detail with respect to charge-offs and recoveries, specific asset and liability accounts, commitments and contingencies, past due and nonaccrual loans and leases, and information for assessment purposes. Form 8040/25 must be ued by all state chartered mutual and stock savings banks. Reports of income and condition filed by savings banks must be prepared and submitted in accordance with the appropriate instructions contained in the FDIC booklet entitled "Instructions—Consolidated Reports of Income and Condition for Savings Banks," which is furnished by the FDIC to savings banks.

§ 304.5 Other forms.

The forms described below have been prepared by the Corporation for the use of banks.

(a) *Form 8020/05: Summary of Deposits (Commercial and Mutual and Stock Savings Banks).* Form 8020/05 is a report on the amount of deposits in various types of categories for each authorized office of an insured bank with branches; unit banks do not report. Reports as of June 30 of each year must be submitted no later than the immediately succeeding July 30. The report is filed with the Bank Financial Reporting Section, Division of Accounting and Corporate Services, FDIC, Washington, DC 20429. The report forms and the instructions for completing the reports will be furnished to all such banks by, or may be obtained upon request from, the Bank Financial Reporting Section, Division of Accounting and Corporate Services, FDIC, Washington, DC 20429.

(b) *Form 6120/06: Notification of Performance of Bank Services.* Form 6120/06 may be used to satisfy the notice requirement for bank service arrangements that is contained in section 7 of the Bank Service Corporation Act (12 U.S.C. 1867), as amended. In lieu of the form, a bank may satisfy the requirement by submitting a letter stating: The name of the servicer; the address at which the service is performed; the service being performed; and the date the service commenced. Either the form or the letter containing the notice information must be submitted to the regional director—bank supervision of the region in which the bank's main office is located within 30 days of the making of the bank service contract or the performance of the bank service, whichever occurs first.

(c) *Form FFIEC 001: Annual Report of Trust Assets.* This is an interagency report developed by the Federal Financial Institutions Examination Council. All insured state nonmember commercial and savings banks operating trust departments or banks granted consent by the Corporation to exercise trust powers, and their trust subsidiaries, are required to submit the December 31 report no later than February 15th of each year. When circumstances necessitate, additional information may be required about certain operations of the trust department. The report is filed with the Bank Financial Reporting Section, Division of Accounting and Corporate Services, FDIC, Washington, DC 20429. The report forms and instructions for completing the report will be furnished to all such banks by, or may be obtained upon request from, the Bank Financial Reporting Section, Division of Accounting and Corporate Services, FDIC, Washington, DC 20429.

(d) *Form FFIEC 002: Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks.* Form FFIEC 002 is a report in the form of a statement of the assets and liabilities of U.S. branches and agencies of foreign banks together with an additional detailed breakdown of selected items and, in the case of insured branches, information for assessment purposes. The report must be prepared in accordance with the instructions contained in the instruction booklet for the report, copies of which are furnished to all U.S. branches and agencies of foreign banks by the Federal Reserve System. The Board of Governors of the Federal Reserve System collects and processes the report on behalf of FDIC-supervised branches. The report is submitted quarterly to the appropriate Federal Reserve District Bank.

(e) *Form FFIEC 004: Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks.* Form FFIEC 004 is a recommended form that may be used by the executive officers and principal shareholders of an insured State nonmember bank to report to the board of directors of their bank on their indebtedness (and that of their related interests) to correspondent banks, as required by Part 349 of the FDIC's regulations. The reports are due January 31 of each year and cover indebtedness to correspondent banks during the preceding calendar year. Form FFIEC 004 is mailed annually by the FDIC to each bank.

§ 304.6 Report of fully insured brokered deposits and fully insured deposits placed directly by depository institutions.

(a) *Filing.* (1) Within ten days after the end of each month, each insured bank shall report the data described in paragraph (a)(2) of this section to the appropriate FDIC regional director—bank supervision if the total amount of the bank's fully insured brokered deposits and fully insured deposits placed directly by depository institutions as of the end of that month was in excess of either the bank's total capital and reserves or five percent of the bank's total deposits on such date.

(2) If a report is required by paragraph (a)(1) of this section, it must be in letter form, signed by an executive officer of the bank, and contain the following

bank data, as of the end of the month in question: Total fully insured brokered deposits, total fully insured deposits placed directly by depository institutions, total assests, total loans and leases (net of unearned income), total deposits, and total capital and reserves. The report must also include the range of rates paid on fully insured brokered deposits and fully insured deposits placed directly by depository institutions received during the reporting month. Dollar amounts may be rounded to the nearest thousand.

(b) *Definitions.* For purposes of this section:

(1) The term "appropriate FDIC regional director—bank supervision" means the FDIC regional director in the FDIC region in which the insured bank is located;

(2) The term "brokered deposits" means deposits in domestic offices of insured banks (including insured domestic branches of foreign banks) and in insured banks and branches in Puerto Rico and United States territories and possessions which an insured bank receives from brokers or dealers for the account of others either directly or ultimately. All deposits received from brokers or dealers are deemed brokered deposits;

(3) The term "fully insured brokered deposits" means brokered deposits: (i) Issued in denominations of $100,000 or less, or (ii) issued in denominations of more than $100,000 that have been or will be participated out by the broker or dealer in shares of $100,000 or less. In the absence of information available to the insured bank that a brokered deposit issued in a denomination of more than $100,000 has not been or will not be participated out by the broker or dealer in shares of $100,000 or less, such a brokered deposit is deemed to be a fully insured brokered deposit. For this purpose, an insured bank may rely on statements made by a broker or dealer concerning the source of or ultimate disposition of a brokered deposit, unless there is a valid reason to believe such statements are untrue;

(4) The term "fully insured deposits placed directly by depository institutions" means the sum of the time and savings deposits in domestic offices of insured banks (including insured domestic branches of foreign banks) and in insured banks and branches in Puerto Rico and United States territories and possessions which an insured bank receives directly from those depository institutions in the United States whose total deposits in such offices of the insured bank are $100,000 or less (excluding accrued and unpaid interest). This definition does not include situations where a depository institution in the United States has uninsured funds (excluding accrued and unpaid interest) placed with the bank;

(5) The term "total capital and reserves" means: (i) For banks other than savings banks, the sum of "total equity capital" and the "allowance for loan and lease losses," as those terms are defined in the *Instructions—Consolidated Reports of Condition and Income* which is mentioned in § 304.4(a) of this part, and (ii) for savings banks (mutual and stock), the sum of "total net worth" and the "allowance for loan and lease losses," as those terms are defined in the *Instructions—Consolidated Reports of Income and Condition for Savings Banks,* which is mentioned in § 304.4(b) of this part;

(6) The term "total deposits" means the sum of "deposits in domestic offices" and "deposits in foreign offices." The terms "total assets," "depository institutions in the United States," "deposits in domestic offices," "deposits in foreign offices," and "total loans and leases (net of unearned income)" shall have the same meaning as found in the *Instructions—Consolidated Reports of Condition and Income* which is mentioned in § 304.4(a) of this part.

§ 304.7 Display of control numbers.

The following sections of this part of FDIC's regulations containing collection of information requirements are listed with the control numbers assigned by the Office of Management and Budget:

Section of 12 CFR Part 304	Currently Assigned OMB Control No.
304.3	3064-0057
304.4(a)	3064-0052
304.4(b)	3064-0054
304.5(a)	3064-0061
304.5(b)	3064-0029
304.5(c)	3064-0024
304.5(d)	7100-0032
304.5(e)	3064-0023
304.6	3064-0074

APPENDIX A TO PART 304—LIST OF FORMS

Form	Title	Section of FDIC's regulations (12 CFR Chapter III) where the form is referenced	OMB No.
FDIC 6112/01	Initial Statement of Beneficial Ownership of Equity Securities (Form F-7)	335.413	3064-0030
FDIC 6112/02	Statement of Changes in Beneficial Ownership of Equity Securities (Form F-8)	335.414	3064-0030
FDIC 6120/06	Notification of Performance of Bank Services	304.5(b)	3064-0029
FDIC 6140/03	Report of Compliance with the Bank Protection Act	326.5	
FDIC 6200/05	Application for Federal Deposit Insurance (Commercial Banks)	303.1	3064-0001
FDIC 6200/06	Financial Report	(1)	3064-0006
FDIC 6200/07	Application for Federal Deposit Insurance for Operating Noninsured Institutions	303.1	3064-0069
FDIC 6200/09	Application for Consent to Exercise Trust Powers	(2)	3064-0025
FDIC 6220/01	Application for a Merger or Other Transaction Pursuant to section 18(c) of the Federal Deposit Insurance Act	303.3	3064-0016
FDIC 6220/07	Application for a Merger or Other Transaction Pursuant to section 18(c) of the Federal Deposit Insurance Act (Phantom or Corporate Reorganization).	303.7(b)(1) and 303.3	3064-0015
FDIC 6400/01	Consolidated Statement Amending Certified Statements	304.3(d)	
FDIC 6420/07	Certified Statement	304.3(a)	3064-0057
FDIC 6420/10	First Certified Statement	304.3(b)	3064-0057
FDIC 6420/11	Final Certified Statement	304.3(c)	3064-0057
FDIC 6500/70	Fair Housing Home Loan Application Log Sheet	338.4(a)(2)(iv)	3064-0046
FDIC 6710/06	Report of Apparent Crime (Short Form)	353.1	3064-0077
FDIC 6710/06A	Report of Apparent Crime (Long Form)	353.1	3064-0077
FDIC 6710/07	Application Pursuant to section 19 of the Federal Deposit Insurance Act	(3)	3064-0018
FDIC 6822/01	Notice of Acquisition of Control	303.4(b)	3064-0019
FDIC 8020/05	Summary of Deposits	304.5(a)	3064-0061
FDIC 8040/25	Consolidated Reports of Income and Condition for Savings Bank	304.4(b)	3064-0054
FDIC 8040/60	Report of Income and Condition—Monthly (FDIC-Insured Savings Banks—Large)	(4)	3064-0058
FFIEC 001	Annual Report of Trust Assets	304.5(c)	3064-0024
FFIEC 002	Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks	304.5(d)	7100-0032
FFIEC 004	Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks	304.5(e)	3064-0023
FFIEC 009	Country Exposure Report	351.3	3064-0017
FFIEC 009a	Country Exposure Information Report	351.3	3064-0017
FFIEC 019	Country Exposure Report for U.S. Branches and Agencies of Foreign Banks	(5)	7100-0213
FFIEC 030	Foreign Branch Report of Condition	347.6(b)	3064-0011

APPENDIX A TO PART 304—LIST OF FORMS—Continued

Form	Title	Section of FDIC's regulations (12 CFR Chapter III) where the form is referenced	OMB No.
FFIEC 031	Consolidated Reports of Condition and Income for a Bank with Domestic and Foreign Offices	304.4(a)	3064-0052
FFIEC 032	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of $300 Million or More	304.4(a)	3064-0052
FFIEC 033	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of $100 Million or More But Less Than $300 Million.	304.4(a)	3064-0052
FFIEC 034	Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only and Total Assets of Less than $100 Million.	304.4(a)	3064-0052
FFIEC 035	Monthly Consolidated Foreign Currency Report of Banks in the United States	[6]	1557-0156
TA-1	Registered Transfer Agents—Form TA-1 for Registrations and Amendments	341.6	3064-0026
MSD-4	Uniform Application for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.	343.3	3064-0022
MSD-5	Uniform Termination Notice for Municipal Securities Principal or Municipal Securities Representative Associated with a Bank Municipal Securities Dealer.	343.3	3064-0022

[1] Not referenced in 12 CFR Chapter III. The report form is submitted by each individual director or officer of a proposed or operating bank applying to the FDIC for Federal deposit insurance as a state nonmember bank, or by a person proposing to acquire ownership or control of an insured state nonmember bank.
[2] Not referenced in 12 CFR Chapter III. The application form is submitted by insured state nonmember banks applying for FDIC consent to exercise trust powers.
[3] Not referenced in 12 CFR Chapter III. The application form is submitted by FDIC-insured banks applying for FDIC consent to employ persons who have been convicted of crimes involving dishonesty or breach of trust.
[4] Not referenced in 12 CFR Chapter III. The report form is submitted monthly by large FDIC-insured savings banks (assets of $500 million or more) to the Division of Research and Strategic Planning, FDIC, Washington, DC 20429.
[5] Not referenced in 12 CFR Chapter III. The report form is submitted by State chartered and Federally-licensed branches and agencies of foreign banks in the U.S. with $30 million or more in total direct claims on foreign residents. The Federal Reserve Board collects and processes the report on behalf of FDIC-supervised branches. The report is submitted quarterly to the appropriate Federal Reserve District Bank.
[6] Not referenced in 12 CFR Chapter III. The report form is submitted by banks (other than savings banks) and bank holding companies with a dollar equivalent of $100 million or more in assets, liabilities, foreign exchange contracts bought, and foreign exchange contracts sold in any six specific foreign currencies as of the end of a month. The Office of the Comptroller of the Currency collects and processes this montly report on behalf of insured state nonmember banks.

Appendix B to Part 304—Federal Deposit Insurance Corporation Regional Offices—Bank Supervision

Atlanta Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, Marquis One Tower, Suite 1200, 245 Peachtree Center Avenue, NE., Atlanta, GA 30303
Alabama, Florida, Georgia, North Carolina, South Carolina, Virginia

Boston Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 60 State Street, 17th Floor, Boston, MA 02109
Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Chicago Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 30 S. Wacker Drive, Suite 3100, Chicago, Illinois 60606
Illinois, Indiana, Wisconsin

Columbus Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 1 Nationwide Plaza, Suite 2600, Columbus, Ohio 43215
Kentucky, Michigan, Ohio, West Virginia

Dallas Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 1910 Pacific Avenue, Suite 1900, Dallas, TX 75201
Colorado, New Mexico, Oklahoma, Texas

Kansas City Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 2345 Grand Avenue, Suite 1500, Kansas City, MO 64108
Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota

Memphis Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 1 Commerce Square, Suite 1800, Memphis, TN 38103
Arkansas, Louisiana, Mississippi, Tennessee

New York Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 452 Fifth Avenue, 21st Floor, New York, NY 10018
Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virgin Islands

San Francisco Regional Office

Regional Director (Bank Supervision), Federal Deposit Insurance Corporation, 25 Ecker Street, Suite 2300, San Francisco, CA 94105
Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming

By order of the Board of Directors.

Dated at Washington, DC, this 7th day of October 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-23232 Filed 10-14-86; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 442

[Docket No. 86N-0331]

Antibiotic Drugs; Cefoperazone Sodium Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new dosage form of cefoperazone sodium, cefoperazone sodium injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective October 15, 1986; comments, notice of participation, and request for hearing by November 14, 1986; data, information, and analyses to justify a hearing by December 15, 1986.

ADDRESS: Written comments to the Docket Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard Norton, Cener for Drugs and Biologics (HFN-815), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new dosage form of cefoperazone sodium, cefoperazone sodium injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in 21 CFR Part 442 to provide for the inclusion of accepted standards for the product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or

cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. This final rule, therefore, is effectve October 15, 1986. However, interested persons may, on or before November 14, 1986, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before November 14, 1986, a written notice of participation and request for hearing, and (2) on or before December 15, 1986, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 442

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Part 442 is amended as follows:

PART 442—CEPHA ANTIBIOTIC DRUGS

1. The authority citation for 21 CFR Part 442 continues to read as follows:

Authority: Sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357); 21 CFR 5.10

2. By adding new § 442.12 to read as follows:

§ 442.12 Cefoperazone sodium.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefoperazone sodium is the sodium salt of (6*R*, 7*R*)-7-[(*R*)-2-(4-ethyl-2,3-dioxo-1-piperazinecarboxamido)-2-(*p*-hydroxyphenyl)acetamido]-3-[[(1-methyl-1*H*-tetrazol-5-yl)thio]methyl]-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylate. It is a white to off-white crystalline powder or a lyophilized powder. It is so purified and dried that:

(i) Its cefoperazone content is not less than 870 micrograms and not more than 1,015 micrograms of cefoperazone per milligram on an anhydrous basis.

(ii) Its moisture content is not more than 5.0 percent, except if it is the lyophilized powder, its moisture content is not more than 2.0 percent.

(iii) The pH of an aqueous solution containing 250 milligrams per milliliter is not less than 4.5 and not more than 6.5.

(iv) It passes the identity test if the retention times of the sample and working standard agree within ±3.0 percent.

(v) It is crystalline, except if it is the lyophilized powder.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for cefoperazone content, moisture, pH, identity, and crystallinity (if it is not the lyophilized powder).

(ii) Samples, if required by the Director, Center for Drugs and Biologics: 10 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Cefoperazone content.* Proceed as directed in § 436.338 of this chapter.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 250 milligrams per milliliter.

(4) *Identity.* From the high-performance liquid chromatograms of the sample and the cefoperazone working standard determined as directed in paragraph (b)(1) of this section, calculate the adjusted retention times of the cefoperazone in the sample and standard solutions as follows:

Adjusted retention time of cefoperazone $= t - t_a$

where:

t = Retention time measured from point of injection into the chromatograph until the maximum of the cefoperazone sample or working standard peak appears on the chromatogram; and

t_a = Retention time measured from point of injection into the chromatograph until the maximum of nonretarded solute appears in the chromatogram.

The sample and the cefoperazone working standard should have corresponding adjusted cefoperazone retention times within ±3.0 percent.

(5) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

3. By redesignating § 442.212 as § 442.212a and by adding new §§ 442.212 and 442.212b to read as follows:

§ 442.212 Cefoperazone injectable dosage forms.

§ 442.212b Cefoperazone sodium injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefoperazone sodium injection is a frozen aqueous iso-osmotic solution of cefoperazone sodium which may contain one or more suitable and harmless buffer substances in a diluent. Each milliliter contains cefoperazone sodium equivalent to 40 milligrams of cefoperazone per milliliter. Its cefoperazone content is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of cefoperazone that it is represented to contain. It is sterile. It is nonpyrogenic. Its pH is not less than 4.5 and not more than 6.5. It passes the identity test. The cefoperazone sodium

used conforms to the standards prescribed by § 442.12(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The cefoperazone sodium used in making the batch for potency, moisture, pH, and identity.

(*b*) The batch for potency, sterility, pyrogens, pH, and identity.

(ii) Samples, if required by the Director, Center for Drugs and Biologics:

(*a*) The cefoperazone sodium used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.* Thaw the sample as directed in the labeling. The sample solution used for testing must be at room temperature.

(1) *Potency.* Proceed as directed in § 436.338 of this chapter, preparing the sample solution and calculating the cefoperazone content as follows:

(i) *Sample solution.* Using a suitable hypodermic needle and syringe, remove an accurately measured representative portion from each container and dilute with mobile phase to obtain a solution containing 160 micrograms per milliliter (estimated).

(ii) *Calculations.* Calculate the milligrams of cefoperazone per milliliter of sample as follows:

$$\text{Milligrams of cefoperazone per milliliter} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the cefoperazone peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cefoperazone peak in the chromatogram of the cefoperazone working standard;

P_s = Cefoperazone activity in the cefoperazone working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, except inject a sufficient volume of the undiluted solution to deliver 10 milligrams of cefoperazone per kilogram.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted solution.

(5) *Identity.* The high-performance liquid chromatogram of the sample determined as directed in paragraph (b)(1) of this section compares qualitatively to that of the cefoperazone working standard.

Dated: October 3, 1986.

Sammie R. Young,

Deputy Director, Office of Compliance.

[FR Doc. 86-23193 Filed 10-14-86; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-86-1573; FR-2133]

Section 8 Housing Assistance Payments Program; Fair Market Rent Schedules for Use in the Existing Housing Certificate Program, Loan Management and Property Disposition Programs, Moderate Rehabilitation Program and Housing Voucher Program

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final notice; correction.

SUMMARY: This document corrects errors in HUD's August 29, 1986, final notice announcing fiscal year 1986 fair market rent schedules for all market areas. The rents were effective upon publication—August 29, 1986.

FOR FURTHER INFORMATION CONTACT: For technical information on the development of schedules or the method used for the rent calculations, Michael Allard, Economic and Market Analysis Division, Office of Economic Affairs, (202) 755-5577. For information about the section 8 program, Cecelia D. Livingston, Office of Elderly and Assisted Housing, (202) 755-6477. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The August 29, 1986 **Federal Register** contained a complete listing of Fair Market Rents for use in the section 8 Certificate and other programs. (See 51 FR 31014.) The final notice contained mathematical or computation-related errors, resulting in incorrect FMRs for six counties. This document corrects these errors. (Because the Wilmington, Delaware PMSA covers three states, it appeared three times in the final notice. This correction repeats this pattern.)

Accordingly, this document corrects the following entries appearing in FR Doc. 86-19566 on August 29, 1986, as follows:

1. On page 31024, the entry for New Castle County, DE is corrected to read as follows:

STATE: DELAWARE

Wilmington, DE-NJ-MD PMSA	0br	1br	2br	3br	4br
County: New Castle	328	398	469	586	703

2. On page 31034, the entry for Cecil County, MD, is corrected to read as follows:

STATE: MARYLAND

Wilmington, DE-NJ-MD PMSA	0br	1br	2br	3br	4br
County: Cecil	328	398	469	586	703

3. On page 31038, the entries for Leflore County, Mississippi and Lowndes County, Mississippi are corrected to read as follows:

STATE: MISSISSIPPI

Nonmetropolitan Counties	0br	1br	2br	3br	4br
Leflore	222	248	294	379	410
Lowndes	244	303	345	462	482

4. On page 31042, the entry for Salem, NJ, is corrected to read as follows:

STATE: NEW JERSEY

Wilmington, DE-NJ-MD PMSA	0br	1br	2br	3br	4br
County: Salem	328	398	469	586	703

5. On page 31043, the entry for Clinton, NY, is corrected to read as follows:

STATE: NEW YORK

Nonmetropolitan Counties	0br	1br	2br	3br	4br
Clinton	249	298	346	428	471

Dated: October 9, 1986.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 86-23277 Filed 10-14-86; 8:45 am]

BILLING CODE 4210-27-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning November 1, 1986. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The PBGC adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after November 1, 1986 and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: November 1, 1986.

FOR FURTHER INFORMATION CONTACT: John Foster, Attorney, Corporate Policy and Regulations Department, Code 35100, Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8850 (202-778-8859 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The PBGC's regulation on the valuation of plan benefits in single-employer plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Although the amendments to Title IV effected by the Single-Employer Pension Plan Amendments Act of 1986 ("SEPPAA") change significantly the rules for terminating single-employer plans, the valuation rules are much the same. (SEPPAA applies to all plan terminations initiated on or after January 1, 1986.) Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination (like all insufficient plans under prior law) must value guaranteed benefits and (new under SEPPAA) benefit commitments under the plan using the formulas set forth in Part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit commitments, although this is not required. (Such plans may value benefit commitments that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Appendix B in Part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since October 1, 1986 (51 FR 32636 (September 15, 1986)). Changes in the financial and annuity markets now require a increase in those rates. Accordingly, this amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after November 1, 1986, which set reflects an increase of ¼ percent in the immediate interest rate to 7¾ percent.

Generally, the interest rates and factors will be in effect for a least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes another amendment changing them. Any change in the rates normally will be published in the **Federal Register** by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after November 1, 1986, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of $100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

In consideration of the foregoing, Part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

1. The authority citation for Part 2619 continues to read as follows:

Authority: Secs. 4002(b)(3), 4041 (b) and (c), 4044, 4062 (b) and (c), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025, 1029, as amended by secs. 403(1), 403(d), 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299, and by secs. 11007-11009, 11011, Pub. L. 99-272, 100 Stat. 244, 248, 253 [29 U.S.C. 1302, 1341, 1344, 1362].

2. Rate Set 64 of Appendix B is revised and Rate Set 65 of Appenix B is added to read as follows. (The introductory text is republished for the convenience of the reader and remains unchanged.)

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "G_y" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1, k_2, k_3, n_1, and n_2, are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (pct)	Deferred annuities				
	On or After	And before		k_1	k_2	k_3	n_1	n_2
*	*	*	*	*	*	*		*
64	10-1-86	11-1-86	7.50	1.0675	1.0550	1.0400	7	8
65	11-1-86		7.75	1.0700	1.0575	1.0400	7	8

Kathleen P. Utgoff,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-23203 Filed 10-14-86; 8:45 am]
BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Assets and Plan Benefits Following Mass Withdrawal, which was published on March 25, 1986 (at 51 FR 10322). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of November 1986.

EFFECTIVE DATE: November 1, 1986.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35100), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington DC 20006; 202-778-8850 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and pensions.

In consideration of the foregoing, Part 2676 of Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for Part 2676 continues to read as follows:

Authority: Secs. 4002(b)(3), 4219(c)(1)(D), and 4281(b), Pub. L. 93-406, as amended by secs. 403(1) and 104(2) (respectively), Pub. L. 96-364, 94 Stat. 1302, 1237-1238, and 1261 (1980) (29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1)].

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

§ 2676.15 Interest.

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_t are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
November 1986	.09625	.0925	.0875	.0825	.0775	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.065	.06

Issued at Washington, DC, on this 6th day of October, 1986.

Kathleen P. Utgoff,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86-22979 Filed 10-14-86; 8:45 am]
BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL-3094-6]

Approval of a Delayed Compliance Order Issued by the Pennsylvania Department of Environmental Resources to Reading Body Works, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of the Environmental Protection Agency hereby approves a Delayed Compliance Order (Order) issued by the Pennsylvania Department of Environmental Resources to Reading Body Woks, Inc. The Order requires the Company to bring air emissions from its miscellaneous metal parts painting facility in Reading Township, Berks County, Pennsylvania, into compliance with certain regulations contained in the Federally approved Pennsylvania State Implementation Plan (SIP) by April 21, 1987. Because of the Administrator's approval, compliance with the Order will preclude suits under the enforcement provisions under section 113 of the Act of the citizen suit provisions under section 304 of the Act for violations of the SIP regulations covered by the Order during the period the Order is in effect.

EFFECTIVE DATE: This rule will take effect on October 15, 1986.

ADDRESSES: A copy of the Delayed Compliance Order, and supporting material, and any comments received in response to a prior **Federal Register** notice proposing approval of the Order are available for public inspection and copying (for appropriate charges) during normal business hours at:

Enforcement Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.

FOR FURTHER INFORMATION CONTACT: Rosemarie P. Nino, Environmental Protection Specialist, (215) 597-9839.

SUPPLEMENTARY INFORMATION: On May 28, 1986, the Regional Administrator of

the Environmental Protection Agency's Region III Office published in the **Federal Register**, Vol. 51, No. 102, Page 19223, a notice proposing approval of a Delayed Compliance Order issued by the Pennsylvania Department of Environmental Resources to Reading Body Works, Inc. The basis for EPA's conclusion supporting the issuance of the DCO are set forth in that notice. The notice asked for the public comments by June 27, 1986, on the EPA proposal. No public comments were received in response to the notice.

The Delayed Compliance Order issued to Reading Body Works, Inc., is hereby approved by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Reading Body Works, Inc. on a schedule to bring its miscellaneous metal parts painting facility in Berks Country into compliance as expeditiously as practicable with Title 25 of the Pennsylvania Code, section 129.52, Miscellaneous Metal Parts and Products, a part of the Federally approved Pennsylvania State Implementation Plan. The Order requires emission monitoring and reporting requirements as required by sections 113(d)(1)(C) and 113(d)(7) of the Act. If the conditions of the Order are met, it will permit Reading Body Works, Inc., to delay compliance with SIP regulations covered by the Order until April 21, 1987. Reading Body Works, Inc. was unable to comply with these regulations prior to the compliance date called for by the DCO because low solvent coatings were still being developed. EPA has determined that its approval of the Order shall be effective October 15, 1986, because of the need to immediately place Reading Body Works, Inc., on a Federally enforceable schedule under the Clean Air Act requiring compliance with the applicable requirements of the State Implementation Plan.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of the date of publication of this notice of final rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 65

Air pollution control.

Dated: October 7, 1986.

Lee M. Thomas,

Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDER

1. The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 7413, 7601.

2. Section 65.431 is amended by adding the following entry to the table in alphabetical order to read as follows:

§ 65.431 EPA approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
Reading Body Work, Inc.	Reading, Berks County, PA.		May 28, 1986.....	§ 129.52 of Title 25.	Apr. 21, 1987.

[FR Doc. 86-23102 Filed 10-14-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 157 and 162

[OPP-250076; FRL-3094-9]

Child Resistant Packaging; Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Effective date.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA submitted a final regulation to both Houses of Congress for review prior to the regulation's taking effect. This regulation: (1) Reorganizes and redesignates regulations for child-resistant packaging of pesticides; and (2) establishes an exemption from the requirement for child-resistant packaging for pesticide products in large packages, replacing the "serviceperson" concept. This regulation was published in the **Federal Register** of June 11, 1986 (51 FR 21276). The minimum 60-day period for congressional review has ended.

EFFECTIVE DATE: The regulation is effective on October 15, 1986.

FOR FURTHER INFORMATION CONTACT:

By mail: Jean M. Frane, Registration Division (TS-767C), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 1114, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-0944).

SUPPLEMENTARY INFORMATION: EPA issued a final regulation on May 31, 1986, which was published in the **Federal Register** of June 11, 1986 (51 FR 21276), under section 3 of FIFRA, as amended. The regulation reorganized and redesignated regulations for child-resistant packaging of pesticides. It also established an exemption from the requirement for child-resistant packaging for pesticide products in large packages. The exemption replaced a previous agency policy that accepted a labeling statement restricting use to "servicepersons" in lieu of child-resistant packaging for certain pesticide products. However, as required by section 25(a)(4) of FIFRA, the regulation could not take effect until it has been submitted to both Houses of Congress for a period of 60 days of continuous congressional session, as defined by section 25(a)(4). Since it was not possible to predict an exact date on which the congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate **Federal Register** notice, after the review period was over, announcing the effective date of the regulation. The 60-day period of continuous congressional session has elapsed.

Accordingly, the final regulation is effective on October 15, 1986.

Authority: 7 U.S.C. 136w.

List of Subjects in 40 CFR Parts 157 and 162

Administrative practice and procedure, Intergovernmental relations, Labeling, Packaging and containers, Pesticides and pests, Recordkeeping and reporting requirements.

Dated: October 6, 1986.

John A. Moore,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 86-23103 Filed 10-14-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Federal Insurance Administration

44 CFR Part 64

[Docket No. FEMA 6734]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESS: Flood-insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made resonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquistion or construction of buildings in the special flood hazard area shown on the map.

The Administrator finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

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

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

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

In each entry, a complete chronology of effective dates appear for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
South Carolina: Dillon	Latta, Town of*	450067B	Oct. 29, 1974, Emerg.; July 3, 1986, Reg.; July 3, 1986, Susp.; Sept. 3, 1986, Rein.	June 14, 1974, Mar. 5, 1976 and July 3, 1986.
Pennsylvania: Armstrong	Kittanning, Borough of	420096B	June 18, 1984, Emerg.; July 3, 1986, Reg.; July 3, 1986, Susp.; Sept. 5, 1986, Rein.	May 31, 1974, May 21, 1976 and July 3, 1986.
Michigan: Charlevoix	Eveline, Township of	260773–New	Sept. 8, 1986	
Georgia: Stewart	Unincorporated Areas	130393	do	May 12, 1976.
Tennessee: Bradley	do	470357	Sept. 12, 1986, Emerg	July 8, 1978.
Texas: Fort Bend and Harris Counties	Willow Fork Drainage District [1]	481603–New	Sept. 18, 1986, Emerg.; Sept. 8, 1986, Reg	
Florida: Taylor	Unincorporated Areas	120302B	Apr. 25, 1975, Emerg.; Nov. 16, 1983, Reg.; Nov. 16, 1983, Susp.; Sept. 11, 1986, Rein.	Jan. 10, 1975, Jan. 13, 1978 and Nov. 16, 1983.
Michigan: Sanilac	Croswell, City of	260515A	Oct. 13, 1976 Emerg.; Aug. 19, 1986 Reg.; Aug. 19, 1986, Susp.; Sept. 12, 1986, Rein.	Apr. 11, 1975 and Aug. 19, 1986.
Georgia: Jackson	Unincorporated Areas	130345	Sept. 24, 1986, Emerg	Apr. 23, 1976.
Missouri: Benton	do	290027	do	Jan. 5, 1984.
New Hampshire: Rockingham	Seabrook Beach Village District	330854	Sept. 17, 1986, Emerg.; Sept. 17, 1986, Reg	Aug. 5, 1986.
Alabama: Elmore	Coosade, Town of	015012B	Sept. 17, 1986, Emerg.; Sept. 17, 1986, Reg	Dec. 15, 1978 and Aug. 19, 1986.
South Carolina: Greenwood	Ninety Six, Town of	450244B	Sept. 17, 1986, Emerg.; Sept. 17, 1986, Reg	Sept. 22, 1978 and Sept. 4, 1986.
West Virginia: Upshur	Buckhannon, City of	540199	July 8, 1975, Emerg.; Sept. 4, 1986, Reg.; Sept. 4, 1986, Susp.; Sept. 17, 1986, Rein.	June 28, 1974, Oct. 17, 1975 and Sept. 4, 1986.
Indiana: Starke	Hamlet, Town of*	180241B	Dec. 17, 1975, Emerg.; Sept. 1, 1986, Reg.; Sept. 1, 1986, Susp.; Sept. 19, 1986, Rein.	June 21, 1974 and Sept. 1, 1986.
Iowa: Ida	Galva, City of*	190424A	June 28, 1976, Emerg.; Aug. 19, 1986, Reg.; Aug. 19, 1986, Susp.; Sept. 25, 1986, Rein.	Sept. 19, 1985 and Aug. 10 1986.
Michigan:				
Chippewa	DeTour, Township of	260775–New	Sept. 26, 1986, Emerg	
Lapeer	Elba, Township of	260776–New	do	
Oceana	Hart, Township of	260777–New	do	
Charlevoix	Hayes, Township of	260778–New	do	
Sanilac	Port Sanilac, Village of	260779–New	do	
New York: Montgomery	Ames, Village of	360439B	Oct. 7, 1975, Emerg.; Dec. 4, 1985, Reg.; Dec 4, 1985, Susp.; Sept 25, 1986, Rein.	July 15, 1977 and Dec. 4, 1985
Pennsylvania: Pike	Dingman, Township of	421964B	Mar. 6, 1979, Emerg.; Dec. 4, 1985, Reg.; Dec. 4, 1985, Susp.; Sept. 26, 1986, Rein.	Feb. 14, 1975, Jan. 11, 1980 and Dec. 4, 1985.
Indiana: Greene	Linton, City of	180456A	Sept. 30, 1986, Emerg	May 25, 1979.
Michigan: Osceola	Evart, City of*	260327A	Sept. 24, 1986, Emerg	Apr. 25, 1975.
Missouri: Ripley	Unincorporated Areas	290830A	Sept. 29, 1986, Emerg.; Sept. 29, 1986, Reg	Jan. 17, 1986.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Pennsylvania: Bradford	New Albany, Borough of*	420172A	Aug. 14, 1975, Emerg., Sept. 1, 1986, Reg.; Sept. 1, 1986, Susp.; Sept. 26, 1986, Rein.	Nov. 8, 1974 and Sept. 1, 1986.
West Virginia: Marshall	Cameron, City of	540287	Mar. 31, 1982, Emerg.; Sept. 4, 1986, Reg.; Sept. 4, 1986, Susp.; Sept. 26, 1986, Rein.	Sept. 4, 1986.
Tennessee: Franklin	Estill Springs, Town of	470272B	July 17, 1975, Emerg.; May 15, 1986, Reg.; June 17, 1986, Susp.; Sept. 29, 1986, Rein.	Feb. 1, 1974, Oct. 22, 1976 and May 15, 1986.
Vermont: Essex	Brighton, Town of Essex County	500205A	Mar. 27, 1975, Emerg.; Sept. 18, 1986, Reg.; Sept. 18, 1986, Rein.	Nov. 26, 1976.
Michigan: Osceola	Hersey, Village of	260489	Sept. 25, 1986, Emerg	July 11, 1975.

[1] Willow Fork Drainage District has adopted by reference Fort Bend and Harris Counties Flood Insurance Studies with the accompanying Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and any revisions thereto for floodplain management and flood insurance purposes.
*Minimal.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region I			
Massachusetts:			
Orleans, city of, Barnstable County	250010C	Sept. 4, 1986, suspension withdrawn.	May 31, 1974, Mar. 4, 1971, Oct. 1, 1983, and Sept. 4, 1986.
Salisbury, town of, Essex County	250103C	do	Sept. 13, 1974, May 2, 1977, June 24, 1977, and Sept. 4, 1986.
Manchester, town of, Essex County	250090B	do	Apr. 5, 1974, Oct. 29, 1976, and Sept. 4, 1986.
Vermont: Stockbridge, town of, Windsor County	500155B	do	Nov. 1, 1974, Aug. 23, 1977, and Sept. 4, 1986.
Region II			
New York:			
Somers, town of, Westchester County	361242B	do	Dec. 20, 1974, June 4, 1976, and Sept. 4, 1986.
Southeast, town of, Putnam County	361041A	do	Oct. 1, 1974, and Sept. 4, 1986.
Horseheads, town of, Chemung County	360153B	do	Oct. 18, 1974, Jan. 16, 1976, and Sept. 4, 1986.
Kent, town of, Putnam County	360671B	do	Apr. 12, 1974, May 14, 1976, and Sept. 4, 1986.
Wallkill, town of, Orange County	360634B	do	May 31, 1974, July 30, 1976, and Sept. 4, 1986.
Concord, town of, Erie County	360235C	do	Aug. 2, 1976, Aug. 27, 1976, Feb. 27, 1984, and Sept. 4, 1986.
Horseheads, village of, Chemung County	360154B	do	Nov. 23, 1973, May 21, 1976, and Sept. 4, 1986.
Region III			
Delaware: New Castle County, unincorporated areas	105085B	do	Dec. 7, 1971, July 1, 1974, Dec. 26, 1975, and Sept. 4, 1986.
West Virginia:			
Philippi, city of, Barbour County	540004	do	Feb. 1, 1974, Apr. 2, 1976, and Sept. 4, 1986.
Parkersburg, city of, Wood County	540214B	do	June 14, 1974, Sept. 19, 1975, and Sept. 4, 1986.
Buckhannon, city of, Upshur County	540199B	do	June 28, 1974, Oct. 17, 1975, and Sept. 4, 1986.
Cameron, city of, Marshall County	540287	do	Sept. 4, 1986.
Region V			
Ohio: Lockland, city of, Hamilton County	390223B	do	Feb. 15, 1974, Jan. 13, 1978, and Sept. 4, 1986.
Wisconsin:			
Downing, village of, Dunn County	550121B	do	Apr. 3, 1981 and Sept. 4, 1986.
Glenwood City, city of, St. Croix County	550381A	do	May 14, 1976 and Sept. 4, 1986.
Region X			
Oregon: Salem, city of, Marion and Polk Counties	410167D	do	Aug. 9, 1974, July 2, 1976, June 15, 1979, July 5, 1984, and Sept. 4, 1986.
Region I			
Vermont:			
Addison, town of, Addison County	500163B	Sept. 18, 1986, suspension withdrawn.	Nov. 22, 1974, Sept. 24, 1976, and Sept. 18, 1986.
Ferrisburg, town of, Addison County	500002B	do	Sept. 6, 1974, May 17, 1977, and Sept. 18, 1986.
Panton, town of, Addison County	500169B	do	Jan. 17, 1975, Oct. 22, 1976, and Sept. 18, 1986.
Vergennes, city of, Addison County	500011B	do	June 28, 1974, June 25, 1976, and Sept. 18, 1986.
Region II			
New Jersey: Rockaway, township of, Morris County	340360B	do	Jan. 4, 1974, Nov. 15, 1979, and Sept. 18, 1986.
New York:			
Chester, town of, Orange County	360870A	do	Apr. 12, 1974, Dec. 5, 1975, and Sept. 18, 1986.
Mount Kisco, village of, Westchester County	360918B	do	Dec. 9, 1977, and Sept. 18, 1986.
Region III			
West Virginia: McDowell County, unincorporated areas	540114B	do	Jan. 10, 1975, Aug. 6, 1982, and Sept. 18, 1986.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region IV			
Kentucky: Ghent, city of, Carroll County	210046B	do	Jan. 16, 1974, June 4, 1976, and Sept. 18, 1986.
Region V			
Illinois:			
Chandlerville, village of, Cass County	170023B	do	Nov. 23, 1973, Jan. 16, 1976, and Sept. 18, 1986.
Hull, village of, Pike County	170553A	do	June 11, 1976 and Sept. 18, 1986.
Petersburg, city of, Menard County	170506B	do	Dec. 7, 1973, Mar. 26, 1976, and Sept. 18, 1986.
Streator, city of, LaSalle and Livingston Counties	170408B	do	Nov. 9, 1973, Mar. 26, 1976, and Sept. 18, 1986.
Indiana: Wabash County, unincorporated areas			Dec. 27, 1974, Jan. 27, 1978, and Aug. 19, 1986.
Wisconsin: Kendall, village of, Monroe County	550287B	do	Aug. 30, 1974, Apr. 16, 1976, and Sept. 18, 1986.
Madison, city of, Dane County	550083D	do	Mar. 8, 1974, Sept. 5, 1975, Aug. 19, 1977, Sept. 30, 1980, and Sept. 18, 1986.
Region VI			
New Mexico: Las Vegas, city of, San Miguel County	350068C	do	June 28, 1974, Oct. 29, 1976, Apr. 19, 1983, and Sept. 18, 1986.
Oklahoma:			
Coweta, city of, Wagoner County	400216A	do	June 4, 1976 and Sept. 18, 1986.
Claremore, city of, Rogers County	405375E	do	Aug. 28, 1971, July 1, 1974, Jan. 19, 1975, Oct. 3, 1975, and Sept. 18, 1986.
Texas:			
Kirbyville, city of, Jasper County	480384B	do	May 10, 1974, Jan. 2, 1976, and Sept. 18, 1986.
Flower Mound, town of, Denton County	480777A	do	Oct. 29, 1976 and Sept. 18, 1986.
Region I			
Massachusetts:			
Cohasset, town of, Norfolk County	250236B	Sept. 29, 1986, suspension withdrawn.	Aug. 2, 1974, Oct. 29, 1976, and Sept. 29, 1986.
Scituate, town of, Plymouth County	250282C	do	Sept. 6, 1974, Sept. 30, 1977, Oct. 1, 1983, and Sept. 29, 1986.
Vermont: Weybridge, town of, Addison County	500174B	do	Jan. 17, 1975, July 16, 1982, and Sept. 29, 1986.
Region II			
New Jersey: Wayne, township of, Passaic County	345327B	do	Feb. 20, 1973, July 1, 1974, Nov. 19, 1976, and Sept. 29, 1986.
New York: Nichols, village of, Tioga County	360838C	do	June 7, 1974, Apr. 30, 1976, Nov. 3, 1978, and Sept. 29, 1986.
Region IV			
Alabama: Dallas County, unincorporated areas	010063B	do	Jan. 3, 1975, Mar. 3, 1978, and Sept. 29, 1986.
South Carolina:			
Beaufort, city of, Beaufort County	450026	do	June 28, 1974, Sept. 5, 1975, May 2, 1977, Sept 5, 1984, and Sept. 29, 1986.
Jasper County, unincorporated area	450112B	do	Mar. 31, 1978 and Sept. 29, 1986.
Port Royal, town of, Beaufort County	450028D	do	June 14, 1974, Oct. 10, 1975, Apr. 15, 1977, Sept. 5, 1984, and Sept. 29, 1986.
Region V			
Illinois:			
Cissna Park, village of, Iroquois County	170289B	do	Feb. 22, 1974, Oct. 10, 1975, and Sept. 29, 1986.
Milford, village of, Iroquois County	170294B	do	June 28, 1974, Aug. 22, 1975, and Sept. 29, 1986.
Ohio:			
Evendale, village of, Hamilton County	390214B	do	Mar. 1, 1974, Aug. 27, 1976, and Sept. 29, 1986.
North College Hill, city of, Hamilton County	390232B	do	June 7, 1974, July 25, 1975, and Sept. 29, 1986.
Region VI			
Texas:			
The Colony, city of, Denton County	681581A	do	Aug. 16, 1984 and Sept. 29, 1986.
Comal County, unincorporated areas	485463C	do	Nov. 9, 1973, July 1, 1974, May 14, 1976, and Sept. 29, 1986.
Canton, city of, Van Zandt County	480632B	do	May 10, 1974, Jan. 30, 1976, and Sept. 29, 1986.
Region VIII			
Colorado: Mancos, town of, Montezuma County	080123B	do	May 17, 1974, Jan. 16, 1976, and Sept. 29, 1986.
North Dakota: Beach, city of, Golden Valley County	380215A	do	July 11, 1975 and Sept. 29, 1986.
South Dakota: Custer County, unincorporated areas	460018B	do	Oct. 18, 1977 and Sept. 29, 1986.
Utah: Richfield City, city of, Sevier County	490131B	do	May 24, 1974, Dec. 5, 1975, and Sept. 29, 1986.
Region IX			
California:			
Camarillo, city of, Ventura County	065020B	do	July 19, 1974, Oct. 24, 1975, and Sept. 29, 1986.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Crescent City, city of, Del Norte County	060039D	do	May 3, 1974, Dec. 13, 1974, Sept. 26, 1978, and Sept. 29, 1986.
Kern County, unincorporated areas	060075B	do	June 20, 1978 and Sept. 29, 1986.
McFarland, city of, Kern County	060080B	do	June 28, 1974, Aug. 15, 1975, and Sept. 29, 1986.
Moorpark, city of, Ventura County	060712A	do	Sept. 29, 1986.
San Buenaventura, city of, Ventura County	060419B	do	May 31, 1974, Dec. 19, 1975, and Sept. 29, 1986.
Tulare County, unincorporated areas	065066B	do	Feb. 14, 1975, Apr. 17, 1979, and Sept. 29, 1986.
Region X			
Oregon:			
Clatskanie, city of, Columbia County	410035C	do	Dec. 7, 1978, Sept. 19, 1979, Nov. 21, 1975, and Sept 29, 1986.
Eugene, city of, Lane County	410122B	do	June 7, 1974, Oct. 31, 1975, and Sept. 29, 1986.
Linn County, unincorporated areas	410136B	do	Dec. 6, 1977, and Sept. 29, 1986.
Malheur County, unincorporated areas	410149B	do	Apr. 4, 1978, and Sept. 29, 1986.
Sisters, city of, Deschutes County	410058B	do	Dec. 7, 1973, Apr. 23, 1976, and Sept. 29, 1986.
St. Helens, city of, Columbia County	410040B	do	Nov. 30, 1973, Apr. 23, 1976, and Sept. 29, 1986.
Washington:			
Cathamet, town of, Wahkiakum County	530278A	do	Apr. 2, 1976, and Sept. 29, 1986.
Grays Harbor County, unincorporated areas	530057B	do	June 28, 1974, Feb. 21, 1978, and Sept. 29, 1986.
Region I—Minimal Coversion			
Vermont: Goshen, town of, Addison County	500004C	Sept. 1, 1986, suspension withdrawn.	Dec. 20, 1977, Nov. 28, 1980, and Sept. 1, 1986.
Region III			
Pennsylvania:			
Bloomfield, township of, Crawford County	421563B	do	Jan. 31, 1975, May 28, 1976, and Sept. 1, 1986.
Brighton, township of, Beaver County	422309A	do	Jan. 3, 1975 and Sept. 1, 1986.
Chippewa, township of, Beaver County	422311A	do	Dec. 27, 1974 and Sept. 1, 1986.
Columbia, township of, Bradford County	421059B	do	Aug. 2, 1974, May 7, 1976, and Sept. 1, 1986.
Connoquenessing, township of, Butler County	421418A	do	Nov. 15, 1974 and Sept. 1, 1986.
Delano, township of, Schuylkill County	422001A	do	Feb. 7, 1975 and Sept. 1, 1986.
East Brunswick, township of, Schuylkill County	422002B	do	Jan. 24, 1975, June 27, 1980, and Sept. 1, 1986.
East Union, township of, Schuylkill County	422004A	do	Nov. 15, 1974, and Sept. 1, 1986.
Forest Hills, Borough of, Allegheny County	420035B	do	May 10, 1974, Sept. 10, 1976 and Sept. 1, 1986.
Loganton, Borough of, Clinton County	421533B	do	Nov. 8, 1974, and Sept. 1, 1986.
Peters, township of, Franklin County	421654B	do	Sept. 13, 1974, May 28, 1976, and Sept. 1, 1986.
Richmond, township of, Crawford County	421569B	do	Oct. 25, 1974, Aug. 6, 1976, and Sept. 1, 1986.
Todd, township of, Fulton County	421665B	do	Jan. 17, 1975, Aug. 15, 1980, and Sept. 1, 1986.
Union, township of, Schuylkill County	422024A	do	Nov. 8, 1974 and Sept. 1, 1986.
Warren, township of, Bradford County	421408B	do	Jan. 31, 1975, Jan. 16, 1980, and Sept. 1, 1986.
Region IV			
Alabama: Blue Springs, town of, Barbour County	010224A	do	Jan. 10, 1975, and Sept. 1, 1986.
Georgia:			
Cairo, city of, Grady County	130097B	do	June 28, 1974, Sept. 19, 1975, and Sept. 1, 1986.
Seminole County, unincorporated areas	130387A	do	May 14, 1976, and Sept. 1, 1986.
Kentucky:			
Morganfield, city of, Union County	210216B	do	May 17, 1974, Dec. 19, 1975, and Sept. 1, 1986.
Providence, city of, Webster County	210223B	do	Feb. 1, 1974, Feb. 27, 1976, and Sept. 1, 1986.
Sturgis, city of, Union County	210217B	do	May 15, 1974, Sept. 19, 1975, and Sept. 1, 1986.
Vicco, city of, Perry County	210192B	do	May 10, 1974, Mar. 5, 1976, and Sept. 1, 1986.
South Carolina:			
Loris, town of, Horry County	450108B	do	June 21, 1974, Apr. 16, 1976, and Sept. 1, 1986.
Stuckey, town of, Williamsburg County	450192B	do	Sept. 6, 1974, July 23, 1976, and Sept. 1, 1986.
Yemassee, town of, Hampton and Beaufort Counties	450103B	do	June 21, 1974, Oct. 17, 1975, and Sept. 1, 1986.
Tennessee:			
Cornersville, town of, Marshall County	470325A	do	Sept. 17, 1976, and Sept. 1, 1986.
Haywood County, unincorporated areas	470227B	do	Dec. 30, 1977, and Sept. 1, 1986.
Region V			
Illinois:			
Piatt County, unincorporated areas	170542B	do	Jan. 31, 1975, Jan. 6, 1978, and Sept. 1, 1986.
Rock Falls, city of, Whiteside County	170694B	do	Mar. 22, 1974, Apr. 9, 1976, and Sept. 1, 1986.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Indiana:			
Loogootee, city of, Martin County	180165B	do	June 28, 1974, Dec. 26, 1975, and Sept. 1, 1986.
Shoals, town of, Martin County	180166B	do	Jan. 9, 1974, Aug. 20, 1976, and Sept. 1, 1986.
Newton County, unincorporated areas	180179B	do	Jan. 3, 1975, July 1, 1977, and Sept. 1, 1986.
Worthington, town of, Greene County	180079B	do	Nov. 23, 1973, May 28, 1976, and Sept. 1, 1986.
Michigan:			
Big Rapids, city of, Mecosta County	260136B	do	May 24, 1974, May 21, 1976, and Sept. 1, 1986.
Fruitland, township of, Muskegon County	260265B	do	June 28, 1974, June 25, 1976, and Sept. 1, 1986.
Glen Arbor, township of, Leelanau County	260604B	do	Dec. 30, 1977 and Sept. 1, 1986.
Golden, township of, Oceana County	260301A	do	Jan. 17, 1975 and Sept. 1, 1986.
Hart, city of, Oceana County	260484A	do	Apr. 11, 1975 and Sept. 1, 1986.
Maple Rapids, village of, Clinton County	260384A	do	Apr. 25, 1975 and Sept. 1, 1986.
Newfield, township of, Oceana County	260697B	do	Dec. 23, 1977 and Sept. 1, 1986.
Newton, township of, Calhoun County	260647B	do	May 26, 1978 and Sept. 1, 1986.
Minnesota: Jasper, city of, Rock and Pipestone Counties	270410B	do	Mar. 29, 1974, Oct. 31, 1975, and Sept. 1, 1986.
Ohio:			
Holmesville, village of, Holmes County	390278B	do	Mar. 22, 1974, July 30, 1976, and Sept. 1, 1986.
Jeromesville, village of, Ashland County	390008B	do	May 3, 1974, May 21, 1976, and Sept . 1, 1986.
Magnolia, village of, Carroll and Stark Counties	390051B	do	May 3, 1974, Jan. 30, 1974, and Sept. 1, 1986.
Mechanicsburg, village of, Champaign County	390057B	do	Feb. 1, 1974, June 4, 1976, and Sept. 1, 1986.
New Carlisle, city of, Clark County	390062B	do	Feb. 1, 1974, Apr. 9, 1976, and Sept. 1, 1986.
Wisconsin:			
Bruce, village of, Rusk County	550370B	do	May 24, 1974, May 28, 1976, and Sept. 1, 1986.
Coleman, village of, Marinette County	550260B	do	May 31, 1974, May 28, 1976, and Sept. 1, 1986.
Cumberland, city of, Barron County	550013B	do	May 31, 1974, Dec. 12, 1975, and Sept. 1, 1986.
Exeland, village of, Sawyer County	550409B	do	Aug. 16, 1974, June 4, 1976, and Sept. 1, 1986.
Fall Creek, village of, Eau Claire County	550130A	do	May 24, 1974, Sept. 24, 1976, and Sept. 1, 1986.
Frederic, village of, Polk County	550334B	do	May 31, 1974, Apr. 2, 1976, and Sept. 1, 1986.
Hollandale, village of, Iowa County	550178B	do	Sept. 20, 1974, May 14, 1976, and Sept. 1, 1986.
Kekoskee, village of, Dodge County	550101B	do	Jan. 23, 1974, June 4, 1976, and Sept. 1, 1986.
Merrillan, village of, Jackson County	550189B	do	May 31, 1974, May 28, 1976, and Sept. 1, 1986.
Minong, village of, Washburn County	550468B	do	Aug. 30, 1974, May 14, 1976, and Sept. 1, 1986.
Nelsonville, village of, Portage County	550339B	do	Jan. 23, 1974, Aug. 29, 1975, and Sept. 1, 1986.
Poplar, village of, Douglas County	550114B	do	Dec. 28, 1973, May 14, 1976, and Sept. 1, 1986.
Radisson, village of, Sawyer County	550411B	do	Sept. 6, 1974, Dec. 5, 1975, and Sept. 1, 1986.
Region VII			
Nebraska:			
Clearwater, village of, Antelope County	310262B	do	Apr. 2, 1976, Aug. 15, 1978, and Sept. 1, 1986.
Culbertson, village of, Hitchcock County	310110B	do	May 10, 1974, Nov. 14, 1975, and Sept 1, 1986.
Verdigre, village of, Knox County	310133B	do	June 28, 1974, Dec. 5, 1975, and Sept. 1, 1986.
Winnebago, town of, Thurston County	310223B	do	Mar. 5, 1974, Dec. 26, 1975, and Sept. 1, 1986.
Iowa:			
Dedham, city of, Carroll County	190043A	do	Nov. 1, 1974 and Sept. 1, 1986.
Dow City, city of, Crawford County	190097B	do	May 31, 1974, Dec. 19, 1975, and Sept. 1, 1986.
Earling, city of, Shelby County	190247B	do	May 3, 1974, Jan. 2, 1976, and Sept. 1, 1986.
Kimballton, city of, Audubon County	190014A	do	Dec. 13, 1974 and Sept. 1, 1986.
Shenandoah, city of, Page County	190220B	do	June 28, 1974, Dec. 26, 1975, and Sept. 1, 1986.
Wall Lake, city of, Sac County	190504A	do	Sept. 26, 1975 and Sept. 1, 1986.
Westside, city of, Crawford County	190102B	do	Jan. 10, 1975, Nov. 29, 1979, and Sept. 1, 1986.
Kansas:			
Logan, city of, Phillips County	200265B	do	July 19, 1974, Oct. 17, 1975, and Sept. 1, 1986.
Madison, city of, Greenwood County	200121B	do	July 19, 1974, June 11, 1976, and Sept. 1, 1986.
Virgil, city of, Coreenwood County	200122A	do	Jan. 10, 1975, and Sept. 1, 1986.
Mountain Grove, city of, Wright County	290456B	do	Apr. 5, 1974, Oct. 17, 1975, and Sept. 1, 1986.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard areas identified
Region IV—Minimal Conversions			
Georgia:			
Irwinton, city of, Wilkinson County	130440A	Sept. 4, 1986, suspension withdrawn.	Apr. 25, 1975 and Sept. 4, 1986.
Lake City, city of, Clayton County	130044B	do	May 31, 1974, May 14, 1976, and Sept. 4, 1986.
Mississippi: Ecru, town of, Pontotoc County	280133C	do	Feb. 1, 1974, Feb. 13, 1976, May 9, 1980, and Sept. 4, 1986.
North Carolina:			
Lillington, town of, Harnett County	370381B	do	May 5, 1978 and Sept. 4, 1986.
Mitchell County, unincorporated areas	370161B	do	June 30, 1978 and Sept. 4, 1986.
Pollocksville, town of, Jones County	370142B	do	Mar. 15, 1974, June 4, 1976, and Sept. 4, 1986.
Region V—Minimal Conversions			
Illinois: New Baden, village of, Clinton County	170050B	do	May 24, 1974, June 21, 1976, and Sept. 4, 1986.
Michigan: Bridgeton, township of, Newaygo County	260466A	do	Oct. 22, 1976 and Sept. 4, 1986.
Wisconsin: Luxemburg, village of, Kewanunee County	550216B	do	Sept. 4, 1986.
Region VII			
Kansas: Sharon Springs, city of, Wallace County	200529A	do	Sept. 12, 1975 and Sept. 4, 1986.
Missouri:			
Licking, city of, Texas County	290441C	do	Mar. 1, 1974, Apr. 23, 1976, Apr. 12, 1983, and Sept. 4, 1986.
Wayland, city of, Clark County	290084B	do	Oct. 18, 1974, Feb. 6, 1976, and Sept. 4, 1986.
Region V—Minimal Coversions			
Michigan: Breen, township of, Dickinson County	260389B	Sept. 18, 1986, suspension withdrawn.	Mar. 31, 1978 and Sept. 18, 1986.
Region VIII			
Utah: Nephi, city of, Juab County	490065	do	Aug. 5, 1986.
Region X			
Idaho: White Bird, city of, Idaho County	160072B	do	Sept. 13, 1974; Dec. 26, 1975, and Sept. 18, 1986.
Region VIII—Minimal Coversions			
North Dakota:			
Dwight, township of, Richland County	380657B	Sept. 29, 1986, suspension withdrawn.	Sept. 29, 1986.
Lindaas, township of, Traill County	380300B	do	Sept. 29, 1986.
Roseville, township of, Traill County	380641B	do	Sept. 29, 1986.
Region IX			
California: Wheatland, city of, Yuba County	060460A	do	May 2, 1975 and Sept. 29, 1986.
Region VIII—Minimal Coversions			
Colorado: Huerfano County, unincorporated areas	080206B	Oct. 1, 1986, suspension withdrawn.	Nov. 22, 1977 and Oct. 1, 1986.
North Dakota:			
Mapleton, township of, Cass County	380262B	do	Dec. 8, 1981 and Oct. 1, 1986.
Raymond, township of, unincorporated areas	380261B	do	Dec. 8, 1981 and Oct. 1, 1986.
St. John, city of, Rolette County	380106	do	Dec. 6, 1974 and Oct. 1, 1986.
South Dakota: Revillo, town of, Grant County	460031A	do	Sept. 19, 1975 and Oct. 1, 1986.
Region X			
Idaho: Minidoka, county of, unincorporated areas	160201B	do	Sept. 6, 1977 and Oct. 1, 1986.

Issued: October 8, 1986.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 86-23222 Filed 10-14-86; 8:45 am]

BILLING CODE 6718-01-M

44 CFR Part 64

[Docket No. FEMA 6733]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory

requirement for compliance with program regulations (44 CFR Part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the Federal Register. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

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

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain mangement measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

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

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

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

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

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

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of Flood Insurance in community	Special flood hazard areas identified	Date [1]
Region III				
Pennsylvania:				
Scalp Level, borough of, Cambria County.	420237B	Apr. 19, 1986, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	June 28, 1974, July 23, 1976 and Oct. 17, 1986.	Oct. 17, 1986.
Windber, borough of, Somerset County.	422046A	Apr. 29, 1975, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	Jan. 31, 1975 and Oct. 17, 1986.	Do.
Region V				
Michigan: Huron, township of, Wayne County.	260545B	May 28, 1982, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	June 30, 1978 and Oct. 17, 1986.	Do.
Region VII				
Iowa:				
Muscatine County, unincorporated areas.	190836B	Apr. 8, 1975, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	May 31, 1977 and Oct. 17, 1986.	Do.
West Liberty, City of, Muscatine County.	190215B	Apr. 30, 1976, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	Jan. 16, 1974, Apr. 30, 1976 and Oct. 17, 1986.	Do.
Kansas: Syracuse, city of, Hamilton County	200124C	July 25, 1975, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	Jan. 9, 1974, Nov. 14, 1975, Oct. 2, 1979 and Oct. 17, 1986.	Do.
Missouri: Moniteau County, unincorporated areas	290235B	June 20, 1983, Emerg.; Oct. 17, 1986, Reg.; Oct. 17, 1986, Susp.	Sept. 30, 1983 and Oct. 17, 1986.	Do.

[1] Certain Federal assistance no longer available in special flood hazard areas.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: October 8, 1986.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 86–23221 Filed 10–14–86; 8:45 am]

BILLING CODE 6718-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 513 and 553

[Acquisition Circular AC-86-4; Supplement 1]

Revised Procedures for Use of the GSA Form 300, Order for Supplies and Services

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary regulation.

SUMMARY: This supplement to the General Services Administration Acquisition Regulation (GSAR) Acquisition Circular AC-86-4 extends the expiration date to April 1, 1987. The intended effect is to extend the policies and procedures as established in AC-86-4, which implemented a change in the procedures for processing orders for supplies and services placed on the GSA Form 300, pending a revision to the GSAR.

DATES: *Effective Date:* October 2, 1986.

Expiration Date: This circular expires April 1, 1987, unless extended or cancelled.

FOR FURTHER INFORMATION CONTACT: Ms. Ida Ustad, Office of GSA Acquisition Policy and Regulations, Washington, DC 20405, (202) 566-1224.

Regulatory Impact

This temporary rule was not published for public comment because it does not have a significant effect beyond the internal operating procedures of the agency or have a cost or administrative impact on contractors or offerors. The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule. The General Services Administration (GSA) certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.). This temporary rule revises internal agency procedures. Accordingly, no regulatory flexibility analysis has been prepared. This rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et. seq. Government procurement.

PARTS 513 AND 553—[AMENDED]

1. The authority citation for 48 CFR Parts 513 and 553 continues to read as follows:

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

2. 48 CFR Parts 513 and 553 are amended by the following supplement to Acquisition Circular AC-86-4

General Services Administration Acquisition Regulation—Acquisition Circular AC-86-4; Supplement 1

To: All GSA contracting activities.

Subject: Revised procedures for use of the GSA Form 300, Order for Supplies and Services.

1. *Purpose.* This supplement extends the expiration date of the General Services Administration Acquisition Regulation (GSAR) Acquisition Circular AC-86-4.

2. *Effective date.* October 2, 1986.

3. *Expiration date.* Acquisition Circular AC-86-4 and this supplement will expire on April 1, 1987, unless cancelled earlier.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86-23177 Filed 10-14-86; 8:45 am]

BILLING CODE 6820-61-M

Proposed Rules

Federal Register
Vol. 51, No. 199
Wednesday, October 15, 1986

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 918

Fresh Peaches Grown in Georgia; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among growers of fresh peaches grown in Georgia to determine whether they favor continuance of the marketing order under which they operate.

DATES: The referendum period is October 20 through October 31, 1986.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This action is taken under Marketing Order 918 (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the act.

On July 29, 1986, the Georgia Peach Industry Committee petitioned the Secretary to conduct a continuance referendum to ascertain whether or not growers favored continuance of the marketing order. The Department is required under § 918.81(c) to conduct such a referendum when requested by the committee prior to December 1. A continuance referendum on this order was last held by the Department in September 1976.

A vote approving continuation of the order would require approval by two-thirds of the producers voting in the referendum or by producers voting who have produced two-thirds of the volume of production represented in the referendum

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. In the event that the requisite majority of producers, by number or volume of production represented in the referendum, do not approve continuation of an order, the Secretary will consider termination of the order but would not be required to terminate. In evaluating the merits of termination, the Secretary will not only consider the results of the continuance referendum but also other relevant information concerning the operation of the order and the relative benefits and disadvantages to producers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the act.

In any event, section 8c(16)(B) of the act requires the Secretary to terminate the order whenever the Secretary finds that a majority of all producers favor termination, and such majority produced more than 50 percent of the commodity for market.

It is hereby directed that a referendum be conducted during the period October 20 through October 31, 1986, among growers who, during the period March 1, 1986, through September 1, 1986 (which period is hereby determined to be a representative period for purposes of this referendum), were engaged, in production in the order area of fresh peaches for market, to ascertain whether such growers favor the continuance of the marketing order.

John R. Toth, Fruit and Vegetable Division, AMS, USDA, P.O. Box 9, Lakeland, Florida 33802, and Kenneth G. Johnson, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, are hereby designated as referendum agents of the Secretary of Agriculture to conduct such referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR Part 900.400 *et seq.*).

Authority: Agricultural Marketing Agreement Act of 1937, as amended, secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Dated: October 8, 1986.

Karen K. Darling,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 86-23321 Filed 10-14-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Documentary Requirements for Nonimmigrants; Waivers, Admission of Certain Inadmissible Aliens, Parole

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Extension of comment period for notice of proposed rulemaking.

SUMMARY: The Service has extended from October 7, 1986 to October 24, 1986 the deadline for submitting comments in response to requests received from the public. The amendments the Service proposed were published on August 8, 1986 at 51 FR 28576.

DATE: Comments are now due on or before October 24, 1986.

ADDRESS: Please submit written comments in duplicate to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, Room 2011, 425 I Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Flora T. Richardson, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-3946.

SUPPLEMENTARY INFORMATION: The Service has extended the deadline for submitting written comments from October 7, 1986 to October 24, 1986 to allow the public additional opportunity to comment on proposed amendments published on August 8, 1986 at 51 FR 28576. The proposed rule would amend the regulations relating to temporary alien workers seeking classification under section 101(a)(15)(H) of the Immigration and Nationality Act. The rule proposes to clarify Service requirements for classification, admission, and maintenance of status under this nonimmigrant classification and to consolidate into regulation

numerous policies that are embodied in precedent decisions, Operations Instructions, and other policy issuances.

Dated: October 7, 1986.

Harriet B. Marple,

(Acting) Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 86-23093 Filed 10-14-86; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Ch. III

[Docket No. 60984-6184]

Request for Comments on Effects of Foreign Policy-Based Export Controls

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Notice of request for comments on foreign policy-based export controls.

SUMMARY: The Office of Technology and Policy Analysis (OTPA), Export Administration, is reviewing the foreign policy-based export controls in the Export Administration Regulations (15 CFR Parts 368 through 399) to determine whether they should be modified, rescinded or extended. To help OTPA make this determination, OPTA is seeking comments on how existing foreign policy-based controls have affected exporters and the general public.

DATE: Comments must be received by December 15, 1986 to assure full consideration in the formulation of export control policies.

ADDRESS: Written comments (six copies) should be sent to Joan Maguire, Regulations Branch (Room 1622), Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Joan Sitnik, Country Policy Branch, Strategic Planning and Policy Division, Office of Technology and Policy Analysis, Export Administration. Telephone: (202) 377-4830.

SUPPLEMENTARY INFORMATION:

Generally, the foreign policy controls maintained by Export Administration relate to the following: Human rights, South Africa and Namibia, Libya, anti-terrorism, chemical warfare, regional stability, embargoed communist countries, oil and gas equipment for the Soviet Union and Afghanistan, and truck manufacturing equipment for the Soviet Kama River and ZIL truck plants.

The licensing policies for these control programs are defined in Parts 376 and 385 of the Export Administration Regulations.

Some of these controls are mandated by statute, while some have been imposed administratively.

Subsequent to the most recent extension of controls on January 21, 1986, two additions to the foreign policy controls were made. On June 5, 1986, existing foreign policy-based controls on light helicopters (10,000 lbs. or less empty weight) to Cuba, Iran, and Libya were expanded to include PDR Yeman and Syria. Also on June 5, 1986, Syria became subject to existing controls on chemicals to Iran and Iraq.

Effective July 13, 1986, the Department of Commerce, in consultation with the Department of State, extended foreign policy controls on exports to South Africa and Namibia pursuant to section 6 of the Export Administration Act of 1979, as amended. This action extended controls that had been made effective upon enactment of the Export Administration Amendments Act of 1985.

To assure maximum public participation in the review process, comments on the extension or revision of the existing foreign policy controls are solicited. The Department is particularly interested in the experience of individual exporters in complying with these controls, with emphasis on economic impact and specific instances of business lost to foreign competitors.

Parties submitting comments are asked to be as specific as possible. Respondents, however, are reminded that the Department is soliciting only information that can be used publicly. Confidential business information will not be accepted. Any information so designated will be returned to the commenter.

All comments received before the close of the comment period will be considered by the Department in developing the report to Congress. The Department considers the following criteria in determining whether to continue or revise U.S. foreign policy export controls:

1. The probability that such controls will achieve the intended foreign policy purpose, in light of the availability from other countries of the goods or technology proposed for such controls, and that the foreign policy purpose cannot be achieved through negotiations or other alternative means;

2. The compatibility of the proposed controls with the foreign policy objectives of the United States and with overall United States policy toward the country to which exports are to be subject to the proposed controls;

3. The likelihood that the reaction of other countries to the extension of such export controls by the United States will not render the controls ineffective in achieving the intended foreign policy purpose or be counterproductive to United States foreign policy interests;

4. The effect of the proposed controls on the export performance of the United States, the competitive position of the United States in the international economy, the international reputation of the United States as a supplier of goods and technology, or on the economic well-being of individual United States companies and their employees and communities does not exceed the benefit to United States foreign policy objectives;

5. The ability of the United States to enforce the proposed controls effectively; and

6. The foreign policy consequences of not extending the export controls.

All comments will become a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completeness, comments in written form are required. If oral comments are received, they must be followed by written memoranda that will be a matter of public record and will be available for public review and copying. Communications from agencies of the United States Government or foreign governments will not routinely be made available for public inspection.

The public record concerning these comments will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Records in this facility, including written public comments and memoranda summarizing the substance of oral communications, may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at this facility may be obtained from Patricia Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

List of Subjects in 15 CFR Ch. III

Administrative practice and procedure, Advisory committees, Boycotts, Communist countries, Computer technology, Exports, Imports, Law enforcement, Marketing quotas, Nuclear energy, Penalties, Reporting and

Recordkeeping requirements, Science and technology, Trade practices.

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 27857, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*, E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985), as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986).

Dated: October 8, 1986.

Vicent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 86–23228 Filed 10–14–86; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 175

Tariff Classification of Fiber Reinforced Plastic Cellulosic Sausage Casings

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

ACTION: Proposed interpretive rule; solicitation of comments.

SUMMARY: A petition has been submitted on behalf of a domestic interested party regarding Customs rulings on the tariff classification of imported fiber reinforced plastic cellulosic sausage casings composed of paper, regenerated cellulose and glycerin. The petitioner states that ruling letters which are the basis for the current classification of the product as sausage casings, not specially provided for, whether or not cut to length, other, erroneously reversed a prior interpretation of the TSUS. The petitioner claims these rulings were issued in disregard of a tariff provision which bars Customs from reversing or modifying a prior interpretation of the TSUS without the concurrence of the Attorney General or the Court of International Trade. The petitioner states that all cellulosic plastic sausage casings are to be classified as sausage casings, not specially provided for, whether or not cut to length, of cellulosic plastics material. This classification would subject the product to a higher rate of duty. The petition also challenges the current classification based on a determination of the product's component material of chief value. This document invites comments with respect to the correct classification of the product.

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

ADDRESS: Comments (preferably in triplicate) may be addressed to and inspected at the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, DC 20229 (202–566–8237).

FOR FURTHER INFORMATION CONTACT: Jeremy N. Baskin, Classification and Value Division, (202–566–8181).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), a domestic interested party petition has been filed with respect to decisions which are the basis for Customs current classification of fiber reinforced plastic cellulosic sausage casings under item 790.47, Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), as sausage casings not specially provided for, whether or not cut to length, other. This classification would subject the product to a column one rate of duty of 4.4 percent ad valorem.

On January 12, 1984, Customs issued Ruling 073604 which reaffirmed conclusions reached in Ruling 061462 dated May 27, 1983. Ruling 061462 was issued in response to Request for Internal Advice No. 162/79. Ruling 061462 held that the subject fiber reinforced cellulose tubing was composed of paper, regenerated cellulose and glycerin and that the correct classification of the product was dependent on its component material of chief value. The ruling also stated at what point in the manufacturing process the chief value determination was to be made. Based on these rulings, Customs has classified the product under item 790.47, TSUS.

On September 30, 1985, a petition was submitted on behalf of a domestic interested party representing a company which manufactures and wholesales a product similar to that classified in Ruling 061462. The petitioner contends that the ruling is incorrect for several reasons. First, the ruling was issued in disregard of section 502(b), Tariff Act of 1930, as amended (19 U.S.C. 1502(b)), which bars Customs from reversing or modifying a prior interpretation of the TSUS without the concurrence of the Attorney General or the Court of International Trade. By issuing the 1983 ruling, the petitioner states Customs reversed rulings made on October 31, 1975 (038749) and May 12, 1977 (051718) without seeking such concurrence. In Rulings 038749 and 051718, Customs held that fiber reinforced cellulosic plastic sausage casings were classifiable under item 790.45, TSUS, as sausage casings, not specially provided for, whether or not cut to length, of cellulosic plastics material.

The petitioner states that the legislative history of the Tariff Schedules Technical Amendments Act of 1965 (Pub. L. 89–241, 79 Stat. 933, amending 19 U.S.C. 1202) reflects the intent of Congress that all cellulosic plastics sausage casings, whether fiber reinforced or not, are to be classified under item 790.45, TSUS, which provides for a column one duty rate of 7.3 percent ad valorem—a higher rate than is provided for in item 790.47 TSUS. The petitioner further avers that the legislative history of items 790.45 and 790.47, TSUS, dictates that item 790.47, TSUS, be restricted to casings made from natural animal products rather than fibrous cellulosic materials. The petitioner argues that the chief value standard is inapplicable to the classification of the subject casings and that the correct determination is dependent upon the casings' essential character.

Finally, the petitioner contends that if the operative standard of determining classification is component material of chief value, and the paper and glycerin ingredients of the subject casings are treated as discrete components for purposes of that chief value determination, the component material of chief value remains cellulosic plastics material. In the case of the paper, only the cost of the paper itself, not costs subsequently incurred in the production process, should be considered in measuring the value of the paper. Glycerin, a plasticizer, should be included in the value of the cellulosic plastics material.

Comments

Pursuant to § 175.21(a), Customs Regulations (19 CFR 175.21(a)), before making a determination on this matter, Customs invites written comments from interested parties on this issue. The domestic interested party petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

Authority

This notice is published in accordance with § 175.21(a), Customs Regulations (19 CFR 175.21(a)).

Drafting Information

The principal author of this document was Harold M. Singer, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: September 26, 1986.

Francis A. Keating II,

Assistant Secretary of the Treasury.

[FR Doc. 86-23235 Filed 10-14-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Proposed Public Comment Period and Opportunity for Public Hearing on Proposed Amendments to the Oklahoma Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSMRE is announcing procedures for a public comment period and for requesting a public hearing on the substantive adequacy of proposed amendments submitted by Oklahoma as modifications to its permanent regulatory program (hereinafter referred to as the Oklahoma program) under the Surface Mining Reclamation Act of 1977 (SMCRA). The amendments consist of revised regulations for several parts of its program.

This notice sets forth the times and locations that the Oklahoma program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing.

DATES: Written comments from the public not received by 4:00 p.m. on December 1, 1986, will not necessarily be considered in the decision process. A public hearing on the proposed amendments has been scheduled for 9:00 a.m. on November 14, 1986, at the address shown below under **"ADDRESSES"**. Any person interested in making an oral or written presentation at the hearing should contact Mr. James H. Moncrief at the OSMRE Tulsa Field Office by 4:00 p.m. on November 4, 1986. If no one expresses an interest in participating in the hearing by this date, the hearing will not be held. If only one person has so contacted Mr. Moncrief, a public meeting, rather than a hearing, may be held; the results of the meeting will be included in the Oklahoma administrative record.

ADDRESSES: Written comments and requests for a hearing should be mailed or hand-delivered to: Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West Fourth Street, Tulsa, Oklahoma 74103.

Copies of the Oklahoma program, the proposed modifications to the program, and the administrative record of the Oklahoma program are available for public review and copying at the OSMRE offices and the State regulatory authority office listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting the OSMRE Tulsa Field Office

Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 333 West Fourth Street, Room 3432, Tulsa, Oklahoma 74103. Telephone: (918) 581-7927

Oklahoma Department of Mines, 4040 North Lincoln Boulevard, Suite 107, Oklahoma City, Oklahoma 73105. Telephone: (405) 521-3859

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street NW., Room 5124, Washington, DC 20240. Telephone: (202) 343-4855

The public hearing, if requested, will be held at the Federal Building, 125 South Main Street, Muskogee, Oklahoma 74401.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 333 West Fourth Street, Tulsa, Oklahoma 74103. Telephone: (918) 581-7927

SUPPLEMENTARY INFORMATION:

I. Background

The Oklahoma program was conditionally approved by the Secretary of the Interior on January 19, 1981, (46 FR 4910). Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission as well as the Secretary's findings, the disposition of comments, and detailed explanation of the conditions of approval of the Oklahoma program can be found in the January 19, 1981 **Federal Register** (46 FR 4910), in the April 2, 1982 **Federal Register** (47 FR 14152), in the May 4, 1983 **Federal Register** (48 FR 20050) and the August 28, 1984 **Federal Register** (49 FR 34000). Subsequent actions on conditions of approval and program amendments are identified at 30 CFR 936.11 and 936.15.

II. Submission of Amendments

In accordance with the provisions of 30 CFR 732.17(d) through (f), on July 15, 1985, the Director notified Oklahoma of the changes necessary to ensure that the approved regulatory program, as revised since January 19, 1981, when the program was originally approved, was no less effective than SMCRA and its implementing regulations. To comply with this letter and to meet other needs and State objectives, the State elected to undertake a complete rewrite of the regulations governing its permanent regulatory program.

By letters dated August 19 and August 29, 1986, Oklahoma submitted several sections of these regulations to OSMRE for review as program amendments (Administrative Record Nos. OK-747 and OK-749). The proposed regulations, consisting of Parts 700, 701, 761, 762, 764, 772, 773, 774, 775, 777, 778, 783, 785, 795, 800, 810, 815, 819, 823, 824, 827, 828, 842 and 843, would replace those Parts of the currently approved regulatory program.

In accordance with the provisions of 30 CFR 731.17 and 884.14, OSMRE is now seeking comment on whether the proposed regulations satisfy the criteria for approval of State program amendments set forth at 30 CFR 732.15, 731.17, 884.14 and 884.15. If approved, the proposed amendments will become part of the Oklahoma permanent regulatory program.

III. Procedural Requirements

1. Compliance With the National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Inpact Analysis and regulatory review by OMB.

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

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 936

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

Dated: October 6, 1986.

Arthur W. Abbs,

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

[FR Doc. 86-23234 Filed 10-14-86; 8:45 am]

BILLING CODE 4310-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 86-7]

Definition of Cable Systems

AGENCY: Library of Congress, Copyright Office.

ACTION: Notice of inquiry.

SUMMARY: This notice of inquiry is issued to advise the public that the Copyright Office of the Library of Congress is considering amendments to its regulations implementing portions of section 111 of the Copyright Act, Title 17 of the United States Code, pertaining to the secondary transmission of copyrighted works by cable systems. Section 111 prescribes various conditions under which cable systems may obtain a compulsory license to retransmit copyrighted works, including the filing of certain notices and statements of account. The purpose of this notice is to elicit public comments, views, and information which will inform the Copyright Office as to the advisability of clarifying the definition of "cable system" in 37 CFR 201.11(a)(3), in light of changes in communications law and regulations, and new methods of distributing copyrighted television programming such as satellite master antenna systems and multichannel multipoint distribution systems.

DATES: Comments should be received on or before December 15, 1986. Reply comments should be received on or before January 13, 1987.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail to: Office of the General Counsel, Copyright Office, Library of Congress, Department 100, Washington, DC 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room 407, First and Independence Ave., SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Department D.S., Washington, DC 20540. Telephone: (202) 287-8380.

SUPPLEMENTARY INFORMATION:

1. Background

Section 111(c) of the Copyright Act, Title 17 of the United States Code, establishes a compulsory licensing system under which cable systems may make secondary transmissions of copyrighted works. The compulsory license is subject, among other conditions, to requirements that the cable system comply with certain provisions regarding recordation of notices under section 111(d)(1) and deposit of statements of account under section 111(d)(2).

Crucial to application of these provisions is the concept of "cable system" as defined by statute and regulation. Section 111(f) of the copyright law defines "cable system" as follows:

> A "cable system" is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wires, cables, or other communications channels to subscribing membes of the public who pay for such service. For purposes of determining the royalty fee under subsection (d)(2), two or more cable systems in contiguous communities under common ownership or control or operating from one headend shall be considered as one system.

Regulations of the Copyright Office have been adopted which elaborate on this definition. Section 201.11(a)(3) Provides that:

> A "cable system" is a facility, located in any State, Territory, Trust Territory, or Possession, that in whole or in part receives signals transmitted or programs broadcast by one or more television broadcast stations licensed by the Federal Communications Commission, and makes secondary transmissions of such signals or programs by wire, cables, or other communications channels to subscribing members of the public who pay for such service. A system that meets this definition is considered a "cable system" for copyright purposes, even if the FCC excludes it from being considered a "cable system" because of the number or nature of its subscribers or the nature of its secondary transmissions. The Notice required to be recorded by this section, and the statements or account and royalty fees to be deposited under § 201.17 of these regulations, shall be recorded and deposited by each individual cable system desiring its secondary transmissions to be subject to compulsory licensing. For these purposes, and the purpose of § 201.17 of these regulations, an "individual" cable system is each cable system recognized as a distinct entity under the rules, regulations, and practices of the Federal Communications Commission in effect: (i) On the date of recordation with the Copyright Office in the case of the preparation and filing of an Initial Notice of Indentity and Signal Carriage Complement or Notice of Change of Identity or Signal Carriage Complement; or (ii) on the last day of the accounting period covered by a Statement of Account, in the case of the preparation and deposit of a Statement of Account and copyright royalty fee. For these purposes, two or more cable facilities are considered as one individual cable system if the facilities are either: (A) In contiguous communities under common ownership or control or (B) operating from one headend.

When first proposed in 1977, the definition which was adopted in 37 CFR 201.11(a)(3) generated some public comments concerning the application of the FCC's existing standards and the tests to determine an "individual cable system" for filing purposes. The Copyright Office considered and then rejected these proposals in adopting final regulations (43 FR 958). The following reasons were given:

> Several copyright owners objected to our proposal to define an "individual" cable system" as a distinct entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit," subject to certain qualifications (§§ 201.11(a)(3), 201.17(b)(2)). They asserted that this definition would cause confusion because a "cable system" for copyright purposes is not the same as a "cable system" for FCC purposes. Representatives of cable systems generally agreed with our proposal. We are not persuaded that our original purpose in adopting this definition, namely, "to minimize confusion and benefit all interested parties" will fail. Accordingly, we have adopted the definition as proposed. If the FCC changes its definition of a cable system in the future, we can then consider whether the change is consistent with the provisions of the Copyright Act, and if it is not, make appropriate changes in our rules.

Developments since the adoption of § 201.11(a)(3) suggest that the appropriateness of the definition should be reviewed. A significant number of satellite master antenna television (SMATV) systems and multichannel multipoint distribution services (MMDS) have sought to use the compulsory licensing provisions of section 111, and it is presently unclear under our regulations whether such entities meet the definition of "cable system." In 1985, the Federal Communications Commission amended its regulatory definition of cable system in light of the Cable Communication Policy Act of 1984.[1]

a. Satellite Master Antenna Television (SMATV)

In 1979, the FCC determined the public interest would be served by immediate implementation of voluntary licensing for domestic receive-only earth stations (TVROs).[2] This deregulation provided the impetus for the expansion of the SMATV industry, since it became practical and economically feasible to provide satellite-fed programming to small, self-contained markets, particularly in areas not reached by franchised cable systems. In recent years, SMATV systems have grown up in many cities in the U.S. and Canada.

Like franchised cable systems, SMATVs draw programming from a variety of sources. SMATV systems use TVROs to receive transmissions via satellite, and a master antenna for receipt of over the air television signals. The programming is then combined and distributed by cable to subscribers, primarily in apartment houses and other multi-unit residential buildings.

b. Multichannel Multipoint Distribution Services (MMDS)

The FCC first allocated spectrum for multipoint distribution services (MDS) in 1962.[3] The FCC classified MDS as "common carriers" and authorized the facilities to provide non-broadcast omnidirectional service. A technical limitation on MDS was removed in 1970, and several facilities filed applications with the FCC proposing to use the spectrum for the common carrier distribution of television programming from a central location to numerous points selected by a carrier's subscribers. The applicants perceived a need "to provide for relay of instructional and training television to schools, industry, and municipal government and for other miscellaneous uses such as the coverage of business, industry, or medical conventions." [4] In reviewing the possibilities for development of this service, the FCC noted the potential use of these facilities for the distribution of closed circuit entertainment programming to mass audiences.[5] In January 1974, the FCC reallocated channels from Instructional Television Fixed Service (ITFS) to MDS.[6] This resulted in a change in the programming delivered by MDS, so that the majority of transmission time leased by MDS common carrier licensees was henceforth used by their customers to transmit premium programming to hotels, motels, apartment complexes, and single family residences.[7] To further encourage the growth in use of MDS channels, the FCC reallocated two groups of four channels each from ITFS use for *multichannel* multipoint distribution services (MMDS).[8] With more channels available, some MMDS operators are contemplating retransmitting the signals of television broadcast stations in addition to their delivery of premium programming.

2. Issues Presented

From a copyright perspective, the retransmission of most subscription services by SMATV and MMDS facilities does not pose unique problems. However, with respect to their retransmission of television broadcast signals, the status of these entities for purposes of compulsory licensing under section 111 of the Copyright Act is not clear. With increasing frequency, SMATV and MDS operators have sought to use the compulsory licensing provisions of section 111 of the Copyright Act of 1976 to satisfy their copyright obligations for retransmitting the signals of television broadcast stations. The Copyright Office has not taken any position of the eligibility of SMATV or MMDS operations to invoke the cable compulsory license; that is, the Office has not refused the filings of such operators but it has also not affirmatively decided that any of the filings are acceptable under the Act and applicable regulations. Filings of notices and statements of account by SMATV and MMDS operators have been accepted by the Office for whatever value thay may be held to have by a competent court.

To qualify as a cable system under section 111(f) of Title 17, an entity must make secondary transmissions of broadcast signals or programs to "subscribing members of the public who pay for such service." A question arises as to whether SMATV and MMDS facilities in fact serve such subscribers. SMATV and MMDS facilities commonly serve residents of a condominium, apartment building, or trailer park, occupants of a hotel or motel or other lodging; are these residents and occupants "subscribers" who "pay for such service" indirectly when they pay only condominium fees, rent, service or lodging fees and the like?

The classification of SMATV and MMDS operators as cable systems would also necessarily initiate a reevaluation of the definition of "individual" cable system in 37 CFR 201.11(a)(3) of the Copyright Office regulations. That definition is part applies the FCC's "current" definition of "cable system" as a method for determining when two or more entities comprise one individual cable system under the Copyright Act.

Recently, in amending its definition, the FCC decided to follow generally the definition of cable system adopted by Congress in the Cable Communications Policy Act of 1984.[9] In 47 CFR 76.5(a), the FCC defines the term as follows:

Cable system or cable television system. A facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility or facilities uses any public right-of-way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act of 1934, as amended, except that such facility shall be considered a cable system to the extent such facility is used in the transmission of video programming directly to subscribers; or (4) any facilities of any electric utility used solely for operating its electric utility systems.

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[1] Public Law 98-549, 98th Cong., 2d Sess. (1984).

[2] *Regulation of Receive-Only Domestic Earth Stations, First Report and Order in CC Doc. No. 78-374*, 74 F.C.C.2d 205 (1979).

[3] *Report and Order in Doc. No. 14712*, 39 F.C.C. 834 (1962).

[4] *Multipoint Distribution Service, Notice of Proposed Rulemaking in Doc. No. 19493*, 34 F.C.C.2d 719 (1972). For FCC rules on purposes of permissible MDS service, see 47 CFR 21.903 (1986).

[5] 34 F.C.C.2d at 722.

[6] *Instructional Television Fixed Service (MDS Reallocation)*, 54 R.R.2d (P&F) 107, 110 (1983).

[7] *Id.* "Premium television" is television entertainment programming supported by viewer fees rather than by advertising revenues. *See id.* at n. 3.

[8] *Id.* at 135.

[9] *Implementation of the Provisions of the Cable Communications Policy Act of 1984, Final Rule*, 50 FR 18637, 18641 (1985).

Note 1: [deleted]

Note 2: The provisions of Subparts D and F shall also apply to all facilities defined previously as cable systems on or before April 28, 1985.

Under this definition of cable system, presumably most SMATV and MMDS operations are not cable systems because they serve subscribers in multiple unit dwellings and *do not* use public rights-of-way. Thus, the FCC's current definition would not be helpful for determining what is an "individual" cable system for the filing purposes of §§201.11 and 201.17 in the case of SMATV and MMDS operations.

The lack of applicability of this portion of the regulation creates a difficult policy question in circumstances where several SMATV or MMDS operations under common ownership are located in the same geographic region under local franchising or FCC rules. Should the several different operations be combined to form one individual cable system for filing purposes, or should each operation be treated separately? If SMATV and MMDS operations are eligible for the cable compulsory license of 17 U.S.C. 111, § 201.11(a)(3) of the Office's regulations should perhaps be amended to deal with these questions since the current FCC regulations do not provide guidance on the issue of SMATV and MMDS operations.

In order to establish policies and rules concerning the status of SMATV and MMDS operations under the cable compulsory license, the Copyright Office solicits public comments regarding all aspects of this issue. In particular, the Copyright Office desires specific answers to the following questions:

(1) Under what circumstances, if any, do SMATV or MMDS operators qualify as "cable systems" within the meaning of 17 U.S.C. 111(f)? Specifically, which operations, if any, (a) make secondary transmissions of broadcast signals or programs "by wires, cables, or other communications channels"?; and (b) provide such services to "subscribing members of the public"?

(2) Assuming a SMATV system or MMDS entity qualifies as a "cable system" under the Act, can the operations be accommodated within the present definition of "cable system" in § 201.11(a)(3)? Should regulation § 201.11(a)(3) be modified in order to apply to SMATV and MMDS operations, and if so, what policies are suggested?

(3) If the SMATV or MMDS qualifies as a "cable system" under the Act, how should the portion of the definition of "cable system" in 17 U.S.C. 111(f) and 37 CFR 201.11(a)(3) concerning transmitting signals to (a) "subscribing members," (b) "of the public," (c) "who pay for such service" be interpreted as regarding typical SMATV and MMDS operations? In order for a particular operation to qualify as a "cable system" must there be a separate charge to the subscriber for the retransmission service? If not, how shall the gross receipts from subscribers be identified? Is it permissible under the Act to report "zero" gross receipts because the retransmission service fees are subsumed with other services as part of lodging fees, condominium or cooperative fees and the like?

(4) Assuming SMATV and MMDS operations do fall within the Copyright Act's definition of "cable system," how should an "individual" cable system for filing purposes be determined? If several SMATV or MMDS operations under common ownership fall within the same geographic region should the operations be treated separately or as one individual system? If SMATV or MMDS operations are to be grouped for filing purposes, what standards should be identified in the Copyright Office regulations to determine the groupings? What hardships would be imposed on SMATV and MMDS operators if they were required to group their systems?

(5) If the SMATV or MMDS qualifies as a "cable system" under the Act, who is the "owner" of the system for purposes of completing the Statement of Account where the reception and redistribution equipment is owned by an apartment complex, but the installation, maintenance, and coordination of the programming service is supplied by another entity?

(17 U.S.C. 111; 702)

Dated: October 2, 1986.

Ralph Oman,

Register of Coryrights.

Approved by:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 86-23198 Filed 10-14-86; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-3094-5]

Hazardous Waste Management System; Identification and Listing; Proposed Exclusions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

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

The Agency has previously evaluated all four of the petitions which are discussed in today's notice. Based on our review at that time, these petitioners were granted temporary exclusions. Due to changes to the delisting criteria required by the Hazardous and Solid Waste Amendments of 1984, however, these petitions have been evaluated both for the factors for which the wastes were originally listed, as well as other factors which reasonably could cause the wastes to be hazardous.

DATES: EPA will accept public comments on the proposed exclusions until October 30, 1986. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on these proposed decisions by filing a request with Bruce Weddle, whose address appears below, by October 27, 1986. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC, 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSP/OSW (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F-86-EVEP-FFFFF".

Requests for a hearing should be addressed to Bruce Weddle, Director, Permits and State Programs Division, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at U.S. Environmental Protection Agency, 401 M Street SW (subbasement), Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding Federal holidays. Call Mia Zmud at (202) 475–9327 or Kate Blow at (202) 382–4675 for appointments. The public may copy a maximum of 50 pages of material from any one regulatory docket at no cost. Additional copies cost $.20 per page.

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

SUPPLEMENTARY INFORMATION:

Background

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

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

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

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

Approach Used To Evaluate Delisting Petitions

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

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

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

In making a delisting determination, the Agency evaluates each petitioned waste against the listing criteria and factors cited in 40 CFR 261.11 (a)(2) and (a)(3). Specifically, the Agency considers whether the waste is acutely toxic, as well as the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and bioaccumulate, their persistence in the environment once released from the waste, plausible types of management of the waste, and the quantities of waste generated. In this regard, the Agency has developed an analytical approach to the evaluation of wastes that are landfilled and land treated. See 50 FR 7882 (February 26, 1985), 50 FR 48886 (November 27, 1985), and 50 FR 48943 (November 27, 1985). The overall approach, which includes a ground

water transport model, is used to predict reasonable worst-case contaminant levels in ground water in hypothetical nearby receptor wells—the "compliance point" (*i.e.*, the model estimates the ability of an aquifer to dilute the toxicant from a specific volume of waste). The land treatment model also has an air component and predicts the concentration of specific toxicants at some distance downwind of the facility. The compliance point concentration determined by the model then is compared directly to a level of regulatory concern. If the value at the compliance point predicted by the model is less than the level of regulatory concern, then the waste could be considered non-hazardous and a candidate for delisting. If the value at the compliance point is above this level, however, then the waste probably still will be considered hazardous, and not excluded from Subtitle C control.[1]

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

The Agency is using this approach as one factor in determining the potential impact of the unregulated disposal of petitioned waste on human health and the environment. The Agency has used this approach in evaluating each of the wastes discussed in today's publication. As a result of this evaluation, the Agency is proposing to delist the waste from four petitioners.

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

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

Petitioners

The proposed exclusions published today involve the following petitioners:

Envirite Corporation, Canton, Ohio;
Envirite Corporation, Harvey, Illinois;
Envirite Corporation, Thomaston, Connecticut; and
Envirite Corporation, York, Pennsylvania.

I. Envirite Corporation—Canton, Ohio

A. Petition for Exclusion

Envirite Corporation (Envirite), (previously known as Liqwacon Corporation), located in Canton, Ohio, operates a waste treatment facility for treatment of multiple metal-bearing waste streams for industrial clients.[3] Envirite has petitioned the Agency to exclude the residue produced by its treatment facility. The residue is generated from the treatment of the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
F007—Spent cyanide plating solutions from electroplating operations.
F008—Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.
F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.
K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003—Wastewater treatment sludge from the production of molybdate orange pigments.
K004—Wastewater treatment sludge from the production of zinc yellow pigments.
K005—Wastewater treatment sludge from the production of chrome green pigments.
K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007—Wastewater treatment sludge from the production of iron blue pigments.
K008—Oven residue from the production of chrome oxide green pigments.
K061—Emission control dust/sludge from the primary production of steel in electric furnaces.
K062—Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).
K069—Emission control dust/sludge from secondary lead smelting.
K100—Waste leaching solution from the acid leaching of emission control dust/sludge from secondary lead smelting.

The listed constituents of concern for these wastes are summarized as follows:

F006—Cadmium, hexavalent chromium, nickel, and cyanide (complexed)
F007—Cyanide (salts)
F008—Cyanide (salts)
F009—Cyanide (salts)
F011—Cyanide (salts)
F012—Cyanide (complexed)
F019—Hexavalent chromium and cyanide (complexed)
K002—Hexavalent chromium and lead

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

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

[3] Envirite also has submitted delisting petitions for its York, Pennsylvania; Harvey, Illinois; and Thomaston, Connecticut facilities.

K003—Hexavalent chromium and lead
K004—Hexavalent chromium
K005—Hexavalent chromium and lead
K006—Hexavalent chromium
K007—Cyanide (complexed) and hexavalent chromium
K008—Hexavalent chromium
K061—Hexavalent chromium, lead, and cadmium
K062—Hexavalent chromium and lead
K069—Hexavalent chromium, lead, and cadmium
K100—Hexavalent chromium, lead, and cadmium.

Based upon the Agency's review of the petition, Envirite was granted a conditional temporary exclusion on December 16, 1981 for EPA Hazardous Waste Nos. F006, F007, F008, F009, F011, F012, F015 and K062 (see 46 FR 61281). The Agency's basis for granting the temporary exclusion (at that time) was the low migration potential of cadmium, chromium, lead, nickel, and cyanide in the waste, and Envirite's stringent pre-screening process for accepting wastes and contingency plan ensuring that levels of constituents in the treatment residue were always within an acceptable range. Since the granting of their temporary exclusion, Envirite submitted an addendum to their original petition in November 1985 expanding the list of wastes to be delisted to include EPA Hazardous Waste Nos. F019, K002, K003, K004, K005, K006, K007, K008, K061, K069, and K100. These wastes are not yet treated by the facility, therefore their temporary exclusion is still active. Also, since Envirite's temporary exclusion, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Envirite's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which it was originally listed; and (2) Determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Envirite's petition.

In support of their petition, Envirite has submitted a detailed description of its pre-screening process, treatment process, and contingency testing plan; total constituent analysis and EP toxicity test results of the treatment residue for each of the listed constituents—cadmium, total chromium, lead, and nickel; and analytical results for total, free, and leachable cyanide. Envirite also submitted total constituent analysis and EP toxicity test results for arsenic, barium, mercury, selenium, and silver; results of total oil and grease analyses; and analytical results for reactive sulfide. Envirite further submitted total constituent analyses for priority pollutant volatile, base/neutral, and acid extractable organic compounds; National Bureau of Standards (NBS) library searches for any other Appendix VIII hazardous constituents that might be present in the waste; an explanation detailing why specific Appendix VIII hazardous constituents were not tested; and a list of clients serviced at the Canton facility. (See 47 *FR* 52309, November 19, 1982 for a list of the priority pollutants.) In addition, Envirite submitted descriptions of proposed process changes presently being considered for its Canton facility. These changes included solid residue treatment units for treating incoming solid and semi-solid wastes (one such unit is already in operation at Envirite's York facility); recovery operations for metals, acid, and cyanide as an alternative to its current procedures; a wet air oxidation system to destroy cyanide; and a post-treatment sludge drying process. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.[4]

Envirite accepts metal-bearing wastes from industrial clients for treatment. Envirite conducts stringent client pre-screening tests prior to accepting a waste for treatment to ensure that wastes are compatible with the Envirite treatment process. Envirite claims that the pre-screening procedure effectively prevents the acceptance of toxic organic compounds for treatment. Envirite's pre-screening process includes an examination of the client's process description and analytical monitoring of wastes to be treated by Envirite for listed constituents and any Appendix VIII hazardous constituents that might be expected to be present. Other pre-screening parameters include: Total organic carbon (TOC), non-listed EP toxic metals, cyanide, ammonia, specific gravity, and analysis for the percent acidity and alkalinity, as well as other non-RCRA metals. In addition, before a given waste is accepted for treatment, it is subjected to a laboratory simulation of Envirite's treatment process. The resulting analysis must show that the treated waste meets Envirite's effluent discharge standards and that the treatment residue meets the requirements of Envirite's temporary exclusion. If the treatment residue fails to meet these requirements, it is a hazardous waste, and will be managed accordingly.

Envirite's treatment process includes pre-treatment with chromium reduction and cyanide destruction followed by batch treatment with batch formulation (a preplanned combining of wastes from various storage areas and recovery systems for batch treatment), neutralization and hydroxide precipitation, sulfide addition and precipitation, and vacuum filtration. Envirite plans to implement a segregated solid and semi-solid treatment process at its Canton facility. (Envirite has added this capability at its York, Pennsylvania facility.) Envirite claims that the treatment process used for solid and semi-solid wastes employs the same chemical reactions as are used currently in the liquid waste treatment process; the waste types treated by the liquid and solid processes are the same except for the amount of water the waste contains. Envirite submitted total constituent analysis and EP toxicity test results for wastes treated by the York facility's solids treatment system to show that this process is equally successful in rendering wastes non-hazardous.

Envirite also is proposing to initiate recovery operations at the Canton facility. Recovery operations such as ion exchange, evaporative recovery, crystallization, and electrolytic recovery would be employed prior to waste treatment to remove metals, acid, and cyanide. Envirite plans to add drying operations at the Canton facility to reduce further the water content of the filter cake generated from the wastewater treatment process. Envirite also plans to use wet air oxidation methods at its Canton facility. This

[4] The Agency generally requests that raw materials lists be submitted from single waste stream petitioners to determine whether additional Appendix VIII hazardous constituents may be present in the waste at levels of regulatory concern. For Multiple Waste Treatment Facilities (MWTFs), however, the Agency realizes that hundreds of clients may be involved, therefore making it impossible for raw materials lists to be presented. The Agency has decided to request test data on a minimum of eight samples of waste for all Appendix VIII hazardous constituents reasonably expected to be present in the waste. (At a minimum, testing should be conducted for the priority pollutants.) The MWTF petitioner may choose to limit the number of Appendix VIII hazardous constituents tested by submitting suitable explanations of why specific toxicants are not present in the waste at levels of regulatory concern.

method would permit the high temperature reduction of organic compounds in the aqueous phase and would be used to destroy cyanide. Envirite states that such a system would allow them to treat waste categories they currently are not permitted to accept under their delisting. They claim, however, that wastes not covered by the delisting would be carefully segregated and managed as hazardous. (Should Envirite begin to accept wastes outside of their delisting, a new petition would have to be submitted to include those wastes.)

Envirite uses an additional quality assurance method to ensure that its treated residues are rendered non-hazardous. Batches that have completed treatment remain in the neutralization tanks and treatment residue samples are subjected to the EP Toxicity Test to ensure the waste's compliance with limits established in the 1981 temporary exclusion (see 46 FR 61281). Treatment residue batches exceeding these limits are re-treated or disposed as hazardous wastes. Based on its stringent prescreening process, treatment process, and quality assurance plan, Envirite claims that its treatment residue is non-hazardous because the constituents of concern are present either in insignificant concentrations, or if present at significant levels, are essentially in immobile forms. Envirite also believes that the waste is non-hazardous for any other reason.

Envirite initially presented analytical data on eight weekly composite samples collected from the knife of the vacuum filter dewatering system. One sample was taken from each batch processed and stored until the end of the week-long composite sampling period. These samples then were combined in a bench top blender and homogenized. All analytical testing occurred on these homogenized samples. Envirite initially submitted data in October 1984. They collected eight more composite samples in April 1985 to demonstrate that the facility could achieve the ten-fold dilution allowed by the proposed version of the vertical and horizontal spread (VHS) model (see 50 FR 7882, February 26, 1985). As a result of public comments, the Agency modified the VHS model, and the dilution factor applicable to the maximum of 40,000 tons of treatment residue generated annually at Envirite's Canton facility was decreased to 6.3 times the drinking water standards for the EP toxic metals and cyanide. Envirite re-sampled each facility's waste in an effort to show that their treatment process also could achieve this lower dilution level. Since Envirite previously had analyzed 16 samples and their exclusion would be conditional as is typical of the Agency's policy for Multiple Waste Treatment Facilities, (MWTFs), (*i.e.*, each batch of treatment residue would require testing), the Agency permitted Envirite to collect and re-analyze only 4 composite samples. Sampling methodologies for these 4 samples were similar to those for the previous 16 samples with the exception that each composite sample was collected over a 4-day period rather than a week-long period. This represented a sampling period of approximately 1 month. All samples collected since April 1985 were analyzed for oil and grease, reactive sulfide, and Appendix VIII hazardous constituents. Envirite claims that these sampling periods addressed more than 50 percent of their clients and represented time periods of sufficient length to show the variation in concentrations of listed constituents in their treated wastes (for all of the wastes which were a part of the original delisting request).

Total constituent analysis and EP toxicity test results of the treatment residue generated at Envirite's Canton facility revealed the maximum concentrations reported in Tables 1 and 2.[5]

TABLE 1.—MAXIMUM CONCENTRATIONS

Listed Constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/1)
Cadmium	115	0.5
Chromium (total)[1]	4,140	<0.1
Lead	840	<0.1
Nickel	1,060	0.12
Cyanide	3.34	0.15

<: Denotes concentrations below the detection limit.
[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.

TABLE 2.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/1)
Arsenic	0.24	0.025
Barium	63	1.0
Mercury	0.31	0.005
Selenium	0.21	<0.01
Silver	2.6	0.09

<: Denotes concentrations below the detection limit.

Envirite also submitted total constituent analyses for Appendix VIII hazardous constituents potentially present in the waste. Envirite has limited its initial gas chromatographic/mass spectroscopy (GC/MS) analytical work to the volatile, base/neutral, and acid fractions of the priority pollutants, and an NBS library scan for remaining Appendix VIII constituents likely to be present. Envirite's rationale for limiting Appendix VIII testing included the deletion of: (1) Toxicants for which there are no known analytical methods; (2) toxicants that are reactive or hydrolyze in water; and (3) toxicants that are present primarily in wastes generated from industries not serviced by Envirite (primarily pharmaceuticals). A more detailed explanation and list of these toxicants is available in the public docket. Maximum concentrations for Appendix VIII hazardous constituents that are potentially present in the treatment residue are reported in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS OF ORGANICS IDENTIFIED BY ENVIRITE IN THE TREATMENT RESIDUE (PPM)

Constituents	Total constituent analyses
Bis(2-ethyl hexyl)phthalate	2.0
Butyl benzyl phthalate	7.0
Methylene chloride	0.851
Tetrachloroethylene	0.137
Toluene	0.568
1,1,1-Trichloroethane	0.328

Envirite also has submitted information regarding a solids treatment process, which exists as a segregated treatment process at the York facility and which is proposed to be added to the Canton facility. Envirite has indicated that the process is similar to their liquids treatment process with the exception that different solid reagents are used in the pre-treatment for hexavalent chromium, cyanide, and metal hydroxides, depending on the moisture content of the waste. Envirite has submitted EP toxicity test analyses on 17 batches of treatment residues generated over 6 weeks from the solids treatment process at the York facility. The maximum extract concentrations from the data are summarized in Table 4.

TABLE 4.—MAXIMUM CONCENTRATIONS FOR THE SOLIDS TREATMENT PROCESS AT THE YORK FACILITY

Constituents	EP toxicity analyses (mg/1)
Arsenic	<0.88
Barium	<1.24
Cadmium	<0.03
Chromium	<0.25

[5] The latest collection of four samples reflects Envirite's operational adjustments to meet the 6.3 dilution requirement of the VHS model: therefore, only the analytical results for these four samples were considered for the maximum concentrations given in Tables 1 and 2.

TABLE 4.—MAXIMUM CONCENTRATIONS FOR THE SOLIDS TREATMENT PROCESS AT THE YORK FACILITY—Continued

Constituents	EP toxicity analyses (mg/1)
Lead	<0.68
Mercury	<0.0072
Selenium	<0.24
Silver	<0.07
Nickel	3.58
Cyanide	<2.0
Cyanide (total in waste)	60.9

The maximum total oil and grease value reported by Envirite was 0.11 percent. Envirite also analyzed the treatment residue for reactive sulfides with the maximum concentration reported to be below the detection limit of <1.0 ppm. Envirite also submitted data indicating that the sludge is not ignitable, corrosive, or reactive.

B. Agency Analysis and Action

Envirite has demonstrated that its original waste treatment system and the proposed solids treatment system, under specified controlled conditions, produces a non-hazardous treatment residue. Envirite has not, however, made this demonstration for the recovery, drying, or wet air oxidation processes it proposes for the Canton facility. Should Envirite adjust its processes to include the above treatment changes, it would have to submit a new petition for each change.

The Agency believes that the four samples collected by Envirite from the filter press of the wastewater treatment system over a 1-month period were non-biased and adequately represent any variations that may occur in the treatment residue over this time period for each of the treated wastes except EPA Hazardous Waste Nos. K061, K069, and K100.[6] The key factors that could vary toxicant concentrations in the residue at MWTFs are the addition of new clients, the variation of client processes occurring from time to time, and variations in raw materials used at client waste generator facilities. Variations in raw materials can be expected when the clients of the MWTF perform as job shops or when the product line changes on a seasonal basis. The Agency does not believe it is possible to represent this variation without sampling that would be considered excessive for a delisting petition demonstration. The Agency, therefore, has requested all MWTF petitioners to submit analytical data collected during a 2-month period on a minimum of eight composite samples.[7]

The Agency permitted Envirite to submit only 4 samples based on the final VHS model, as the facility already had submitted 16 samples demonstrating its ability to adjust the treatment process to comply with VHS model modifications. The Agency is familiar with the ability of Envirite's and similar technologies to adjust mixing ratios to achieve lower leachate levels for heavy metals. Furthermore, the final exclusion, when granted, would require testing of each treated batch to ensure compliance with the exclusion's specifications. The demonstration with respect to Appendix VIII hazardous constituents still was required, however, to cover a minimum of eight samples collected over a 2-month period.

The Agency has evaluated the mobility of the listed constituents from Envirite's waste using the VHS model.[8] The VHS model generated compliance point values using the 40,000 ton per year maximum generation rate and the maximum extract levels reported by Envirite as input parameters. These predicted compliance point concentrations are reported in Table 5. (When leachate concentrations were below the detection limits, the value of the detection limit was used.)

TABLE 5.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.079	0.01
Chromium (total)	0.016	0.05
Lead	0.016	0.05
Nickel	0.019	0.35
Cyanide	0.024	0.2

The treatment residue exhibited levels for the listed constituents (at the compliance point), except for cadmium, below the National Interim Primary Drinking Water Standards, nickel levels below the Agency's interim health advisory,[9] and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[10] Total cyanide levels in the treatment residue also were below the Agency's threshold limit of 250 ppm.[11] Using the maximum reported cadmium concentration of 0.5 ppm in the VHS model generated a compliance point concentration above the National Interim Primary Drinking Water Standard. Under the continuous testing provision of the conditional exclusion, the Agency believes that, for the majority of the time, this facility can generate a non-hazardous treatment residue with respect to mobile cadmium. This will be effected, in part, by Envirite's pre-screening operations. Any batch exhibiting an extract level over 0.063 ppm would be re-treated or handled as hazardous. The Agency notes that the other reported extract levels for cadmium generate compliance point concentrations (0.008, 0.008, and 0.003 ppm, respectively) well below the drinking water standard.

The Agency also concluded, through using the VHS model, that no other EP toxic metals are present in the sludge at levels of regulatory concern (*i.e.*, none are above any regulatory standard at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Non-listed constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.004	0.05
Barium	0.16	1.0
Mercury	0.0008	0.002
Selenium	0.0016	0.01
Silver	0.014	0.05

The Agency also has evaluated the mobility of organic constituents detected in the sludge by first estimating their leachate concentrations with the Organic Leachate Model (OLM), and then predicting their compliance point concentrations with the VHS model.[12]

[6] Envirite had not treated these wastes during the sampling period. Although these wastes are listed for the same metals as wastes previously petitioned by Envirite, the Agency has data in other delisting petitions that indicate that these wastes are more difficult to treat than the other wastes included in Envirite's petition. Any decision regarding these wastes will, therefore, be deferred by the Agency until Envirite has submitted data on the treatment residue specifically generated from these wastes.

[7] The Agency's intention for MWTFs is to grant conditional exclusions requiring continuous batch testing when the initial demonstrations are successful in meeting delisting requirements.

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

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

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

[11] See Internal Agency Memorandum dated July 12, 1985, entitled "Interim Thresholds for Toxic Gas Generation Reactivity" in the RCRA public docket.

[12] For a discussion of the Agency's proposed OLM, see 50 FR 48944, Appendix, November 27, 1985. See 51 FR 27061, Notice of Data Availability and Request for Comment, July 29, 1986, for a discussion of the revised OLM.

Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 7.

TABLE 7.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (PPM)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	(Base)	(95%)	(Base)	(95%)	
Bis(2-ethyl hexyl) phthalate	0.0024	0.0033	0.00037	0.0005	0.7
Butyl benzyl phthalate	0.0116	0.0147	0.0018	0.0023	8.75
Methylene chloride	0.076	0.106	0.012	0.0168	0.056
Tetrachloroethylene	0.0035	0.0049	0.00055	0.00077	0.0007
Toluene	0.0149	0.0199	0.0024	0.0031	10.5
1,1,1-Trichloroethane	0.015	0.021	0.0024	0.0032	1.2

[1] Since the Organic Leachate Model (OLM) has not been finalized, both the baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized only one of these two versions will apply.

Table 7 lists only those constituents found in the treatment residue above detection limits. In each instance, the resulting predicted compliance point concentrations (with the exception of tetrachloroethylene) were below the Agency's respective regulatory standards. The Agency has previously granted Envirite a conditional exclusion which required batch testing. Through this batch testing condition, Envirite has periodically identified "problem" batches. Treatment failures under the temporary exclusion were identified only in terms of cyanide or heavy metals. If process adjustments did not successfully treat the waste, Envirite has successfully identified and eliminated the acceptance of "problem" wastes through their pre-screening program. The Agency did not previously specify any limitations on trace organics in the temporary exclusion nor did the Agency specify acceptable concentrations of trace organics. Envirite, therefore, has not had the opportunity to adjust its treatment or eliminate clients to address tetrachloroethylene levels. Under these circumstances the Agency believes it inappropriate to penalize Envirite's petition effort due to the unacceptable levels of tetrachloroethylene found to be present in batches tested for the petition effort. Instead, the Agency is proposing to add this constituent (as well as other potential organic constituents) to Envirite's conditional batch testing program. The Agency believes that if Envirite cannot successfully treat the present level of organic contaminants, that they can eliminate the wastes containing these constituents through their pre-screening operations. Given the changeable nature of clients and wastes accepted by the facility for treatment, the Agency believes it necessary to incorporate organics batch testing into the contingency testing program to ensure that stray organic constituents are not present in the treatment residue at levels of regulatory concern.

The Agency believes that a conditional exclusion can be granted to the Envirite facility. The conditions of the exclusion would necessitate continuous batch testing for the EP toxic metals, nickel, cyanide, and those organics detected in the treatment residue. The Agency believes this testing requirement is necessary due to the inherent variability encountered by a changing client base, the process variation associated with each of the clients serviced, the high concentrations of toxic constituents in the incoming wastes and in the treatment residue, and the high volumes of treatment residue generated annually by Envirite.

This testing requirement is self-implemented, that is, the results of testing each batch need not be reviewed by State or Federal EPA representatives prior to disposal. The test data must be recorded and kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Agency on a semi-annual basis.

The Agency, therefore, proposes to grant an exclusion to Envirite's Canton facility providing that the following contingency testing program is followed:

(1) Each batch [13] of treatment residue must be representatively sampled and tested using the EP toxicity test for the EP toxic metals and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

[13] The Agency is defining "batch" as the volume of waste generated for periodic disposal (*e.g.*, if a dumpster of treatment residue is generated every 2 days, but is accumulated for a week before disposal, representative samples would be collected prior to disposal from each dumpster of waste and composited for analysis).

(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm [14] or leachable cyanide levels (using the EP toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(3) Each batch must be tested for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards under 40 CFR Part 270. This list of organic constituents is a compilation of organics detected at each of Envirite's four facilities.[15] The Agency notes that this condition does not allow retreating as does Condition 1 and 2, because Envirite's existing treatment process is not designed for organics treatment.

Compound	Maximum acceptable levels [1] (ppm)	
	(Base)	(95%)
Anthracene	72	45
1,2-Diphenyl hydrazine	0.001	0.0005
Methylene chloride	8.18	5.27
Methyl ethyl ketone	313	175
n-Nitrosodiphenylamine	11.9	9.1
Phenol	1,566	882
Tetrachloroethylene	0.188	0.113
Trichloroethylene	0.592	0.376

[1] Since the OLM has not been finalized, both versions of the model, baseline equation and 95 percent confidence interval (applied to the baseline) are calculated here. Once finalized, only one of these two versions will apply.

(4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed above, as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982 for a list of the priority pollutants.) These data must be kept on file at the facility, and submitted

[14] See footnote 11.

[15] The Agency's VHS model was used to calculate the maximum extract levels of the EP toxic metals, nickel, and cyanide corresponding to Envirite's reported maximum annual waste volume. Similarly, the Agency's OLM and VHS models were used to calculate the maximum acceptable levels for organic constituents. These maximum levels are the highest concentrations that can be present in the leachate (for metals and cyanide) and in the waste (for organics) and still pass the VHS model evaluation. When the OLM and VHS model resulted in a compliance point concentration greater than 1.000 ppm, the organic constituent was not included in this testing requirement because the pre-screening procedures are not expected to allow acceptance of wastes that will result in concentrations at this level.

to the Administration by certified mail semi-annually. The Agency has required that these additional scans be run on monthly composites to determine if additional organic constituents should be added to the group of parameters tested on a batch basis due to variation of existing client wastes or variation of the client base. The Agency will review this information and, if needed, will propose to modify or withdraw the exclusion.

(5) Due to insufficient analytical data, this exclusion does not apply to EPA Hazardous Waste Nos. K061, K069, and K100. If Envirite desires to delist these waste types, they must submit a new petition providing the necessary analytical data demonstrating the effectiveness of the treatment process in rendering these wastes non-hazardous.

The Agency's decision to exclude conditionally the treatment residue generated from the wastewater and proposed solids treatment systems at Envirite's Canton facility applies only to the systems as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery (including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange), additional sludge drying capacities, and wet air oxidation. For the Agency to consider excluding these wastes, Envirite should submit a complete description of these processes, as well as pilot scale and on-line test data to demonstrate their ability to generate a non-hazardous treatment residue after this additional treatment is performed on the waste.

Based on the VHS model analyses, total constituent analyses, the pre-screening process, and the contingency plan, the Agency believes that the treatment residue generated at Envirite Corporation's Canton, Ohio facility from their wastewater treatment processes, under the conditions specified above, is non-hazardous (for all reasons). The Agency therefore proposes to exclude conditionally Envirite's treatment residue from hazardous waste control for the following EPA Hazardous Waste Nos.: F006, F007, F008, F009, F011, F012, F019, K062, K002, K003, K004, K005, K006, K007, and K008, as described in their petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the treatment process).[16] In addition, Envirite is still obligated to determine whether their treatment residue exhibits any characteristics of a hazardous waste.)

II. Envirite Corporation—Harvey, Illinois

A. Petition for Exclusion

Envirite Corporation (Envirite), (previously known as Liqwacon Corporation), located in Harvey, Illinois, operates a waste treatment facility for treatment of multiple metal-bearing waste streams for industrial clients.[17] Envirite has petitioned the Agency to exclude the residue produced by its treatment facility. The residue is generated from the treatment of the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007—Spent cyanide plating solutions from electroplating operations.

F008—Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.

K003—Wastewater treatment sludge from the production of molybdate orange pigments.

K004—Wastewater treatment sludge from the production of zinc yellow pigments.

K005—Wastewater treatment sludge from the production of chrome green pigments.

K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).

K007—Wastewater treatment sludge from the production of iron blue pigments.

K008—Oven residue from the production of chrome oxide green pigments.

K061—Emission control dust/sludge from the primary production of steel in electric furnaces.

K062—Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

K069—Emission control dust/sludge from secondary lead smelting.

K100—Waste leaching solution from the acid leaching of emission control dust/sludge from secondary lead smelting.

The listed constituents of concern for these wastes are summarized as follows:

F006—Cadmium, hexavalent chromium, nickel, and cyanide (complexed)
F007—Cyanide (salts)
F008—Cyanide (salts)
F009—Cyanide (salts)
F011—Cyanide (salts)
F012—Cyanide (complexed)
F019—Hexavalent chromium and cyanide (complexed)
K002—Hexavalent chromium and lead
K003—Hexavalent chromium and lead
K004—Hexavalent chromium
K005—Hexavalent chromium and lead
K006—Hexavalent chromium
K007—Cyanide (complexed) and hexavalent chromium
K008—Hexavalent chromium
K061—Hexavalent chromium, lead, and cadmium
K062—Hexavalent chromium and lead
K069—Hexavalent chromium, lead, and cadmium
K100—Hexavalent chromium, lead, and cadmium.

Based upon the Agency's review of the petition, Envirite was granted a conditional temporary exclusion on December 16, 1981 for EPA Hazardous Waste Nos. F006, F007, F008, F009, F011, F012, F015 and K062 (see 46 FR 61281). The Agency's basis for granting the temporary exclusion (at that time) was the low migration potential of cadmium, chromium, lead, nickel, and cyanide in the waste, and Envirite's stringent pre-screening process for accepting wastes and contingency plan ensuring that levels of constituents in the treatment residue were always within an acceptable range. Since the granting of their temporary exclusion, Envirite submitted an addendum to their original petition in November 1985 expanding the list of wastes to be delisted to include EPA Hazardous Waste Nos. F019, K002, K003, K004, K005, K006, K007, K008, K061, K069, and K100. These wastes are not yet treated by the facility, therefore, their temporary exclusion is still active. Also, since Envirite's temporary exclusion, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those

[16] The current exclusions apply only to the processes covered by the original demonstrations. A facility may file a new petition if it alters its process. The facility must treat its waste as hazardous, however, until a new exclusion is granted.

[17] Envirite also has submitted delisting petitions for its York, Pennsylvania; Canton, Ohio; and Thomaston, Connecticut facilities.

for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Envirite's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which the waste was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Envirite's petition.

In support of their petition, Envirite has submitted a detailed description of its pre-screening process, treatment process, and contingency testing plan; total constituent analysis and EP toxicity test results of the treatment residue for each of the listed constituents—cadmium, total chromium, lead, and nickel; and analytical results for total, free, and leachable cyanide. Envirite also submitted total constituent analysis and EP toxicity test results for arsenic, barium, mercury, selenium, and silver; results of total oil and grease analyses; and analytical results for reactive sulfide. Envirite further submitted total constituent analyses for priority pollutant volatile, base/neutral, and acid extractable organic compounds; National Bureau of Standards (NBS) library searches for any other Appendix VIII hazardous constituents that might be present in the waste; an explanation detailing why specific Appendix VIII hazardous constituents were not tested; and a list of clients serviced at the Harvey facility. (See 47 FR 52309, November 19, 1982 for a list of the priority pollutants.) In addition, Envirite submitted descriptions of proposed process changes presently being considered for its Harvey facility. These changes included solid residue treatment units for treating incoming solid and semi-solid wastes (one such unit is already in operation at Envirite's York facility); recovery operations for metals, acid, and cyanide as an alternative to its current procedures; a wet air oxidation system to destroy cyanide; and a post-treatment sludge drying process. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.[18]

[18] See footnote 4.

Envirite accepts metal-bearing wastes from industrial clients for treatment. Envirite conducts stringent client pre-screening tests prior to accepting a waste for treatment to ensure that wastes are compatible with the Envirite treatment process. Envirite claims that the pre-screening procedure effectively prevents the acceptance of toxic organic compounds for treatment. Envirite's pre-screening process includes an examination of the client's process description and analytical monitoring of wastes to be treated by Envirite for listed constituents and any Appendix VIII hazardous constituents that might be expected to be present. Other pre-screening parameters include: total organic carbon (TOC), non-listed EP toxic metals, cyanide, ammonia, specific gravity, and analysis for the percent acidity and alkalinity, as well as non-RCRA metals. In addition, before a given waste is accepted for treatment, it is subjected to a laboratory simulation of Envirite's treatment process. The resulting analysis must show that the treated waste meets Envirite's effluent discharge standards and that the treatment residue meets the requirements of Envirite's conditional temporary exclusion. If the treatment residue fails to meet these requirements, it is a hazardous waste, and will be managed accordingly.

Envirite's treatment process includes pre-treatment with chromium reduction and cyanide destruction followed by batch treatment with batch formulation (a preplanned combining of wastes from various storage areas and recovery systems for batch treatment), neutralization and hydroxide precipitation, sulfide addition and precipitation, and vacuum filtration. Envirite plans to implement a segregated solid and semi-solid treatment process at the Harvey facility. (Envirite has added this capability at the York, Pennsylvania facility.) Envirite claims that the treatment process used for solid and semi-solid wastes employs the same chemical reactions as are used currently in the liquid waste treatment process; the waste types treated by the liquid and solid processes are the same except for the amount of water the waste contains. Envirite submitted total constituent analysis and EP toxicity test results for wastes treated by the York facility's solids treatment system to show that this process is equally successful in rendering wastes non-hazardous.

Envirite also is proposing to initiate recovery operations at the Harvey facility. Recovery operations such as ion exchange, evaporative recovery, crystallization, and electrolytic recovery would be employed prior to waste treatment to remove metals, acid, and cyanide. Envirite plans to add drying operations at the Harvey facility to reduce further the water content of the filter cake generated from the wastewater treatment process.

Envirite also plans to use wet air oxidation methods at its Harvey facility. This method would permit the high temperature reduction of organic compounds in the aqueous phase and would be used to destroy cyanide. Envirite states that such a system would allow them to treat waste categories they currently are not permitted to accept under their delisting. They claim, however, that wastes not covered by the delisting would be carefully segregated and managed as hazardous. (Should Envirite begin to accept wastes outside of their delisting, a new petition would have to be submitted to include those wastes.)

Envirite uses an additional quality assurance method to ensure that its treated residues are rendered non-hazardous. Batches that have completed treatment remain in the neutralization tanks and treatment residue samples are subjected to the EP Toxicity Test to ensure the waste's compliance with limits established in the 1981 temporary exclusion (see 46 FR 61281). Batches of treatment residue exceeding these limits are re-treated or disposed as hazardous wastes. Based on its stringent pre-screening process, treatment process, and quality assurance plan, Envirite claims that its treatment residue is non-hazardous because the constituents of concern are present either in insignificant concentrations, or if present at significant levels, are essentially in immobile forms. Envirite also believes that the waste is non-hazardous for any other reason.

Envirite initially presented analytical data on eight weekly composite samples collected from the knife of the vacuum filter dewatering system. One sample was taken from each batch processed and stored until the end of the week-long composite sampling period. These samples then were combined in a bench top blender and homogenized. All analytical testing occurred on these homogenized samples. Envirite initially submitted data in October 1984. They collected eight more composite samples in April 1985 to demonstrate that the facility could achieve the ten-fold dilution allowed by the proposed version of the vertical and horizontal spread (VHS) model (see 50 FR 7882, February 26, 1985). As a result of public comments, the Agency modified the

VHS model, and the dilution factor applicable to the maximum of 40,000 tons of treatment residue generated at Envirite's Harvey facility was decreased to 6.3 times the drinking water standards for the EP toxic metals and cyanide. Envirite re-sampled each facility's waste in an effort to show that their treatment process also could achieve this lower dilution level. Since Envirite previously had analyzed 16 samples and their exclusion would be conditional as is typical of the Agency's policy for Multiple Waste Treatment Facilities (MWTFs), (*i.e.*, each batch of treatment residue would require testing), the Agency permitted Envirite to collect and re-analyze only 4 composite samples. Sampling methodologies for these 4 samples were similar to those for the previous 16 samples with the exception that each composite sample was collected over a 4-day period rather than a week-long period. This represented a sampling period of approximately 1 month. All samples collected since April 1985 were analyzed for oil and grease, reactive sulfide, and Appendix VIII hazardous constituents. Envirite claims that these sampling periods addressed more than 50 percent of their clients and represented time periods of sufficient length to show the variation in concentrations of listed constituents in their treated wastes (for all of the wastes which were a part of the original delisting request).

Total constituent analysis and EP toxicity test results of the treatment residue generated at Envirite's Harvey facility revealed the maximum concentrations reported in Tables 1 and 2.[19]

TABLE 1.— MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/1)
Cadmium	110	0.06
Chromium (total)[1]	9,300	0.3
Lead	750	0.1
Nickel	1,390	0.71
Cyanide	9.0	<0.125

<: Denotes concentrations below the detection limit.
[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.

TABLE 2.— MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP Leachate analyses (mg/1)
Arsenic	0.38	0.005
Barium	52	1.8
Mercury	0.53	0.012
Selenium	0.045	<0.004
Silver	21	0.11

<: Denotes concentrations below the detection limit.

[19] See footnote 5.

Envirite also submitted total constituent analyses for Appendix VIII hazardous constituents potentially present in the waste. Envirite has limited its initial gas chromatographic/mass spectroscopy (GC/MS) analytical work to the volatile, base/neutral, and acid fractions of the priority pollutants, and an NBS library scan for remaining Appendix VIII constituents likely to be present. Envirite's rationale for limiting Appendix VIII testing included the deletion of: (1) Toxicants for which there are no known analytical methods; (2) toxicants that are reactive or hydrolyze in water; and (3) toxicants that are present primarily in wastes generated from industries not serviced by Envirite (primarily pharmaceuticals). A more detailed explanation and list of these toxicants is available in the public docket. Maximum concentrations for Appendix VIII hazardous constituents that are potentially present in the treatment residue are reported in Table 3.

Envirite also has submitted information regarding a solids treatment process, which exists as a segregated treatment process at the York facility and which is proposed to be added to the Harvey facility. Envirite has indicated that the process is similar to their liquids treatment process with the exception that different solid reagents are used in the pre-treatment for hexavalent chromium, cyanide, and metal hydroxides, depending on the moisture content of the waste. Envirite has submitted EP toxicity test analyses on 17 batches of treatment residues generated over 6 weeks from the solids treatment process at the York facility. The maximum extract concentrations from the data are summarized in Table 4.

TABLE 3.— MAXIMUM CONCENTRATIONS OF ORGANICS IDENTIFIED BY ENVIRITE IN THE TREATMENT RESIDUE (PPM)

Constituents	Total constituent analyses
Anthracene	2.0
Bis(2-ethyl hexyl)phthalate	10.0
Butyl benzyl phthalate	27
Dibutyl phthalate	2.0
Di-n-octyl phthalate	1.6
Ethyl benzene	0.672
Methylene chloride	1.148
Naphthalene	15.0
n-Nitrosodiphenylamine	1.0
Phenol	1.4
Tetrachloroethylene	0.611
Toluene	1.034
1,2,4-Trichlorobenzene	88.0
1,1,1-Trichloroethane	1.402
Trichloroethylene	0.031

TABLE 4.— Maximum Concentrations for the Solids Treatment Process at the York Facility

Constituents	EP toxicity analyses (mg/1)
Arsenic	<0.88
Barium	<1.24
Cadmium	<0.03
Chromium	<0.25
Lead	<0.68
Mercury	<0.0072
Selenium	<0.24
Silver	<0.07
Nickel	3.58
Cyanide	<2.0
Cyanide (total in waste)	60.9

The maximum total oil and grease value reported by Envirite was 0.09 percent. Envirite also analyzed the treatment residue for reactive sulfides with the maximum concentration reported to be below the detection limit at <1.0 ppm. Envirite also submitted data indicating that the sludge is not ignitable, corrosive, or reactive.

B. Agency Analysis and Action

Envirite has demonstrated that its original waste treatment system and the proposed solids treatment system, under specified controlled conditions, produces a non-hazardous treatment residue. Envirite has not, however, made this demonstration for the recovery, drying or wet air oxidation processes, it proposes for the Harvey facility. Should Envirite adjust its processes to include the above treatment changes, it would have to submit a new petition for each change.

The Agency believes that the four samples collected by Envirite from the filter press of the waste water treatment system over a 1-month period were non-biased and adequately represent any variations that may occur in the treatment residue over this time period for each of the treated wastes except EPA Hazardous Waste Nos. K061, K069, and K100.[20] The key factors that could

[20] See footnote 6.

vary toxicant concentrations in the residue at MWTFs are the addition of new clients, the variation of client processes occurring from time to time, and variations in raw materials used at client waste generator facilities. Variations in raw materials can be expected when the clients of the MWTF perform as job shops or when the product line changes on a seasonal basis. The Agency does not believe it is possible to represent this variation without sampling that would be considered excessive for a delisting petition demonstration. The Agency, therefore, has requested all MWTF petitioners to submit analytical data collected during a 2-month period on a minimum of eight composite samples.[21]

The Agency permitted Envirite to submit only 4 samples based on the final VHS model, as the facility had already submitted 16 samples demonstrating its ability to adjust the treatment process to comply with VHS model modifications. The Agency is familiar with the ability of Envirite's and similar technologies to adjust mixing ratios to achieve lower leachate levels for heavy metals. Furthermore, the final exclusion, when granted, would require testing of each treated batch to ensure compliance with the exclusion's specifications. The demonstration with respect to Appendix VIII hazardous constituents still was required, however, to cover a minimum of eight samples collected over a 2-month period.

The Agency has evaluated the mobility of the listed constituents from Envirite's waste using the VHS model.[22] The VHS model generated compliance point values using the 40,000 ton per year maximum generation rate and the maximum extract levels reported by Envirite as input parameters. These predicted compliance point concentrations are reported in Table 5. (When leachate concentrations were below the detection limits, the value of the detection limit was used.)

TABLE 5.— VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.0095	0.01
Chromium (total)	.048	.05
Lead	.016	.05
Nickel	.11	.35
Cyanide	.0198	.2

The treatment residue exhibited levels for the listed constituents (at the compliance point) below the National Interim Primary Drinking Water Standards, nickel levels below the Agency's Interim Health Advisory,[23] and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[24] Total cyanide levels in the treatment residue also are below the Agency's threshold limit of 250 ppm.[25]

The Agency also concluded, through using the VHS model, that no other EP toxic metals are present in the sludge at levels of regulatory concern (*i.e.*, none are above any regulatory standard at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 6.

TABLE 6.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Nonlisted constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.00079	0.05
Barium	.28	1.0
Mercury	.0019	.002
Selenium	.00063	.01
Silver	.017	.05

The Agency also has evaluated the mobility of organic constituents detected in the sludge by first estimating their leachate concentrations with the Organic Leachate Model (OLM), and then predicting their compliance point concentrations with the VHS model.[26] Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 7.

TABLE 7.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (PPM)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	(Base)	(95 percent)	(Base)	(95 percent)	
Anthracene	0.0011	0.0016	0.00017	0.00025	0.002
Bis(2-ethyl hexyl) phthalate	.0015	.0021	.00024	.00033	.7
Butyl benzyl phthalate	.029	.0359	.0046	.0057	.85
Dibutyl phthalate	.0087	.011	.0014	.0018	.3.
Di-n-octyl phthalate	.0018	.0025	.00028	.0004	.6
Ethyl benzene	.0105	.0138	.0017	.0022	.3
Methylene chloride	.092	.128	.015	.020	.056
Naphthalene	.048	.058	.0076	.0091	9.0
n-Nitrosodiphenylamine	.0084	.0109	.0013	.0017	.0071
Phenol	.185	.266	.029	.042	3.5
Tetrachloroethylene	.0098	.0129	.0015	.0020	.0007
Toluene	.022	.029	.0036	.0046	10.5
1,2,4-Trichlorobenzene	.156	.186	.025	.029	.7
1,1,1-Trichloroethane	.040	.052	.0063	.0082	1.2
Trichloroethylene	.0026	.0039	.0004	.0006	.0032

[1] Since the Organic Leachate Model (OLM) has not been finalized, both the baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.

Table 7 lists only those constituents found in the treatment residue above detection limits. In each instance, the resulting predicted compliance point concentrations (with the exception of tetrachloroethylene) were below the Agency's respective regulatory standards. The Agency has previously granted Envirite a conditional exclusion which required batch testing. Through this batch testing condition, Envirite has periodically identified "problem" batches. Treatment failures under the temporary exclusion were identified only in terms of cyanide or heavy metals. If process adjustments did not successfully treat the waste, Envirite has successfully identified and eliminated acceptance of "problem" wastes through their pre-screening program. The Agency did not previously specify any limitations on trace organics in the temporary exclusion, nor did the Agency specify acceptable concentrations of trace organics. Envirite, therefore, has not had the opportunity to adjust its treatment or eliminate clients to address the tetrachloroethylene levels. Under these circumstances, the Agency believes it inappropriate to penalize Envirite's petition effort due to the unacceptable levels of tetrachloroethylene found to be present in batches tested for the petition effort. Instead, the Agency is proposing to add this constituent (as well as other potential organic constituents) to Envirite's conditional batch testing program. The Agency believes that if Envirite cannot successfully treat the present level of organic contaminants, that they can eliminate the wastes

[21] See footnote 7.
[22] See footnote 8.
[23] See footnote 9.
[24] See footnote 10.
[25] See footnote 11.
[26] See footnote 12.

containing those constituents through their pre-screening operations. Given the changeable nature of clients and wastes accepted by the facility for treatment, the Agency believes it necessary to incorporate organics batch testing into the contingency testing program to ensure that stray organic constituents are not present in the treatment residue at levels of regulatory concern.

The Agency believes that a conditional exclusion can be granted to the Envirite facility. The conditions of the exclusion would necessitate continuous batch testing for the EP toxic metals, nickel, cyanide, and those organics detected in the treatment residue. The Agency believes this testing requirement is necessary due to the inherent variability encountered by a changing client base, the process variation associated with each of the clients serviced, the high concentrations of toxic constituents in the incoming wastes and in the treatment residue, and the high volumes of treatment residue generated annually by Envirite.

This testing requirement is self-implemented, that is, the results of testing each batch need not be reviewed by State or Federal EPA representatives prior to disposal. The test data must be recorded and kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Agency on a semi-annual basis.

The Agency, therefore, proposes to grant an exclusion to the Envirite facility providing that the following contingency testing program is followed:

(1) Each batch [27] of treatment residue must be representatively sampled and tested using the EP toxicity test for the EP toxic metals. and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm [28] or leachable cyanide levels (using the EP toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(3) Each batch must be tested for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. This list of organic constituents is a compilation of organics detected at each of Envirite's four facilities.[29] The Agency notes this condition does not allow retreating as does condition 1 and 2, because Envirite's existing treatment process is not designed for organics treatment.

Compound	Maximum acceptable levels [1] (ppm)	
	(Base)	(95 percent)
Anthracene	72	45
1,2-Diphenyl hydrazine	.001	.0005
Methylene chloride	8.18	5.27
Methyl ethyl ketone	313	175
n-Nitrosodiphenylamine	11.9	9.1
Phenol	1,566	882
Tetrachloroethylene	.188	.113
Trichloroethylene	.592	.376

[1] Since the OLM has not been finalized, both versions of the model, (*i.e.*, the baseline equation and the 95 percent confidence interval applied to the baseline) are calculated here. Once finalized, only one of these two versions will apply.

(4) A grab sample must be collected from each batch to form one monthly composite sample, which must be tested using GC/MS analysis for the compounds listed above, as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982 for a list of the priority pollutants.) These data must be kept on file at the facility, and submitted to the Administrator by certified mail semi-annually. The Agency has required that these additional scans be run on monthly composites to determine if additional organic constituents should be added to the group of parameters tested on a batch basis due to variation of existing client wastes or variation of the client base. The Agency will review this information and, if needed, will propose to modify or withdraw the exclusion.

(5) Due to insufficient analytical data, this exclusion does not apply to EPA Hazardous Waste Nos. K061, K069, and K100. If Envirite desires to delist these waste types, they must submit a new petition providing the necessary analytical data demonstrating the effectiveness of the treatment process in rendering these wastes non-hazardous.

The Agency's decision to exclude conditionally the treatment residue generated from the wastewater and proposed solids treatment systems at Envirite's Harvey facility applies only to the systems as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery (including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange), additional sludge drying capacities, and wet air oxidation. For the Agency to consider excluding these wastes, Envirite should submit a complete description of these processes, as well as pilot scale and on-line test data to demonstrate their ability to generate a non-hazardous treatment residue after this additional treatment is performed on the waste.

Based on the VHS model analyses, total constituent analyses, the pre-screening process, and the contingency plan, the Agency believes that the treatment residue generated at Envirite Corporation's Harvey, Illinois facility from their wastewater treatment processes, under the conditions specified above, is non-hazardous (for all reasons). The Agency therefore proposes to exclude conditionally Envirite's treatment residue from hazardous waste control for the following EPA Hazardous Waste Nos.: F006, F007, F008, F009, F011, F012, F019, K062, K002, K003, K004, K005, K006, K007, and K008, as described in their petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the treatment process).[30] In addition, Envirite is still obligated to determine whether their treatment residue exhibits any of the characteristics of a hazardous waste.)

III. Envirite Corporation—Thomaston, Connecticut

A. Petition for Exclusion

Envirite Corporation (Envirite), (previously known as Liqwacon Corporation), located in Thomaston, Connecticut, operates a waste treatment facility for treatment of multiple metal-bearing waste streams for industrial clients.[31] Envirite has petitioned the Agency to exclude the residue produced by its treatment facility. The residue is generated from the treatment of the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated

[27] See footnote 13.

[28] See footnote 11.

[29] See footnote 15.

[30] See footnote 16.

[31] Envirite also has submitted delisting petitions for its York, Pennsylvania; Harvey, Illinois; and Canton, Ohio facilities.

basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007—Spent cyanide plating solutions from electroplating operations.

F008—Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.

K003—Wastewater treatment sludge from the production of molybdate orange pigments.

K004—Wastewater treatment sludge from the production of zinc yellow pigments.

K005—Wastewater treatment sludge from the production of chrome green pigments.

K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).

K007—Wastewater treatment sludge from the production of iron blue pigments.

K008—Oven residue from the production of chrome oxide green pigments.

K061—Emission control dust/sludge from the primary production of steel in electric furnaces.

K062—Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

K069—Emission control dust/sludge from secondary lead smelting.

K100—Waste leaching solution from the acid leaching of emission control dust/sludge from secondary lead smelting.

The listed constituents of concern for these wastes are summarized as follows:

F006—Cadmium, hexavalent chromium, nickel, and cyanide (complexed)
F007—Cyanide (salts)
F008—Cyanide (salts)
F009—Cyanide (salts)
F011—Cyanide (salts)
F012—Cyanide (complexed)
F019—Hexavalent chromium and cyanide (complexed)
K002—Hexavalent chromium and lead
K003—Hexavalent chromium and lead
K004—Hexavalent chromium
K005—Hexavalent chromium and lead
K006—Hexavalent chromium
K007—Cyanide. (complexed) and hexavalent chromium
K008—Hexavalent chromium
K061—Hexavalent chromium, lead, and cadmium
K062—Hexavalent chromium and lead
K069—Hexavalent chromium, lead, and cadmium
K100—Hexavalent chromium, lead, and cadmium.

Based upon the Agency's review of the petition, Envirite was granted a conditional temporary exclusion on December 16, 1981 for EPA Hazardous Waste Nos. F006, F007, F008, F009, F011, F012, F015 and K062 (see 46 FR 61281). The Agency's basis for granting the temporary exclusion (at that time) was the low migration potential of cadmium, chromium, lead, nickel, and cyanide in the waste, and Envirite's stringent pre-screening process for accepting wastes and contingency plan ensuring that levels of constituents in the treatment residue were always within an acceptable range. Since the granting of their temporary exclusion, Envirite submitted an addendum to their original petition in November 1985 expanding the list of wastes to be delisted to include EPA Hazardous Waste Nos. F019, K002, K003, K004, K005, K006, K007, K008, K061, K069, and K100. These wastes are not yet treated by the facility, therefore, Envirite's temporary exclusion is still active. Also, since Envirite's temporary exclusion, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Envirite's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which it was originally listed; and (2) determine whether the waste is nonhazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Envirite's petition.

In support of their petition, Envirite has submitted a detailed description of its pre-screening process, treatment process, and contingency testing plan; total constituent analysis and EP toxicity test results of the treatment residue for each of the listed constituents—cadmium, total chromium, lead, and nickel; and analytical results for total, free, and leachable cyanide. Envirite also submitted total constituent analysis and EP toxicity test results for arsenic, barium, mercury, selenium, and silver; results of total oil and grease analyses; and analytical results for reactive sulfide. Envirite further submitted total constituent analyses for priority pollutant volatile, base/neutral, and acid extractable organic compounds; National Bureau of Standards (NBS) library searches for any other Appendix VIII hazardous constituents that might be present in the waste; an explanation detailing why specific Appendix VIII hazardous constituents were not tested; and a list of clients serviced at the Thomaston facility. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.) In addition, Envirite submitted descriptions of proposed process changes presently being considered for its Thomaston facility. These changes included solid residue treatment units for treating incoming solid and semi-solid wastes (one such unit is already in operation at Envirite's York facility); recovery operations for metals, acid, and cyanide as an alternative to its current procedures; and a post-treatment sludge drying process.

As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.[32]

Envirite accepts metal-bearing wastes from industrial clients for treatment. Envirite conducts stringent client pre-screening tests prior to accepting a waste for treatment to ensure that wastes are compatible with the Envirite treatment process. Envirite claims that the pre-screening procedure effectively prevents the acceptance of toxic organic compounds for treatment. Envirite's pre-screening process includes an examination of the client's process description and analytical monitoring of wastes to be treated by Envirite for listed constituents and any Appendix VIII hazardous constituents that might be expected to be present. Other pre-screening parameters include: total organic carbon (TOC), non-listed EP toxic metals, cyanide, ammonia, specific gravity, and analysis for the percent acidity and alkalinity, as well as other non-RCRA metals. In addition, before a given waste is accepted for treatment, it is subjected to a laboratory simulation of Envirite's treatment process. The resulting analysis must show that the treated waste meets Envirite's effluent discharge standards and that the treatment residue meets the requirements of Envirite's temporary exclusion. If the treatment residue fails to meet these requirements, it is a hazardous waste and will be managed accordingly.

Envirite's treatment process includes pre-treatment with chromium reduction and cyanide destruction followed by batch treatment with batch formulation

[32] See footnote 4.

(a preplanned combining of wastes from various storage areas and recovery systems for batch treatment), neutralization and hydroxide precipitation, sulfide addition and precipitation, and vacuum filtration. Envirite plans to implement a segregated solid and semi-solid treatment process at the Thomaston facility. (Envirite has added this capability at their York, Pennsylvania facility.) Envirite claims that the treatment process used for solid and semi-solid wastes employs the same chemical reactions as are used currently in the liquid waste treatment process; the waste types treated by the liquid and solid processes are the same except for the amount of water the waste contains. Envirite submitted total constituent analysis and EP toxicity test results for wastes treated by the York facility's solids treatment system to show that this process is equally successful in rendering wastes non-hazardous.

Envirite also is proposing to initiate recovery operations at all four of its facilities, including the Thomaston facility. Recovery operations such as ion exchange, evaporative recovery, crystallization, and electrolytic recovery would be employed prior to waste treatment to remove metals, acid, and cyanide. Envirite plans to add drying operations at each facility to reduce further the water content of the filter cake generated from the wastewater treatment process.

Envirite uses an additional quality assurance method to ensure that its treated residues are rendered non-hazardous. Batches that have completed treatment remain in the neutralization tanks and treatment residue samples are subjected to the EP Toxcity Test to ensure the waste's compliance with limits established in the 1981 temporary exclusion (see 46 FR 61281). Treatment residue batches exceeding these limits are re-treated or disposed as hazardous wastes. Based on its stringent pre-screening process, treatment process, and quality assurance plan, Envirite claims that its treatment residue is non-hazardous because the constituents of concern are present either in insignificant concentrations, or if present at significant levels, are essentially in immobile forms. Envirite also believes that the waste is non-hazardous for any other reason.

Envirite initially presented analytical data on eight weekly composite samples collected from the knife of the vacuum filter dewatering system. One sample was taken from each batch processed and stored until the end of the week-long composite sampling period. These samples then were combined in a bench top blender and homogenized. All analytical testing occurred on these homogenized samples. Envirite initially submitted data in October 1984. They collected eight more composite samples in April 1985 to demonstrate that the facility could achieve the ten-fold dilution allowed by the proposed version of the vertical and horizontal spread (VHS) model (see 50 FR 7882, February 26, 1985). As a result of public comments, the Agency modified the VHS model, and the dilution factor applicable to the maximum of 40,000 tons of treatment residue generated at Envirite's Thomaston facility was decreased to 6.3 times the drinking water standards for the EP toxic metals and cyanide. Envirite re-sampled each facility's waste in an effort to show that their treatment process also could achieve this lower dilution level. Since Envirite previously had analyzed 16 samples and their exclusion would be conditional as is typical of the Agency's policy for Multiple Waste Treatment Facilities (MWTFs), (*i.e.*, each batch of treatment residue would require testing), the Agency permitted Envirite to collect and re-analyze only 4 composite samples. Sampling methodologies for these 4 samples were similar to those for the previous 16 samples with the exception that each composite sample was collected over a 4-day period rather than a week-long period. This represented a sampling period of approximately 1 month. All samples collected since April 1985 were analyzed for oil and grease, reactive sulfide, and Appendix VIII hazardous constituents. Envirite claims that these sampling periods addressed more than 50 percent of their clients and represented time periods of sufficient length to show the variation in concentrations of listed constituents in their treated wastes (for all of the wastes which were a part of the original delisting request.)

In addition to Envirite's sampling efforts, EPA conducted a spot check sampling visit to the facility in December 1983. One composite sample was taken directly from the filter press. Fourteen additional composite samples were collected from random locations at the facility's on-site landfills.

Total constituent analysis and EP toxicity test results of the treatment residue generated at Envirite's Thomaston facility revealed the maximum concentrations reported in Tables 1 and 2.[33]

[33] See footnote 5.

TABLE 1.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Cadmium	205	0.03
Chromium (total)[1]	11,000	.10
Lead	750	<.09
Nickel	7,900	.43
Cyanide	8.9	<.10

< Denotes concentrations below the detection limit.
[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.

TABLE 2.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituents analyses (mg/kg)	EP leachate analyses (mg/l)
Arsenic	0.40	<0.002
Barium	74.2	<.30
Mercury	.70	<.002
Selenium	1.2	<.005
Silver	35.2	.08

< Denotes concentrations below the detection limit.

Envirite also submitted total constituent analyses for Appendix VIII hazardous constituents potentially present in the waste. Envirite has limited its initial gas chromatographic/mass spectroscopy (GC/MS) analytical work to the volatile, base/neutral, and acid fractions of the priority pollutants, and an NBS library scan for remaining Appendix VIII constituents likely to be present. Envirite's rationale for limiting Appendix VIII testing included the deletion of: (1) toxicants for which there are no known analytical methods; (2) toxicants that are reactive or hydrolyze in water; and (3) toxicants that are present primarily in wastes generated from industries not serviced by Envirite (primarily pharmaceuticals). A more detailed explanation and list of these toxicants is available in the public docket. Maximum concentrations for Appendix VIII hazardous constituents that are potentially present in the treatment residue are reported in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS OF ORGANICS IDENTIFIED BY ENVIRITE IN THE TREATMENT RESIDUE (PPM)

Constitutents	Total constituents analyses
Bis(2-ethyl hexyl)phthalate	2.6
Methylene chloride	.312
Methyl ethyl ketone	3.406
Tetrachloroethylene	.058
Toluene	.322
1,1,1-Trichloroethane	.060
Trichloroethylene	.027

The sludge samples collected by EPA from the filter press and on-site landfills were analyzed for total and leachable concentrations of the EP metals, nickel,

and cyanide. These concentrations are reported in Tables 4, 5, 6, and 7.

TABLE 4.—MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK FILTER CAKE (PPM)

Listed Constituents	Total constituent analyses	EP Toxicity analyses
As	9.3	<0.02
Ba	9.7	<.5
Cd	21	<.25
Cr	1,300	<.2
Pb	660	<.13
Hg	.093	<.001
Se	<8	<.05
Ag	<1.5	.02
Ni	2,000	<.25
CN	10	

TABLE 5.—MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK LANDFILL AREA 1 [1] (PPM)

Listed constituents	Total constituent analyses	EP toxicity analyses
As	11.0	0.028
Ba	29	<.5
Cd	710	.053
Cr	3,900	<.2
Pb	790	.24
Hg	.36	<.001
Se	<8	<.05
Ag	<1.5	<.02
Ni	4,700	25
CN	<1.5	

[1] Area claimed by Envirite to be located in a permitted hazardous waste cell.

TABLE 6.—MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK LANDFILL AREA 2 [1] (PPM)

Listed constituents	Total constituent analyses	EP toxicity analyses
As	12	<0.02
Ba	45	<.5
Cd	140	1.7
Cr	4,500	<.2
Pb	640	<.13
Hg	.78	.011
Se	7.6	<.05
Ag	<1	.025
Ni	3,900	22
CN	73	

[1] Area claimed by Envirite to be located in a permitted hazardous waste cell.

TABLE 7.-MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK LANDFILL AREA 3 (PPM)

Listed constituents	Total constituent analyses	EP toxicity analyses
As	6.8	<0.02
Ba	31	<.50
Cd	160	.029
Cr	5,800	<.2
Pb	720	.24
Hg	0.96	<.001
Se	<8	<.05
Ag	<1	<.02
Ni	7,500	.26
CN	105	

The samples also were analyzed by EPA for 126 priority pollutants and volatile organics. Table 8 summarizes concentrations of these organics detected in the samples.

TABLE 8.—MAXIMUM APPENDIX VIII ORGANICS CONCENTRATIONS IDENTIFIED BY EPA (PPM)

Listed constituents	Total constituent analyses
Bis(2-ethyl hexyl)phthalate	16
Carbon disulfide	19
Dibutyl phthalate	3.3
Di-n-octyl phthalate	14
1,2-Diphenyl hydrazine	11
Methyl isobutyl ketone	.99
Phenol	6.9
Tetrachloroethylene [1]	8
Trichloroethylene [2]	15

[1] Identified in one filter press sample, but not detected in 14 other landfill samples at 0.5-ppm.
[2] Identified in one authoritative landfill sample, but not detected in 14 other samples.

Envirite also has submitted information regarding a solids treatment process, which exists as a segregated treatment process at the York facility and which is proposed to be added to each of the remaining facilities, including the Thomaston facility. Envirite has indicated that the process is similar to their liquids treatment process with the exception that different solid reagents are used in the pre-treatment for hexavalent chromium, cyanide, and metal hydroxides, depending on the moisture content of the waste. Envirite has submitted EP toxicity test analyses on 17 batches of treatment residues generated over 6 weeks from the solids treatment process at the York facility. The maximum extract concentrations from the data are summarized in Table 9.

TABLE 9.—MAXIMUM CONCENTRATIONS FOR THE SOLIDS TREATMENT PROCESS AT THE YORK FACILITY

Constituents	EP toxicity analyses (mg/l)
Arsenic	<0.88
Barium	<1.24
Cadmium	<.03
Chromium	<.25
Lead	<.68
Mercury	<.0072
Selenium	<.24
Silver	<.07
Nickel	3.58
Cyanide	<2
Cyanide (total in waste)	60.9

The maximum total oil and grease value reported by Envirite was 0.16 percent. Envirite also analyzed the treatment residue for reactive sulfides with the maximum concentration reported to be at the detection limit at <1.0 ppm. Envirite also submitted data indicating that the sludge is not ignitable, corrosive, or reactive.

Envirite also provided the results from ground water monitoring data for the site. Data were included for five monitoring wells located on the perimeters of Envirite's on-site landfill cells. Envirite claims that background and upgradient wells indicate that cadmium, chromium, and nickel levels in downgradient wells are similar to levels found in background and upgradient wells. (Complete ground-water monitoring data for the site are available in the public docket for this notice.)

B. Agency Analysis and Action

Envirite has demonstrated that its original waste treatment system and the proposed solids treatment system, under specified controlled conditions, produces a non-hazardous treatment residue. Envirite has not, however, made this demonstration for the recovery and drying processes it proposes for the Thomaston facility. Should Envirite adjust its processes to include the above treatment changes, it would have to submit a new petition for each change.

The Agency believes that the four samples collected by Envirite from the filter press of the wastewater treatment system over a 1-month period were non-biased and adequately represent any variations that may occur in the treatment residue for this time period for each of the treated wastes except EPA Hazardous Waste Nos. K061, K069, and K100.[34] The key factors that could vary toxicant concentrations in the residue at MWTFs are the addition of new clients, the variation of client processes occurring from time to time, and variations in raw materials used at client waste generator facilities. Variations in raw materials can be expected when the clients of the MWTF perform as job shops or when the product line changes on a seasonal basis. The Agency does not believe it is possible to represent this variation without sampling that would be considered excessive for a delisting petition demonstration. The Agency, therefore, has requested all MWTF petitioners to submit analytical data collected during a 2-month period on a minimum of eight composite samples.[35]

The Agency permitted Envirite to submit only 4 samples based on the final VHS model, as the facility already had submitted 16 samples demonstrating its ability to adjust the treatment process to comply with initial VHS model modifications. The Agency is familiar with the ability of Envirite's and similar technologies to adjust mixing ratios to achieve lower leachate levels for heavy metals. Furthermore, the final exclusion, when granted, would require testing of each treated batch to ensure compliance with the exclusion's specifications. The

[34] See footnote 6.
[35] See footnote 7.

demonstration with respect to Appendix VIII hazardous constituents still was required, however, to cover a minimum of eight samples collected over a 2-month period.

The Agency has evaluated the mobility of the listed constituents from Envirite's waste using the VHS model.[36] The VHS model generated compliance point values using the 40,000 ton per year maximum generation rate and the maximum reported extract levels reported by Envirite as input parameters. These predicted compliance point concentrations are reported in Table 10. (When leachate concentrations were below the detection limits, the value of the detection limit was used.)

TABLE 10.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.0048	0.01
Chromium (total)	.016	.05
Lead	.014	.05
Nickel	.068	.35
Cyanide	.016	.2

The treatment residue exhibited levels for the listed constituents (at the compliance point) below the National Interim Primary Drinking Water Standards, nickel levels below the Agency's interim health advisory,[37] and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[38] Total cyanide levels in the treatment residue also are below the Agency's threshold limit of 250 ppm.[39]

The Agency also concluded, through the use of the VHS model, that no other EP toxic metals are present in the sludge at levels of regulatory concern (*i.e.*, none are above any regulatory standard at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 11.

TABLE 11.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Nonlisted constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.00032	0.05
Barium	.048	1.0
Mercury	.00032	.002
Selenium	.00079	.01
Silver	.013	.05

[36] See footnote 8.
[37] See footnote 9.
[38] See footnote 10.
[39] See footnote 11.

The Agency has also analyzed the data collected during its spot-check visit using the VHS model. The EP toxicity values for the filter cake sample generated compliance point concentrations for all listed and non-listed EP toxic metals and nickel below their respective standards. Similarly, the random core samples collected in "Area 3" of the landfill exhibited compliance point concentrations for all listed and non-listed EP toxic metals and nickel below their respective standards. The maximum EP toxicity values for nickel in "Area 1" and nickel and cadmium in "Area 2" generated compliance point concentrations above their respective standards. Envirite has disposed of hazardous waste in several permitted cells prior to 1983, and has provided blueprints, diagrams, and overhead photographs to identify these areas. The Agency accepts Envirite's claim that the samples collected in "Areas 1 and 2" were located in an area of "Cell #4" which contains hazardous waste. Therefore, the Agency has not used these data in the evaluation of the petitioned treatment residue.

The Agency also has evaluated the mobility of organic constituents detected in the sludge by first estimating their leachate concentrations with the Organic Leachate Model (OLM), and then predicting their compliance point concentrations with the VHS model.[40] Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 12.

TABLE 12.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] [2] (PPM)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	(Base)	(95 percent)	(Base)	(95 percent)	
Bis(2-ethyl hexyl) phthalate	0.0098	0.0129	0.0015	0.002	0.7
Carbon disulfide	.304	.384	.048	.0609	3.5
Dibutyl phthalate	.0122	.0154	.002	.0024	3.5
Di-n-octyl phthalate	.019	.023	.003	.0036	.6
1,2-Diphenyl hydrazine	.176	.22	.028	.035	.00005
Methylene chloride	.038	.0547	.0060	.0087	.56
Methyl ethyl ketone	.509	.747	.081	.118	1.8
Phenol	.557	.785	.088	.124	3.5
Tetrachloroethylene	.056	.068	.0089	.011	.0007
Toluene	.010	.014	.0016	.002	10.5
1,1,1-Trichloroethane	.0047	.0070	.00075	.001	1.2
Trichloroethylene	.181	.223	.029	.035	.0032

[1] Since the Organic Leachate Model (OLM) has not been finalized, both the baseline equation and 95 percent confidence interval (applied to the baseline), are calculated here. Once finalized, only one of these two versions will apply.
[2] Includes both EPA and Envirite data.

Table 12 lists only those constituents found in the treatment residue above detection limits. In each instance, the resulting predicted compliance point concentrations (except for 1,2-diphenyl hydrazine, tetrachloroethylene, and trichloroethylene) were below the Agency's respective regulatory standards. (The VHS model analysis was not used to evaluate methyl isobutyl ketone levels detected in the treatment residue, as this constituent is listed solely for its ignitability properties.) The Agency has previously granted Envirite a conditional exclusion which required batch testing. Through this batch testing condition, Envirite has periodically identified "problem" batches. Treatment failures under the temporary exclusion were identified only in terms of cyanide or heavy metals. If process adjustments did not successfully treat the waste, Envirite has successfully identified and eliminated the acceptance of "problem" wastes through their pre-screening program. The Agency did not previously specify any limitations on trace organics in the temporary exclusion, nor did the Agency specify acceptable concentrations of trace organics. Envirite, therefore, has not had the opportunity to adjust its treatment process or eliminate clients to address these constituents. Under these circumstances, the Agency believes it inappropriate to penalize Envirite's petition effort due to the unacceptable levels of 1,2-diphenyl hydrazine, tetrachloroethylene, and trichloroethylene found to be present in batches tested for the petition effort. Instead, the Agency is proposing to add these constituents (as well as other potential organic constituents) to Envirite's conditional batch testing program. The Agency believes that if Envirite cannot successfully treat the present level of organic contaminants, that they can eliminate the wastes containing those constituents through

[40] See footnote 12.

their pre-screening operations. Given the changeable nature of clients and wastes accepted by the facility for treatment, the Agency believes it necessary to incorporate organics batch testing into the contingency testing program to ensure that stray organic constituents are not present in the treatment residue at levels of regulatory concern.

Envirite also submitted ground-water monitoring data from wells located on-site at the Thomaston facility.[41] These data showed that cadmium, chromium, and nickel may be contaminating ground water. However, due to concentrations present in background and upgradient wells, a definitive determination cannot be made for cadmium and chromium. The landfill appears to be causing contamination of the ground water with nickel. The Agency considers the hazardous waste previously disposed in the on-site landfill to be the likely source of this contamination. In addition, the facility disposed of other wastes on-site which contained high levels of metals.[42] This proposed exclusion, however, would not change the status of wastes previously disposed of on-site. The exclusion, if promulgated, would effect only wastes generated after the effective date of the exclusion.

The Agency believes that a conditional exclusion can be granted to Envirite for its waste as generated. The conditions of the exclusion would necessitate continuous batch testing for the EP toxic metals, nickel, cyanide, and those organics detected in the treatment residue. The Agency believes this testing requirement is necessary due to the inherent variability encountered by a changing client base, the process variation associated with each of the clients serviced, the high concentrations of toxic constituents in the incoming wastes and in the treatment residue, and the high volumes of treatment residue generated annually by Envirite.

This testing requirement is self-implemented, that is, the results of testing each batch need not be reviewed by State or Federal EPA representatives prior to disposal. The test data must be recorded and kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Agency on a semi-annual basis.

The Agency, therefore, proposes to grant an exclusion to the Envirite facility providing that the following contingency testing program is followed:

(1) Each batch [43] of treatment residue must be representatively sampled and tested using the EP toxicity test for the EP toxic metals and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If reactive cyanide levels exceed 250 ppm [44] or leachable cyanide levels (using the EP toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(3) Each batch must be tested for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. This list of organic constituents is a compilation of organics detected at each of Envirite's four facilities.[45] The Agency notes that this condition does not allow re-treating as do Conditions 1 and 2, because Envirite's existing treatment process is not designed for organics treatment.

Compound	Maximum acceptable levels [1] (ppm)	
	(base)	(95 pct)
Anthracene	72	45
1,2-Diphenyl hydrazine	0.001	0.0005
Methylene chloride	9.18	5.27
Methyl ethyl ketone	313	175
n-Nitrosodiphenylamine	11.9	9.1
Phenol	1,566	882
Tetrachloroethylene	.188	.113
Trichloroethylene	.592	.376

[1] Since the OLM has not been finalized, both versions of the model (*i.e.*, the baseline equation and the 95 percent confidence interval applied to the baseline) are calculated here. Once finalized, only one of these two versions will apply.

(4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed above, as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.) These data must be kept on file at the facility, and submitted to the Administrator by certified mail semi-annually. The Agency has required that these additional scans be run on monthly composites to determine if additional organic constituents should be added to the group of parameters tested on a batch basis due to variation of existing client wastes or variation of the client base. The Agency will review this information and, if needed, will propose to modify or withdraw the exclusion.

(5) Due to insufficient analytical data, this exclusion does not apply to EPA Hazardous Waste Nos. K061, K069, and K100. If Envirite desires to delist these waste types, they must submit a new petition providing the necessary analytical data demonstrating the effectiveness of the treatment process in rendering these wastes non-hazardous.

Due to the previous disposal of hazardous waste in the on-site landfill and ground-water contamination possibly caused by this previously disposed hazardous waste which was not the subject of the petition, the proposed exclusion applies only to the treatment residue as generated, and not to the on-site landfill.

The Agency's decision to exclude conditionally the treatment residue generated from the wastewater and proposed solids treatment systems at Envirite's Thomaston facility applies only to the wastewater and proposed solids treatment system as described in the petition. The exclusion does not apply to the other proposed process additions described in the petition such as recovery (including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange), and additional sludge drying operations. For the Agency to consider excluding these wastes, Envirite should submit a complete description of these processes, as well as pilot scale and on-line test data to demonstrate their ability to generate a non-hazardous treatment residue after this additional treatment is performed on the waste.

Based on the VHS model analyses, total constituent analyses, the pre-screening process, and the contingency plan, the Agency believes that the treatment residue generated at Envirite Corporation's Thomaston, Connecticut

[41] See the public docket for a complete summary of ground-water monitoring at the Thomaston facility.

[42] After receiving a temporary exclusion in December 1981, the facility began disposing their delisted waste in on-site landfill cells. Initially, the waste was disposed in the un-used portion of a landfill (Cell No. 4), which contained hazardous materials. When that area reached grade, the delisted material was spread over the entire landfill as cover material, over the hazardous and non-hazardous (delisted) materials. Previously filled cells (over which the delisted material was spread) contained hazardous treatment residues generated from 1975 to 1981. Test data submitted by Envirite on the material disposed as hazardous prior to 1981 indicate that the waste was EP toxic.

[43] See footnote 13.

[44] See footnote 11.

[45] See footnote 15.

facility from their wastewater treatment processes and proposed solids treatment process, under the conditions specified above, is non-hazardous (for all reasons). The Agency therefore proposes to exclude conditionally Envirite's treatment residue from hazardous waste control for the following EPA Hazardous Waste Nos.: F006, F007, F008, F009, F011, F012, F019, K062, K002, K003, K004, K005, K006, K007, and K008, as described in their petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the treatment process).[46] In addition, Envirite is still obligated to determine whether the treatment residue exhibits any of the characteristics of a hazardous waste.)

IV. Envirite Corporation—York, Pennsylvania

A. Petition for Exclusion

Envirite Corporation (Envirite), (previously known as Liqwacon Corporation), located in York, Pennsylvania, operates a waste treatment facility for treatment of multiple metal-bearing waste streams for industrial clients.[47] Envirite has petitioned the Agency to exclude the residue produced by its treatment facility. The residue is generated from the treatment of the following EPA Hazardous Wastes:

F006—Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

F007—Spent cyanide plating solutions from electroplating operations.

F008—Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

F011—Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

F012—Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

F019—Wastewater treatment sludges from the chemical cenversion coating of aluminum.

K002—Wastewater treatment sludge from the production of chrome yellow and orange pigments.

K003—Wastewater treatment sludge from the production of molybdate orange pigments.

K004—Wastewater treatment sludge from the production of zinc yellow pigments.

K005—Wastewater treatment sludge from the production of chrome green pigments.

K006—Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).

K007—Wastewater treatment sludge from the production of iron blue pigments.

K008—Oven residue from the production of chrome oxide green pigments.

K061—Emission control dust/sludge from the primary production of steel in electric furnaces.

K062—Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).

K069—Emission control dust/sludge from secondary lead smelting.

K100—Waste leaching solution from the acid leaching of emission control dust/sludge from secondary lead smelting.

The listed constituents of concern for these wastes are summarized as follows:

F006—Cadmium, hexavalent chromium, nickel, and cyanide (complexed)
F007—Cyanide (salts)
F008—Cyanide (salts)
F009—Cyanide (salts)
F011—Cyanide (salts)
F012—Cyanide (complexed)
F019—Hexavalent chromium and cyanide (complexed)
K002—Hexavalent chromium and lead
K003—Hexavalent chromium and lead
K004—Hexavalent chromium
K005—Hexavalent chromium and lead
K006—Hexavalent chromium
K007—Cyanide (complexed) and hexavalent chromium
K008—Hexavalent chromium
K061—Hexavalent chromium, lead, and cadmium
K062—Hexavalent chromium and lead
K069—Hexavalent chromium, lead, and cadmium
K100—Hexavalent chromium, lead, and cadmium.

Based upon the Agency's review of the petition, Envirite was granted a conditional temporary exclusion on December 16, 1981 for EPA Hazardous Waste Nos. F006, F007, F008, F009, F011, F012, F015 and K062 (see 46 FR 61281).[48] The Agency's basis for granting the temporary exclusion (at that time) was the low migration potential of cadmium, chromium, lead, nickel, and cyanide in the waste, and Envirite's stringent pre-screening process for accepting wastes and contingency plan ensuring that levels of constituents in the treatment residue were always within an acceptable range. Since the granting of their temporary exclusion, Envirite submitted an addendum to their original petition in November 1985 expanding the list of wastes to be delisted to include EPA Hazardous Waste Nos. F019, K002, K003, K004, K005, K006, K007, K008, K061, K069, and K100. These wastes are not yet treated by the facility, therefore Envirite's temporary exclusion is still active. Also, since Envirite's temporary exclusion, the Hazardous and Solid Waste Amendments of 1984 were enacted. In part, the Amendments require the Agency to consider factors (including additional toxicants) other than those for which the waste was listed, if the Agency has a reasonable basis to believe that such additional factors could cause the waste to be hazardous. (See section 222 of the Amendments, 42 U.S.C. 6921(f).) As a result, the Agency has re-evaluated Envirite's petition to: (1) Determine whether the temporary exclusion should be made final based on the factors for which it was originally listed; and (2) determine whether the waste is non-hazardous with respect to factors and toxicants other than those for which the waste was originally listed. Today's notice is the result of the Agency's re-evaluation of Envirite's petition.

In support of their petition, Envirite has submitted a detailed description of its pre-screening process, treatment process, and contingency testing plan; total constituent analysis and EP toxicity test results of the treatment residue for each of the listed constituents—cadmium, total chromium, lead, and nickel; and analytical results for total, free, and leachable cyanide. Envirite also submitted total constituent analysis and EP toxicity test results for arsenic, barium, mercury, selenium, and silver; results of total oil and grease analyses; and analytical results for reactive sulfide. Envirite further submitted total constituent analyses for priority pollutant volatile, base/neutral, and acid extractable organic compounds; National Bureau of Standards (NBS) library searches for any other Appendix VIII hazardous constituents that might be present in the waste; an explanation detailing why specific Appendix VIII hazardous constituents were not tested; and a list of clients serviced at the York facility. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.) In addition, Envirite submitted descriptions of proposed process changes presently

[46] See footnote 16.

[47] Envirite also has submitted delisting petitions for its Canton, Ohio, Harvey, Illinois; and Thomaston, Connecticut facilities.

[48] The Agency has reviewed this petition and its original temporary exclusion at the request of Envirite. The Pennsylvania DER already granted Envirite a final exclusion on November 5, 1981. Envirite requested a Federal decision since they may transport the residue to another State at some point in the future.

being considered for its York facility. These changes included solid residue treatment units for treating incoming solid and semi-solid wastes (one such unit is already in operation at Envirite's York facility); recovery operations for metals, acid, and cyanide as an alternative to its current procedures; and a post-treatment sludge drying process. As noted above, the Agency requested much of this information to determine whether toxicants, other than those for which the waste was originally listed, are present in the waste at levels of regulatory concern.[49]

Envirite accepts metal-bearing wastes from industrial clients for treatment. Envirite conducts stringent client pre-screening tests prior to accepting a waste for treatment to ensure that wastes are compatible with the Envirite treatment process. Envirite claims that the pre-screening procedure effectively prevents the acceptance of toxic organic compounds for treatment. Envirite's pre-screening process includes an examination of the client's process description and analytical monitoring of wastes to be treated by Envirite for listed constituents and any Appendix VIII hazardous constituents that might be expected to be present. Other pre-screening parameters include: total organic carbon (TOC), non-listed EP toxic metals, cyanide, ammonia, specific gravity, and analysis for the percent acidity and alkalinity, as well as other non-RCRA metals. In addition, before a given waste is accepted for treatment, it is subjected to a laboratory simulation of Envirite's treatment process. The resulting analysis must show that the treated waste meets Envirite's effluent discharge standards and temporary exclusion. If the treatment residue fails to meet these requirements, it is a hazardous waste and will be managed accordingly.

Envirite's treatment process includes pre-treatment with chromium reduction and cyanide destruction followed by batch treatment with batch formulation (a preplanned combining of wastes from various storage areas and recovery systems for batch treatment), neutralization and hydroxide precipitation, sulfide addition and precipitation, and vacuum filtration. Envirite has added a segregated solid and semi-solid treatment process at its York facility and plans to implement this process at all four of its facilities. Envirite claims that the treatment process used for solid and semi-solid wastes employs the same chemical reactions as are used currently in the liquid waste treatment process; the waste types treated by the liquid and solid processes are the same except for the amount of water the waste contains. Envirite submitted total constituent analysis and EP toxicity test results for wastes treated by the York facility's solids treatment system to show that this process is equally successful in rendering wastes non-hazardous. Envirite also is proposing to initiate recovery operations at the York facility. Recovery operations such as ion exchange, evaporative recovery, crystallization, and electrolytic recovery would be employed prior to waste treatment to remove metals, acid, and cyanide.

Envirite uses an additional quality assurance method to ensure that its treated residues are rendered non-hazardous. Batches that have completed treatment remain in the neutralization tanks and treatment residue samples are subjected to the EP Toxcity Test to ensure the waste's compliance with limits established in the 1981 temporary exclusion (see 46 FR 61281). Treatment residue batches exceeding these limits are re-treated or disposed as hazardous wastes. Based on its stringent pre-screening process, treatment process, and quality assurance plan, Envirite claims that its treatment residue is non-hazardous because the constituents of concern are present either in insignificant concentrations, or if present at significant levels, are essentially in immobile forms. Envirite also believes that the waste is non-hazardous for any other reason.

Envirite initially presented analytical data on eight weekly composite samples collected from the knife of the vacuum filter dewatering system. One sample was taken from each batch processed and stored until the end of the week-long composite sampling period. These samples then were combined in a bench top blender and homogenized. All analytical testing occurred on these homogenized samples. Envirite initially submitted data in October 1984. They collected eight more composite samples in April 1985 to demonstrate that the facility could achieve the ten-fold dilution allowed by the proposed version of the vertical and horizontal spread (VHS) model (see 50 FR 7882, February 26, 1985). As a result of public comments, the Agency modified the VHS model, and the dilution factor applicable to the maximum of 40,000 tons of treatment residue generated at Envirite's York facility was decreased to 6.3 times the drinking water standards for the EP toxic metals and cyanide. Envirite re-sampled each facility's waste in an effort to show that their treatment process also could achieve this lower dilution level. Since Envirite previously had analyzed 16 samples and their exclusion would be conditional as is typical of the Agency's policy for Multiple Waste Treatment Facilities (MWTFs), (*i.e.*, each batch of treatment residue would require testing), the Agency permitted Envirite to collect and re-analyze only 4 composite samples. Sampling methodologies for these 4 samples were similar to those for the previous 16 samples with the exception that each composite sample was collected over a 4-day period rather than a week-long period. This represented a sampling period of approximately 1 month. All samples collected since April 1985 were analyzed for oil and grease, reactive sulfide, and Appendix VIII hazardous constituents. Envirite claims that these sampling periods addressed more than 50 percent of their clients and represented time periods of sufficient length to show the variation in concentrations of listed constituents in their treated wastes (for all of the wastes which were a part of the original delisting request.)

In addition to Envirite's sampling efforts, EPA conducted a spot check sampling visit to the facility in November 1983. Three composite samples were taken of the sludge contained in the dumpsters used to collect treated sludge material until its disposal. One composite sample was taken from the conveyer belt, which leads from the vacuum drum filtration unit to the dumpster.

Total constituent analysis and EP toxicity test results of the treatment residue generated at Envirite's York facility revealed the maximum concentrations reported in Tables 1 and 2.[50]

TABLE 1.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Cadmium	38	<0.03
Chromium (total) [1]	3,160	<.25
Lead	1,875	.14
Nickel	2,280	<.09
Cyanide	<.51	.025 [2]

< Denotes concentrations below the detection limit.

[1] Hexavalent chromium is listed as the constituent of concern for this waste; however, the concentration of total chromium is low enough to make a determination of hexavalent chromium unnecessary.

[2] Leachable cyanide tests were not performed. However, leachable cyanide was determined by assuming that all of the cyanide present would leach according to the 20:1 dilution of the EP toxicity test.

[49] See footnote 4.

[50] See footnote 5.

TABLE 2.—MAXIMUM CONCENTRATIONS

Listed constituents	Total constituent analyses (mg/kg)	EP leachate analyses (mg/l)
Arsenic	<8.80	<0.002
Barium	248	<1.24
Mercury	<.072	<.0072
Selenium	<2.4	<.01
Silver	42	.07

<Denotes concentrations below the detection limit.

Envirite also submitted total constituent analyses for Appendix VIII hazardous constituents potentially present in the waste. Envirite has limited its initial gas chromatographic/mass spectroscopy (GC/MS) analytical work to the volatile, base/neutral, and acid fractions of the priority pollutants and an NBS library scan for remaining Appendix VIII constituents likely to be present. Envirite's rationale for limiting Appendix VIII testing included the deletion of: (1) Toxicants for which there are no known analytical methods; (2) toxicants that are reactive or hydrolyze in water; and (3) toxicants that are present primarily in wastes generated from industries not serviced by Envirite (primarily pharmaceuticals). A more detailed explantion and list of these toxicants is available in the public docket. Maximum concentrations for Appendix VIII hazardous constituents that are potentially present in the treatment residue are reported in Table 3.

TABLE 3.—MAXIMUM CONCENTRATIONS OF ORGANICS IDENTIFIED BY ENVIRITE IN THE TREATMENT RESIDUE (PPM)

Constituents	Total constituent analyses
Bis(2-ethyl hexyl)phthalate	3
Ethyl benzene	.169
Methgyl chloride	1.819
Methyl ethyl ketone	4.116
Tetrachloroethylene	.016
Toluene	1.350

The sludge samples collected by EPA from the sludge dumpsters and conveyor belt were analyzed for total and leachable concentrations of the EP metals, nickel, and cyanide. These concentrations are reported in Table 4.

TABLE 4.—MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK [1]

Listed constituents	Total constituent analyses (mg/kg)	EP toxicity analyses (mg/l)
Arsenic	13.0	<0.02
Barium	120	.85
Cadmium	1,900	<.025
Chromium	31,000	<.2
Lead	94	.24
Mercury	.031	<.001
Selenium	<10	<.05

TABLE 4.—MAXIMUM CONCENTRATIONS FROM EPA SPOT CHECK [1]—Continued

Listed constituents	Total constituent analyses (mg/kg)	EP toxicity analyses (mg/l)
Silver	<2	<.02
Nickel [2]	14,000	31
Cyanide	11.8	

[1] One of Envirite's archived samples was also analyzed, however, this sample represented a batch of waste which was manifested and disposed of as a hazardous waste due to high cadmium extract levels (0.51 ppm).

[2] This nickel extract value represents a filter press sample. Three additional composites of the same "batch" taken from dumpsters on-site exhibited nickel levels below the conditions set in the temporary exclusion.

The samples also were analyzed by EPA for the priority pollutants and volatile organics. Table 5 summarizes concentrations of these organics detected in the samples.

TABLE 5.—MAXIMUM APPENDIX VIII ORGANICS CONCENTRATIONS IDENTIFIED BY EPA FROM SPOT CHECK VISIT (PPM)

Listed constituent	Total constituents analyses
Bis(2-ethyl hexyl)phthalate	3.2
Carbon disulfide	24
Di-n-octyl phthalate	3.4
Toluene	8.5

Envirite also has submitted information regarding a solids treatment process, which exists as a segregated treatment process at the York facility and which is proposed to be added to each of the remaining facilities. Envirite has indicated that the process is similar to their liquids treatment process with the exception that different solid reagents are used in the pre-treatment for hexavalent chromium, cyanide, and metal hydroxides, depending on the moisture content of the waste. Envirite has submitted EP toxicity test analyses on 17 batches of treatment residues generated over 6 weeks from the solids treatment process at the York facility. The maximum extract concentrations from the data are summarized in Table 6.

TABLE 6.—MAXIMUM CONCENTRATIONS FOR THE SOLIDS TREATMENT PROCESS AT THE YORK FACILITY

Constituents	EP Toxicity analyses (mg/l)
Arsenic	<0.88
Barium	<1.24
Cadmium	<.03
Chromium	<.25
Lead	<.68
Mercury	<.0072
Selenium	<.24
Silver	<.07
Nickel	3.58
Cyanide	<2
Cyanide (total in waste)	60.9

The maximum total oil and grease value reported by Envirite was 0.16 percent. Envirite also analyzed the treatment residue for reactive sulfides with the maximum concentration reported to be at the detection limit at <1.0 ppm. Envirite also submitted data indicating that the sludge is not ignitable, corrosive, or reactive.

B. Agency Analysis and Action

Envirite has demonstrated that its original waste treatment system and the new solids treatment system, under specified controlled conditions, produces non-hazardous treatment residues. Envirite has not, however, made this demonstration for the proposed recovery processes, and the drying processes. Should Envirite adjust its processes to include the above treatment changes, it would have to submit a new petition for each change.

The Agency believes that the four samples collected by Envirite from the filter press of the wastewater treatment system over a 1-month period were non-biased and adequately represent any variations that may occur in the treatment residue for this time period for each of the treated wastes except EPA Hazardous Waste Nos. K061, K069, and K100. [51] The key factors that could vary toxicant concentrations in the residue at MWTFs are the addition of new clients, the variation of client processes occuring from time to time, and variations in raw materials used at client waste generator facilities. Variations in raw materials can be expected when the clients of the MWTF perform as job shops or when the product line changes on a seasonal basis. The Agency does not believe it is possible to represent this variation without sampling that would be considered excessive for a delisting petition demonstration. The Agency, therefore, has requested all MWTF petitioners to submit analytical data collected during a 2-month period on a minimum of eight composite samples. [52]

The Agency permitted Envirite to submit only 4 samples based on the final VHS model, as the facility already had submitted 16 samples demonstrating its ability to adjust the treatment process to comply with VHS model modifications. The Agency is familiar with the ability of Envirite's and similar technologies to adjust mixing ratios to achieve lower leachate levels for heavy metals. Furthermore, the final exclusion, when granted, would require testing of each treated batch to ensure compliance with

[51] See footnote 6.

[52] See footnote 7.

the exclusion's specifications. The demonstration with respect to Appendix VIII hazardous constituents still was required, however, to cover a minimum of eight samples collected over a 2-month period.

The Agency has evaluated the mobility of the listed constituents from Envirite's waste using the VHS model.[53] The VHS model generated compliance point values using the 40,000 ton per year maximum generation rate and the maximum extract levels reported by Envirite as input parameters. These predicted compliance point concentrations are reported in Table 7. (When leachate concentrations were below the detection limits, the value of the detection limit was used.)

TABLE 7.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Listed constituents	Compliance point concentrations	Regulatory standards
Cadmium	0.005	0.01
Chromium (total)	.040	.05
Lead	.022	.05
Nickel	.014	.35
Cyanide	.004	.2

The treatment residue exhibited levels for the listed constituents (at the compliance point) below the National Interim Primary Drinking Water Standards, nickel levels below the Agency's interim health advisory [54], and cyanide levels below the U.S. Public Health Service's suggested drinking water standard.[55] Total cyanide levels in the treatment residue also are below the Agency's threshold limit of 250 ppm.[56]

The Agency also concluded, through using the VHS model, that no other EP toxic metals are present in the sludge at levels of regulatory concern (*i.e.*, none are above any regulatory standard at the compliance point in the VHS model). The compliance point values generated from these extract levels are displayed in Table 8.

TABLE 8.—VHS MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS (PPM)

Nonlisted constituents	Compliance point concentrations	Regulatory standards
Arsenic	0.0003	0.05
Barium	.196	1.0
Mercury	.0011	.002
Selenium	.0016	.01
Silver	.011	.05

[53] See footnote 8.
[54] See footnote 9.
[55] See footnote 10.
[56] See footnote 11.

The treatment residue sampled during EPA's spot check sampling visit in December 1983 was generated under the specifications of the temporary exclusion. The Agency notes that all three of the dumpster samples analyzed were within the acceptable limits of the conditional temporary exclusion (*i.e.*, 30 times the respective standards) for all EP toxic metals and nickel. If the Agency evaluated these samples using the VHS model, the compliance point concentrations for all of the EP toxic metals would be below their respective standards. Nickel extract levels would, however, generate a compliance point concentration above the Agency's interim health advisory for nickel in one of three dumpster samples and the filter press sample. The Agency cannot determine if this particular "batch" failed the VHS model analysis for nickel since the fourth dumpster of the "batch" was not yet generated. Extract values from composite samples from each of the four dumpsters would have been "averaged" by compositing all of the samples to determine whether the batch passed the limits of the conditional exclusion. (Nickel extract levels for the three dumpsters were 2.2, 20.0 and <0.25 ppm). If the Agency assumes that the 31 ppm filter cake extract value represents the fourth dumpster of this batch, a mathematical average of the four nickel values would pass the conditions of the temporary but would fail the VHS evaluation. Therefore, because the "batch" had not been completely generated and due to the fact that Envirite has 'nodified its treatment process to meet the 6.3 dilution requirement of the VHS model, the Agency believes that it would be inappropriate to consider these data in the VHS model evaluation.[57]

The Agency also has evaluated the mobility of organic constituents detected in the sludge by first estimating their leachate concentrations with the Organic Leachate Model (OLM), and then predicting their compliance point concentrations with the VHS model.[58] Predicted leachate concentrations, compliance point levels, and regulatory standards are presented in Table 9.

TABLE 9.—VHS. MODEL: CALCULATED COMPLIANCE POINT CONCENTRATIONS [1] (PPM)

Constituents	Predicted leachate concentrations		Compliance point concentrations		Regulatory standards
	Base	(95%)	(Base)	(95%)	
Bis(2-ethyl hexyl) phthalate	0.0033	0.0044	0.0005	0.0007	0.7
Carbon disulfide	.346	.449	.055	.071	3.5
Di-n-octyl phthalate	.0071	.0092	.0011	.0014	.6
Ethyl benzene	.0024	.0035	.00038	.00056	3.5
Methylene chloride	.125	.171	.020	.027	.056
Methyl ethyl ketone	.580	.849	.092	.135	1.75
Tetrachloroethylene	.0008	.0012	.00012	.00019	.0007
Toluene	.094	.115	.015	.018	10.5

[1] Since the Organic Leachate Model (OLM) has not been finalized, both the baseline equation and 95 percent confidence interval (applied to the baseline) are calculated here. Once finalized, only one of these two versions will apply.

Table 9 lists only those constituents found in the treatment residue above detection limits. In each instance, the resulting predicted compliance point concentrations were below the Agency's respective regulatory standards. Although the levels of organic compounds present in Envirite's waste are not of regulatory concern, given the changeable nature of clients and wastes accepted by the facility for treatment, the Agency believes it necessary to incorporate organics batch testing into the contingency testing program to ensure that stray organic constituents are not present in the treatment residue at levels of regulatory concern.

The Agency believes that a conditional exclusion can be granted for Envirite's York facility. The conditions of the exclusion would necessitate continuous batch testing for the EP toxic metals, nickel, cyanide, and those organics detected in the treatment residue. The Agency believes this testing requirement is necessary due to the inherent variability encountered by a changing client base, the process variation associated with each of the clients serviced, the high concentrations of toxic constituents in the incoming wastes and in the treatment residue, and the high volumes of treatment residue generated annually by Envirite.

This testing requirement is self-implemented, that is, the results of testing each batch need not be reviewed by State or Federal EPA representatives prior to disposal. The test data must be recorded and kept on file at the facility for inspection purposes and must be

[57] The Agency specifically requests comments on this interpretation.

[58] See footnote 12.

compiled, summarized, and submitted to the Agency on a semi-annual basis.

The Agency, therefore, proposes to grant an exclusion to the Envirite facility providing that the following contingency testing program is followed:

(1) Each batch [59] of treatment residue must be representatively sampled and tested using the EP toxicity test for the EP toxic metals and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium levels exceed 0.063 ppm; mercury levels exceed 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste will be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting requirements of 40 CFR Part 270.

(2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If reactive cyanide levels exceed 250 ppm [60] or leachable cyanide levels (using the EP toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.

(3) Each batch must be tested for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. This list of organic constituents is a compilation of organics detected at each of Envirite's four facilities.[61] The Agency notes that this condition does not allow retreating as does condition 1 and 2, because Envirite's existing treatment process is not designed for organics treatment.

Compound	Maximum acceptable levels [1] (ppm)	
	(Base)	(95%)
Anthracene	72	45
1,2-Diphenyl hydrazine	0.001	0.0005
Methylene chloride	8.18	5.27
Methyl ethyl ketone	313	175
n-Nitrosodiphenylamine	11.9	9.1
Phenol	1,566	882
Tetrachloroethylene	.188	.113
Trichloroethylene	.592	.376

[1] Since the OLM has not been finalized, both versions of the model (*i.e.*, the baseline equation and the 95 percent confidence interval applied to the baseline) are calculated here. Once finalized, only one of these two versions will apply.

(4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed above, as well as the remaining organics on the priority pollutant list. (See 47 *FR* 52309, November 19, 1982, for a list of the priority pollutants.) These data must be kept on file at the facility, and submitted to the Administrator by certified mail semi-annually. The Agency has required that these additional scans be run on monthly composites to determine if additional organic constituents should be added to the group of parameters tested on a batch basis due to variation of existing client wastes or variation of the client base. The Agency will review this information and, if needed, will propose to modify or withdraw the exclusion.

(5) Due to insufficient analytical data, this exclusion does not apply to EPA Hazardous Waste Nos. K061, K069, and K100. If Envirite desires to delist these waste types, they must submit a new petition providing the necessary analytical data demonstrating the effectiveness of the treatment process in rendering these wastes non-hazardous.

The Agency's decision to exclude conditionally the treatment residue generated from the wastewater and solids treatment systems at Envirite's York facility applies only to the systems as they presently exist as described in the delisting petition. The exclusion does not apply to the other proposed process additions described in the petition such as recovery (including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange), and additional sludge drying capacities. For the Agency to consider these wastes, Envirite should submit a complete description of these processes, as well as pilot scale and on-line test data to demonstrate their ability to generate a non-hazardous treatment residue after this additional treatment is performed on the waste.

Based on the VHS model analyses, total constituents analyses, the pre-screening process, and the contingency plan, the Agency believes that the treatment residue generated at Envirite Corporation's York, Pennsylvania facility from their wastewater treatment processes, under the conditions specified above, is non-hazardous (for all reasons). The Agency therefore proposes to exclude conditionally Envirite's treatment residue from hazardous waste control for the following EPA Hazardous Waste Nos.: F006, F007, F008, F009, F011, F012, F019, K062, K002, K003, K004, K005, K006, K007, and K008, as described in their petition. (The Agency notes that the exclusion remains in effect unless the waste varies from that originally described in the petition (*e.g.*, the waste is altered as a result of changes in the treatment process).[62] In addition, Envirite is still obligated to determine whether the treatment residue exhibits any of the characteristics of a hazardous waste.)

V. Effective Date

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

VI. Regulatory Impact

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

VII. Regulatory Flexibility Act

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

This amendment will have no effect of increasing overall waste disposal costs.

[59] See footnote 13.

[60] See footnote 11.

[61] See footnote 15.

[62] See footnote 16.

For the four facilities that may be excluded, this amendment will reduce the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this proposed regulation will not have a significant economic impact on a substantial number of small entities.

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

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: October 7, 1986.

Jeffrey D. Denit,

Acting Director, Office of Solid Waste.

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

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

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

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

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
Envirite Corp ...	Canton, OH; Harvey, IL; Thomaston, CT; and York, PA.	Dewatered wastewater sludges (EPA Hazardous Waste No. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. FO12) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. FO19) generated from the chemical conversion coating of aluminum after October 15, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusion to be valid: (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 268 and the permitting standards of 40 CFR Part 270. (2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 268 and the permitting standards of 40 CFR Part 270. (3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 72 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds, 313 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.19 ppm, or trichloroV ethylene exceeds 0.59 ppm, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 268 and the permitting standards of 40 CFR Part 270. (4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed in #3 above as well as the remaining organics on the priority pollutant list. (See 47 *FR* 52309, November 19, 1982, for a list of the Priority pollutants.) (5) The data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail semi-annually. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at these facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery including crystalization, electrolytic metals recovery, evaporative recovery, and ion exchange.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Envirite Corp..	Canton, OH; Harvey, IL; Thomaston, CT; and York, PA.	Spent pickle liquor (EPA Hazardous Waste No. K062) generated from steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332); wastewater treatment sludges (EPA Hazardous Waste No. K002) generated from the production of chrome and orange pigments; wastewater treatment sludges (EPA Hazardous Waste No. K003) generated from the production of molubdate orange pigments; wastewater treatment sludges (EPA Hazardous Waste No. K004) generated from the production of zinc yellow pigments; wastewater treatment sludges (EPA Hazardous Waste No. K005) generated from the production of chrome green pigments; wastewater treatment from the production of chrome oxide green pigments (anhydrous and hydrated) wastewater treatment sludges (EPA Hazardous Waste No. K007) generated from the production of iron blue pigments; oven residues (EPA Hazardous Waste No. K008) generated from the production of chrome oxide green oxide pigments after October 15, 1986. To insure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the pertinent wastes. This testing program must meet the following conditions for the exclusions to be valid: (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for the EP Toxic metals, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste will be retreated or managed and disposed of as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm; or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be retreated or managed and disposed of as hazardous. (3) Each batch of waste must be tested for the total content of the organic toxicants listed below. If the total content of any of these constituents exceeds the maximum levels listed below, the waste must be managed and disposed of as a hazardous waste under 40 CFR Parts 262 and 165 and the permitting standards of 40 CFR Part 270: Compound (Maximum Acceptable Level): methylene chloride 0.885; 1,1-dichloroethene, 1.2-dichloroethane, 9.9; 1,2-dichloroethene, 9.9; chloroform, 0.018; 1,1,1-trichloroethane, 44.0; carbon tetrachloride, 0.111; trichloroethylene, 0.805; benzene, 0.164; 1,1,2-trichloroethane, 0.0393; tetrachloroethylene, 1.0; toluene, 1802; carbon disulfide, 1,2,4-trichlorobenzphenol, 50.0. (4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GMS analysis for the compounds listed above as well as the remaining organics on the priority pollutant list (see 47 FR 52309, November 19, 1982, Appendix A126 Priority Pollutants). (5) The test data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail, semi-annually. The Agency will review this information and if needed, will propose to modify or withdraw the exclusion. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at each of Envirite's facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery including crystalization, electrolytic metals recovery, evaporative recovery, and ion exchange.

[FR Doc. 86–23101 Filed 10–14–86; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket No. 86–22]

Miscellaneous Amendments to Rules of Practice and Procedure; Availability of Finding of No Significant Impact

AGENCY: Federal Maritime Commission.

ACTION: Availability of finding of no significant impact.

SUMMARY: The Commission has completed an environmental assessment of a proposed rule in Docket No. 86–22 and found that its resolution of this proceeding will not have a significant impact on the quality of the human environment.

DATE: Petitions for review are due October 27, 1986.

ADDRESS: Petitions for review (Original and 15 copies) to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573.

FOR FURTHER INFORMATION CONTACT: Edward R. Meyer, Office of Special Studies, 1100 L Street NW., Washington, DC 20573.

SUPPLEMENTARY INFORMATION: Upon completion of an environmental assessment, the Federal Maritime

Commission's Office of Special Studies has determined that the Commission's proposed rule in Docket No. 86–22 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. section 4321 *et seq.*, and the preparation of an environmental impact statement is not required.

In Docket No. 86–22 the Commission proposes to revise its Rules of Practice and Procedure. Proceedings before the Federal Maritime Commission are conducted pursuant to the Commission's Rules of Practice and Procedure, 46 CFR Part 502. The proposed amendments would revise the Commission's Rules of Practice and Procedure to provide, among other things, for appeals from Commission staff actions and a procedure for the filing of a brief of amicus curiae in adjudicatory proceedings.

This Finding of No Significant Impact (FONSI) will become final within 10 days of publication of this notice in the Federal Register unless a petition for review is filed pursuant to 46 CFR 504.6(b).

The FONSI and related environmental assessment are available for inspection upon request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, DC 20573, telephone (202) 523–5725.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86–23217 Filed 10–14–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 67 and 69

[CC Dockets 78–72 and 80–286]

MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Proposed rule, extension of reply comment period.

SUMMARY: The Common Carrier Bureau has partially granted the request of the Organization for the Protection and Advancement of Small Telephone Companies (OPASTCO) for an extension in the deadline for filing comments in the Commission's Further Notice of Proposed Rulemaking in the above-reference dockets released July 2, 1986, FCC 86–305 published on 51 FR 27426, July 31, 1986. That Further Notice, which seeks to determine what further steps the Commission should take to promote the goals of its access charge proceeding, directed interested parties to file comments on the designated issues on August 29, 1986 and reply comments no later than October 1, 1986. OPASTCO requested an extension allowing replies to be filed as late as October 15, 1986. OPASTCO requested an extension because of the delay in the distribution of comments to parties participating in this access charge proceeding resulting from the revised procedures for filing comments established by the Commission subsequent to release of the Further Notice. In this Order, the Bureau has granted an extension for reply comments until October 9, 1986.

DATES: Reply Comments are due October 9, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Anne M. Siegel, Policy and Program Planning Division, Common Carrier Bureau, (202) 632–6363.

SUPPLEMENTARY INFORMATION: This is a summary of the Order granting an extension of time for the filing of reply comments in response to the Commission's Further Notice of Proposed Rulemaking released July 2, 1986 in CC Docket Nos. 78–72 and 80–286.

The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Carl D. Lawson,

Deputy Chief, Common Carrier Bureau.

[FR Doc. 86–23195 Filed 10–14–86; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 86–373, RM–5424]

Radio Broadcasting Services; Cherryvale, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Jon E. Hotaling proposing to allot FM Channel

263A to Cherryvale, Kansas, as that community's first FM broadcast channel.

DATES: Comments must be filed on or before November 24, 1986, and reply comments on or before December 9, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Jon E. Hotaling, P.O. Box 6, Hays, Kansas 67601 (Petitioner).

FOR FURTHER INFORMATION CONTACT: D. David Weston, (202) 634–6530, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 86–373, adopted September 16, 1986, and released October 2, 1986. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 86–23196 Filed 10–14–86; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1162 and 1312

[Ex Parte No. MC–165 (Sub-No. 2)]

Exemption of Water Contract Carriers From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Water contract carriers are currently required to comply with Commission tariff filing regulations at 49 CFR Parts 1162 and 1312. The Commission is proposing to exempt water contract carriers from all such filing requirements pursuant to 49 U.S.C. 10761(b). It tentatively finds that such an exemption would be consistent with the public interest and the transportation policy of 49 U.S.C. 10101.

DATE: Comments are due on November 14, 1986.

ADDRESS: Send an original and, if possible, 10 copies of comments referring to Ex Parte No. MC–165 (Sub-No. 2) to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:

Marc A. Lerner, (202) 275–7150

or

Louis E. Gitomer, (202) 275–7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 275–7428.

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

Under 5 U.S.C. 601, *et seq.*, we are required to analyze the potential impact of the proposed rule on small entities. Because of the relatively small number of water contract carriers, we tentatively conclude that the proposed rule will not have a significant economic impact on a substantial number of small entities. We do conclude, however, that any impact on these carriers will be beneficial as it will reduce carrier costs.

List of Subjects

49 CFR Part 1162

Administrative practice and procedure, Maritime, carriers, and Motor carriers.

49 CFR Part 1312

Freight forwarders, Maritime carriers, Motor carriers, and Railroads.

Authority: 49 U.S.C. 10321 and 10761 and 5 U.S.C. 553.

Decided: October 7, 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 proposed to be amended as follows:

PART 1162—TEMPORARY AUTHORITY (TA) AND EMERGENCY TEMPORARY AUTHORITY (ETA) PROCEDURES UNDER 49 U.S.C. 10928

1. The authority citation for Part 1162 continues to read as follows:

Authority: 49 U.S.C. 10321 and 10928; 5 U.S.C. 559.

§ 1162.3 [Amended]

2. Section 1162.3(b) would be amended by adding water contract carriers to the exception in parenthesis in sentence one. As revised, the first sentence would read as follows:

* * * * *

(b) A carrier (except a motor contract carrier of property or a water contract carrier) may not lawfully perform transportation under a grant of TA or ETA until compliance has been made with the rate and other requirements of 49 U.S.C. 10761 and 10762. * * *

§ 1162.5 [Amended]

3. Section 1162.5(b) would be amended by adding water contract carriers to the exception in parenthesis in sentence one of paragraph (1). As revised, the first sentence would read as follows:

* * * * *

(b) * * *

(1) Each application for ETA (except an application seeking authority as a

motor contract carrier of property or a water contract carrier) shall be accompanied by a statement of the rates, fares, charges, and other tariff or schedule provisions to become effective if the application is granted. * * *

* * * * *

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

4. The authority citation for Part 1312 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10708, 10761 and 10762; 5 U.S.C. 553.

§ 1312.12 [Amended]

5. Section 1312.12(e) would be amended by deleting "water and" in sentence one in paragraph (1). As revised, the first sentence would read as follows:

* * * * *

(e) * * *

(1) (This paragraph applies to motor passenger contract carriers.) * * *

* * * * *

§ 1312.14 [Amended]

6. Section 1312.14(a) would be amended by deleting "water and" from the fifth sentence of paragraph (1). As revised, that sentence would read as follows:

(a) * * *

(1) * * * Tariffs of motor passenger contract carriers shall provide an explicit statement of the minimum rates, fares, or charges actually maintained.

* * * * *

[FR Doc. 86-23268 Filed 10-14-86; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 51, No. 199
Wednesday, October 15, 1986

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Cannonville Farm Irrigation RC&D Measure Plan, Garfield County, UT

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cannonville Farm Irrigation RC&D Measure Plan, Garfield County, Utah.

FOR FURTHER INFORMATION CONTACT: Francis T. Holt, State Conservationist, Soil Conservation Service, P.O. Box 11350, Salt Lake City, Utah 84147, telephone 810–524–5050.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Francis T. Holt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for pressurized sprinkler irrigation system with hydro-electric plant to conserve water and improve irrigation water management. The planned works of improvement include installing approximately 5 miles of pressure pipeline, hydro electric plant, diversion structure and storage reservoir, movable sprinkler and technical assistance for irrigation water management.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Francis T. Holt.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Executive Order 12372 regarding state and local clearing house review of federal and federally assisted programs and projects is applicable)

Norman W. Priest,

Acting State Conservationist.

[FR Doc. 86–23251 Filed 10–14–86; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

[C-351-608]

Preliminary Negative Countervailing Duty Determination; Paint Filters and Strainers From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that no benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of paint filters and strainers. Therefore, our preliminary countervailing duty determination is negative. We have notified the U.S. International Trade Commission (ITC) of our determination.

If this investigation proceeds normally, we will make our final determination by December 22, 1986.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Thomas Bombelles, Bradford Ward, 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) 377–3174, 377–2239 or 377–2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that no benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Brazil of paint filters and strainers.

Case History

On July 15, 1986, we received a petition in proper form filed by the Louis M. Gerson Co., Inc., a domestic producer of paint filters and strainers.

In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in Brazil of paint filters and strainers receive, directly or indirectly, subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on August 4, 1986, we initiated such an investigation (51 FR 28739, August 11, 1986). On August 12, 1986, petitioner amended its petition to allege critical circumstances and requested clarification of the class or kind of merchandise to be included in the scope of investigation. We stated that we expected to issue a preliminary determination by October 8, 1986.

Since Brazil is entitled to an injury determination under section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchandise from Brazil materially injure, or threaten material injury to, a U.S. industry. Therefore, we notified the ITC of our initiation. On August 29, 1986, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil of paint filters and strainers (51 FR 32257, September 10, 1986).

On August 15, 1986, we presented a questionnaire to the government of Brazil in Washington, DC concerning the petitioner's allegations and requested a response by September 15, 1986. On

September 12, 1986, upon request of respondents, we granted additional time to submit a response. On September 22, 1986, we received a response to our questionnaire.

On September 26, 1986, after a review of the questionnaire response, we requested additional information. We received such information on October 1 and October 3, 1986.

There is one known producer and exporter in Brazil of paint filters and strainers that exported to the United States during the review period. That producer is Industrias Celulosa e Papel Guaiba (CELUPA). According to the Government of Brazil, CELUPA accounts for substantially all exports of paint filters and strainers to the United States.

Scope of Investigation

The products covered by this investigation are disposable paint filters and strainers, of paper, containing cotton gauze, provided for in item 256.9080 of the *Tariff Schedules of the United States Annotated* (TSUSA); disposable paint filters and strainers of cotton gauze, containing paper, provided for in item 386.5300 of the TSUSA; and disposable paint filters and strainers of nylon mesh, containing paper, provided for in item 389.6270 of the TSUSA.

Subsequent to our initiation of this investigation, petitioner requested that we clarify this section of our notice to cover disposable paint filters and strainers including those with nylon mesh, containing paper, as described above.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order" (49 FR 18006, April 26, 1984).

Consistent with our practice in preliminary determinations, when a response to an allegation denies the existence of a program, receipt of benefits under a program, or eligibility of a company or industry under a program, and the Department has no persuasive evidence showing that the response is incorrect, we accept the response for purposes of the preliminary determination. All such responses are subject to verification. If the response cannot be supported at verification, and the program is otherwise countervailable, the program will be considered a subsidy in the final determination.

For purposes of this preliminary determination, the period for which we are measuring subsidization ("the review period") is calendar year 1985. In its response, the Government of Brazil provided data for the applicable period, including financial statements, for CELUPA.

Based upon our analysis of the petition and the response to our questionnaire, we preliminarily determine the following:

I. Programs Preliminarily Determined Not to be Used

We preliminarily determine that manufacturers, producers, or exporters in Brazil of paint filters and strainers did not use the following programs which were listed in our notice of "Initiation of a Countervailing Duty Investigation: Paint Filters and Strainers from Brazil" (51 FR 28739, August 11, 1986):

A. Income Tax Exemptions for Export Earnings

Under Decree-Laws 1158 and 1721, Brazilian exporters are eligible for an exemption from income tax on a portion of profits attributable to export revenue.

In its response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not claim this deduction on its 1984 tax return (filed in 1985) and, therefore, did not benefit from this program during the review period.

B. Preferential Working-Capital Financing for Exports

The Carteira do Comercio Exterior (Foreign Trade Department, or CACEX) of the Banco do Brasil administers a program of short-term working capital financing for the purchase of inputs. During the review period, these loans were provided under Resolution 950, as amended by Resolution 1009.

Under Resolution 950, as amended, the Banco do Brasil pays the lending institution an equalization fee of up to 15 percent of the interest (after monetary correction). According to the response, the lending bank passes the 15 percent equalization fee on the borrower in the form of a reduction of the interest due. Receipt of the equalization fee by the borrower reduces the interest rate on these working capital loans below the commercial rate of interest. Resolution 950 loans are also exempt from the Imposto Sobre Operacoes Financieras (IOF), a tax charged on all domestic financial transactions in Brazil.

The Government of Brazil stated in its response that the paint filters and strainers producer under investigation had no loans under this program outstanding or with payments during the review period.

C. Export Financing Under the CIC–CREGE 14–11 Circular

Under its CIC–CREGE 14–11 Circular (14–11), the Banco do Brasil provides 180- and 360-day cruzeiro loans for export financing, on the condition that companies applying for these loans negotiate fixed-level exchange contracts with the bank. Companies obtaining a 360-day loan must negotiate exchange contracts with the bank in an amount equal to twice the value of the loan. Companies obtaining a 180-day loan must negotiate an exchange contract equal to the amount of the loan. Loans under this program are also exempt from the IOF.

The Government of Brazil stated on its response that the paint filters and strainers producer under investigation had no loans under this program outstanding or with payments during the review period.

D. Resolution 330 of the Banco Central do Brasil

Resolution 330 provides financing for up to 80 percent of the value of the merchandise placed in a specified bonded warehouse and destined for export. Exporters of paint filters and strainers would be eligible for financing under this program. However, the Government of Brazil stated in its response that the paint filters and strainers producer under investigation did not participate in this program during the review period.

E. The BEFIEX Program

The Comissao para a Consessao de Beneficios Fiscais a Programas Especiais de Exportacao (Commission for the Granting of Fiscal Benefits to Special Export Programs or BEFIEX) grants at least seven categories of benefits to Brazilian exporters:

- First, under Decree-Law 77.065, BEFIEX may reduce by 70 to 90 percent import duties and the Imposto sobre Produtos Industrializados (Tax on Industrial Products or IPI) on the importation of machinery, equipment, apparatus, instruments, accessories and tools necessary for special export programs approved by the Ministry of Industry and Trade, and may reduce by 50 percent import duties and the IPI tax on imports of components, raw materials and intermediary products;
- Second, under article 13 of Decree No. 72.1219, BEFIEX may extend the

carry-forward period for tax losses from four to six years;

• Third, under Article 14 of the same decree, BEFIEX may allow special amortization of pre-operational expenses related to approved products;

• Fourth, pursuant to long-term contracts under the BEFIEX program, the Government of Brazil may continue to provide and certain exporting companies may continue to receive the IPI Export Credit Premium beyond the termination date of that program;

• Fifth, a total exemption from import duties, IPI, and a tax on distribution of goods may be provided for specially approved export programs;

• Sixth, Federal tax liability may be reduced through use of a supplementary income tax on dividends from export income; and

• Seventh, the "law of similars," which prohibits importation of products competitive with Brazilian-made products, may be waived.

In its response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not participate in this program during the review period.

F. *The CIEX Program*

Decree-Law 1428 authorized the Comissao para Incentivos a Exportacao (Commission for Export Incentives or CIEX) to reduce import taxes and the IPI tax up to 10 percent on certain equipment for use in export production. In its response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not participate in this program during the review period.

G. *Accelerated Depreciation for Brazilian-Made Capital Equipment*

Pursuant to Decree-Law 1137, any company which purchases Brazilian-made capital equipment and has an expansion project approved by the Conselho do Desenvolvimento Industrial (Industrial Development Council or CDI) may depreciate this equipment at twice the rate normally permitted under Brazillian tax laws. In the response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not use this program during the review period.

H. *Incentive for Trading Companies*

Under Resolution 643 of the Banco Central do Brasil, trading companies can obtain export financing similar to that obtained by manufacturers under Resolution 950. In its response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not receive any benefits under this program during the review period.

I. *The PROEX Program*

Short-term credits for exports are available under the Programa de Financiamento a Producao para a Exportacao (Export Production Financing Program or PROEX), a loan program operated by Banco Nacional do Desenvolvimeto Economico e Social (National Bank of Economic and Social Development or BNDES). In its response, the Government of Brazil stated that the paint filters and strainers producer under investigation did not receive loans or have loans outstanding under this program during the review period.

J. Resolutions 68 and 509 (FINEX) Financing

Resolutions 68 and 509 of the Conselho Nacional do Comercio Exterior (National Foreign Trade Council or CONCEX) provide the CACEX may draw upon the resources of the Fundo de Financiamento Exportacao (Export Financing Fund or FINEX) to extend dollar-denominated loans to both exporters and foreign buyers of Brazilian goods. Fianancing is granted on a transaction-by-transaction basis. In its response, the Government of Brazil stated that neither the paint filters and strainers producer under investigation nor U.S. buyers of the subject merchandise received or had outstanding, Resolution 68 or 509 loans during the review period.

K. *Loans Through the Apoio o Desenvolvimento Tecnologica a Empresa Nacional (ADTEN)*

Petitioner alleges that the Government of Brazil maintains, through the Financiadora de Estudos Projectos (Financing of Research Projects or FINEP), a loan program, ADTEN (Support of the Technological Development of National Enterprises), that provides long-term loans on terms inconsistent with commercial considerations to encourage the growth of industries and developoment of technology. In its response, the government of Brazil stated that the company under investigation received no loans or had loans outstanding under this program during the review period.

Negative Preliminary Determination of Critical Circumstances

On August 12, 1986, petitioner amended the July 15, 1986 petition to allege that, pursuant to section 703(e) of the Act, critical circumstances exist with respect to paint filters and strainers from Brazil. Subsequently, we began our investigation of the allegation.

Under section 703(e)(1) of the Act, critical circumstances exist if we find there is a reasonable basis to believe or suspect that:

(A) The alleged subsidy is inconsistent with the Agreement, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of investigation over a relatively short period.

Because our preliminary determination is negative, we have determined that manufacturers, producers, or exporters in Brazil of paint filters and strainers do not receive any subsidies inconsistent with the Agreement. Accordingly, we do not need to consider whether there have been massive imports over a relatively short period of time.

Therefore, we preliminarily determine there is no reasonable basis to believe or suspect that critical circumstances exist with respect to imports of paint filters and strainers from Brazil.

Verification

In accordance with section 776(a) of the Act, we will verify the data used in making our final determination. We will not accept for our final determination any statement in response that cannot be verified.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary informaion relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without consent of the Deputy Assistnt Secretary for Import Administration.

If our final determination is affirmative, the ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 75 days after the Department makes its final determination.

Public Comment

In accordance with § 355.35 of the Commerce Regulations (19 CFR 355.35) we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination, at 10:00 on November 7, 1986, at the U.S. Department of Commerce, Room 1413,

14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B–099, at the above address within ten days of the publication of this notice in the **Federal Register.**

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least ten copies of the proprietary version and seven copies of the non-proprietary version of the pre-hearing briefs must be submitted to the Deputy Assistant Secretary by October 31, 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 written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within ten days after the hearing transcript is available.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

October 8, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86–23244 Filed 10–14–86; 8:45 am]

BILLING CODE 3510–DS–M

[C–469–601]

Extension of the Deadline Date for the Final Countervailing Duty Determination and Rescheduling of the Public Hearing; Porcelain-on-Steel Cooking Ware From Spain

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of petitioners, the General Housewares Corporation and the Porcelain-on-Steel Committee of the Cookware Manufactures Association, we are extending the deadline date for the final determination in the countervailing duty investigation of porcelain-on-steel cooking ware from Spain to correspond to the date of the final determination in the antidumping investigation of the same product pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98–573). In addition, we are rescheduling the public hearing.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Alain Letort or Gary Taverman Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–0186 or 377–0161.

SUPPLEMENTARY INFORMATION:

Case History

On June 30, 1986, we received antidumping and countervailing duty petitions filed by the General Housewares Corporation and the Procelain-on-Steel Manufactures Association against porcelain-on-steel cooking ware from Spain.

In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the antidumping petition alleged that imports of porcelain-on-steel cooking ware from Spain are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate an antidumping duty investigation, and on July 21, 1986, we initiated such an investigation (51 FR 26729, July 25, 1986). The preliminary determination in this antidumping investigation will be made on or before December 8, 1986.

In compliance with the filing requirements of § 355.26 of our regulations (19 CFR 355.26), the countervailing duty petition alleged that manufacturers, producers, or exporters in Spain of porcelain-on steel cooking ware directly or indirectly receive benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds on which to initiate a countervailing duty investigation, and on July 21, 1986, we initiated such an investigation (51 FR 26730, July 25, 1986). On September 23, 1986, we issued a preliminary negative determination in the countervailing duty investigation (51 FR 34480, September 29, 1986).

On October 3, 1986, petitioners filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the date of the final determination in the antidumping investigation.

Section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated simultaneously with an (antidumping) investigation . . . which involves imports of the same class of kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend the date of the final determination (in the countervailing duty investigation) to the date of the final determination" in the antidumping investigation [19 U.S.C. 1671d(a)(1)]. Pursuant to this provision, we are granting an extension of the deadline date for the final determination in the countervailing duty investigation of porcelain-on-steel cooking ware from Spain to February 20, 1987, the current deadline for the final determination in the antidumping investigation.

In addition, due to the extension of the final determination in the countervailing duty investigation, we are rescheduling the date of the public hearing, originally set for November 7, 1986. If requested, this hearing will now be held at 10:00 a.m. on December 15, 1986, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room B–099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearing briefs must be submitted to the Deputy Assistant Secretary by December 8, 1986. Oral presentations will be limited to issues raised in the briefs.

In accordance with 19 CFR 355.33(d) and 355.34, all written views will be considered if received not less than 30 days before the final determination is due, or, if a hearing is held, within 10 days after the hearing transcript is available.

October 8, 1986.

Gilbert B. Kaplan,

Deputy Assistance Secretary for Import Administration.

[FR Doc. 86–23246 Filed 10–14–86; 8:45 am]

BILLING CODE 3510–DS–M

Applications, for Duty-Free Entry of Scientific Instruments; North Carolina State University 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 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. 86–318 *Applicant:* North Carolina State University, Department of Chemistry, Box 8204, Raleigh, NC 27695–8204. *Instrument:* Mass Spectrometer, Model JMS–HX110 with Accessories. *Manufacturer:* JEOL, Japan. *Intended Use:* The instrument is intended to be used to analyze compounds under investigation in biotechnology research such as proteins, glycoproteins and polysaccharides. Other compounds will include organic chemicals, polymers from textile research and high molecular weight adducts and conjugates of potentially toxic substances like drugs and pesticides. In addition, the instrument will be used for educational purposes in the course Organic Mass Spectrometry, 595Y. *Application received by Commissioner of Customs:* September 15, 1986.

Docket No.: 86–319 *Applicant:* Yale University School of Medicine, 333 Cedar Street, New Haven, CT 06510. *Instrument:* Inverted Microscope with attachments. *Manufacturer:* Zeiss Optical, West Germany. *Intended Use:* The instrument is intended to be used to study the mechanism of electrolyte transport across individual cell membrane. Specific aims of this research will include the mechanism by which endogenous hormones affect Na and K transport across epithelial cells that line the intestinal tract and the functional units of the kidney, the nephron. In addition to direct research studies, the intrument will be used to train post-graduate students in medicine in physiological approaches for studying living cells. *Application received by Commissioner of Customs:* September 17, 1986.

Docket No.: 86–320. *Applicant:* Yale University School of Medicine, 333 Cedar Street, New Haven, CT 06510. *Instrument:* Piezomanipulator, Model PM 20B with Accessories. *Manufacturer:* Biomedizinische Instrumente, West Germany. *Intended Use:* The instrument is intended to be used for measurement of voltage and resistance of individual cell membranes by impalement of individual cells. Experiments will be conducted to determine mechanism by which chloride is secreted by epithelial cells. In addition, the instrument will be used to instruct post graduate students, in advanced methods for studying the function of epithelial cells. *Application received by Commissioner of Customs:* September 18, 1986.

Docket No.: 86–322. *Applicant:* Gulf Coast Research Laboratory, P.O. Box 7000, East Beach, Ocean Springs, MS 39564. *Instrument:* Electron Microscope, Model JEM–100SX. *Manufacturer:* JEOL, Japan. *Intended Use:* The instrument is intended to be used primarily in cell biological studies on diseases, nutrition and development of shrimp species used in development of maricultured shrimp. Diseases that will be studied include those with viral, bacterial, protozoan, metazoan, and environmental etiologies. Nutrition studies will focus on how cells of the hepatopancreas assimilate, store, and release nutrients. Developmental studies will concern mainly changes in cells and tissues during metamorphosis and within stages and how those changes relate to disease and nutrition. *Application received by Commissioner of Customs:* September 22, 1986.

Docket No.: 86–324. *Applicant:* Los Angeles County Medical Center, 1200 North State Street, Los Angeles, CA 90033. *Instrument:* Electron Microscope, Model EM 109. *Manufacturer:* Carl Zeiss, West Germany. *Intended Use:* The instrument is intended to be used to examine pathologic tissues from human biopsies for:

(1) Precise classification of malignant neoplasms;
(2) Evaluation of functional properties of human tumors, such as the ability to express enzymes and the mechanism whereby some tumors manufacture and excrete hormones;
(3) Study of the viral infection causing the acquired immunodeficiency synndrome (AIDS)

In addition, the instrument will be used for instructional purposes in the course "Ultrastructural Pathology." *Application received by Commissioner of Customs:* September 23, 1986.

Docket No.: 86–325. *Applicant:* Research Institute of Scripps Clinic, 10666 North Torrey Pines Road, La Jolla, CA 92037. *Instrument:* Cryo Microtome, sledge type, Model LKB #2250–041. *Manufacturer:* Palmstiernas Mekaniska Verkstad AB, Sweden. *Intended Use:* The instrument is intended to be used for studies of whole animals and human tissues. Investigations will include quantitative mapping of host and viral genes and proteins in whole animals and in human organs. The objective of the investigations is to enhance understanding of viral pathogenesis by studying viral tropism and the effects of viral infection on host gene expression. The instrument will also be used to follow and evaluate the response of infected animals to therapeutic interventions. *Application received by Commissioner of Customs:* September 24, 1986.

Docket No.: 86–326. *Applicant:* University of Kentucky, Department of Physics and Astronomy, Lexington KY 40506. *Instrument:* NMR Magnetometer System with Accessories. *Manufacturer:* Nuclear Research Centre, Canada. *Intended Use:* The instrument will be used for studies of nuclear reactions and scattering of nucleons from nuclei, such as Sn, Pt, Os, Ba, Zr isotopes. Experiments will be conducted in order to learn about nuclear structure, and also about the properties of the nucleon-nucleus interaction. *Application received by Commissioner of Customs:* September 25, 1986.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–23245 Filed 10–14–86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; North Gulf Oceanic Society (P351A)

On August 19, 1986, notice was published in the **Federal Register** (51 FR 29579) that an application had been filed by North Gulf Oceanic Society, P.O. Box 156, Cordova, Alaska 99574, to take by harassment up to 90 killer whales *(Orcinus orca).*

Notice is hereby given that on October 8, 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:

Protected Species Division, National Marine Fisheries Service, Washington, DC;
Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE BIN C15700, Seattle, Washington 98115;
Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802.

Dated: October 8, 1986.

Richard B. Roe,

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

[FR Doc. 86-23269 Filed 10-14-86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in Officials Authorized to Issue Export Visas and Exempt Certificates for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Malaysia

October 9, 1986.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 21, and 23, 1985, as amended, between the Governments of the United States and Malaysia, the Government of Malaysia has notified the United States Government that Mr. Abdul Ghafar bin Musa is replacing Mr. Mohamed Akbar Hj. Mahbat and Mr. Alias Hj. Jamsuri as an official authorized to issue export visas and exempt certificates for textile and textile products covered by the agreement. The purpose of this notice is to advise the public of this change.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-23243 Filed 10-14-86; 8:45 am]

BILLING CODE 3510-DS-M

COMMISSION ON EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Invitation To Submit Recommendations Concerning Executive, Legislative, and Judicial Salaries

AGENCY: Commission on Executive, Legislative, and Judicial Salaries.

ACTION: Notice.

Notice is hereby given that the Commission on Executive, Legislative, and Judicial Salaries, provided for by Pub. L. 90-206, December 16, 1967 (81 Stat. 642) and reauthorized under Pub. L. 99-190, December 19, 1985, has been established and has begun its review of pay rates for top executives, Members of Congress, and judges throughout the Federal service. The statute requires that the Commission's report and recommendations be forwarded to the President by December 15, 1986.

Organizations and individuals are urged and invited to submit for consideration any views or recommendations that they believe are relevant to the mission of the Commission: e.g., specific salary levels for various categories in the three areas of concern; the appropriateness of certain positions in the Executive Schedule and their current salary levels, comparison of salaries in the private sector with comparable executive, legislative, and judicial positions, questions of outside remuneration that help to supplement currrent salaries.

Fifteen copies of each submission should be sent to Chandler van Orman, Esq., Executive Director, Commission on Executive, Legislative, and Judicial Salaries, 734 Jackson Place NW., Washington, DC, 20006, at the earliest date possible but not later than November 3, 1986.

Commission on Executive, Legislative, and Judicial Salaries.

Chandler van Orman,

Executive Director.

[FR Doc. 86-23170 Filed 10-14-86; 8:45 am]

BILING CODE 6325-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Visitors; Meeting

AGENCY: Defense Systems Management College, DOD.

ACTION: Board of Visitors meeting.

SUMMARY: A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 226, Fort Belvoir, Virginia, on Friday, November 21, 1986, from 8:30 a.m. until 3:30 p.m. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-serve basis. Persons desiring to attend the meeting should call Mrs. Joyce Reniere on (703) 664-6489.

October 9, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-23254 Filed 10-14-86; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise

ACTION: Change in Date of Advisory Committee Meeting Notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise scheduled for October 15, 1986 as published in the Federal Register (Vol. 51, No. 142, FR Doc. 86-16684, Thursday, July 24, 1986) will be held on November 18, 1986. In all other respects the original notice remains unchanged.

October 9, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-23256 Filed 10-14-86; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)
Dates of Meeting: 30-31 October 1986
Times of Meeting: 0800-1630 hours daily
Places: Armament Research Development and Engineering Center, Dover, New Jersey

Agenda

The Army Science Board Effectiveness Review Panel of the US Army Armament Research Development and Engineering Center will visit the ARDEC for the purpose of gathering data for conducting the review of that facility. Briefings will be presented by each directorate covering their work program. The panel will meet in the executive session to discuss the methodology for conducting the review and to discuss observations as a result of the briefings. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 1,

subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 86–23257 Filed 10–14–86; 8:45 am]

BILLING CODE 3710–08–M

Defense Nuclear Agency

Membership of the Defense Nuclear Agency Performance Review Boards

AGENCY: Department of Defense, Defense Nuclear Agency.

ACTION: Notice of membership of the Defense Nuclear Agency Performance Review Boards.

SUMMARY: This notice announces the appointment of the members of the Performance Review Boards (PRBs) of the Defense Nuclear Agency. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4). The Performance Review Boards provide fair and impartial review of Senior Executive Service performance appraisals and make recommendations regarding performance and performance awards to the Director, Defense Nuclear Agency.

EFFECTIVE DATE: The effective date of service for the appointees of the DNA PRBs is 20 October 1986.

FOR FURTHER INFORMATION CONTACT: Allen I. Barke, Chief, Civilian Personnel Management Division (MPCV), Defense Nuclear Agency, Washington, DC 20305–1000, (703) 325–7591/92.

SUPPLEMENTARY INFORMATION: The names and titles of the members of the DNA PRBs are set forth below. All are DNA officials unless otherwise identified:.

Board I

Mr. David G. Freeman, Director, Acquisition Management
Mr. Paul H. Carew, Comptroller
Dr. Kenneth I. Daugherty, Deputy Director, Research and Engineering, Defense Mapping Agency

Board II

Dr. Don A. Linger, Assistant to the Deputy Director (Science and Technology) for Experimental Research
Mr. Kenneth B. Boheim, Deputy Manager, Plans and Programs, National Communications Systems, Defense Communications Agency
Dr. Goerge W. Ullrich, Chief, Aerospace Systems Division

Patricia H. Means,

OSD Federal Register, Liaison Officer, Department of Defense.

October 9, 1986

[FR Doc. 86–23255 Filed 10–14–86; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Aquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Klein, Office of Federal Acquisition and Regulatory Policy (202) 523–5168 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. Purpose

FAR clause 52.243–6, Change Order Accounting, requires that, wherever the estimated cost of a change or series of related changes exceed $100,000., the contracting officer may require the contractor to maintain separate accounts for each change or series of related changes. The account shall record all incurred segregable, direct costs (less allocable credits) of work, both changed and unchanged, allocable to the change. These accounts are to be maintained until the parties agree to an equitable adjustment for the changes or until the matter is conclusively disposed of under the Disputes clause. This requirement is necessary in order to be able to account properly for costs associated with changes in supply and research and development contracts that are technically complex and incur numerous changes.

b. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 8,750; responses per respondent, 18; and total reporting and recordkeeping hours, 26,303.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GSA Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0026, Change Order Accounting.

Dated: October 6, 1986.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 86–23179 Filed 10–14–86; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF EDUCATION

Inviting Applications for New Awards Under the Outreach Component of the Handicapped Children's Early Education Program (HCEEP) for Fiscal Year 1987 (CFDA No: 84.024C)

Purpose: These projects support the replication of established practices to assist other agencies and organizations in expanding and improving services to handicapped children.

Deadline for transmittal of applications: December 19, 1986.

Deadline for intergovernmental review comments: February 19, 1987.

Applications available: October 20, 1986.

Available funds: $3,095,000.

Estimated range of awards: $80,000–$170,000.

Estimated No. of awards: 24.

Project period: 12 months.

Applicable regulations: (a) the Handicapped Children's Early Education Program Regulations, 34 CFR Part 309, and (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, 78, and 79.

Priority

In accordance with 34 CFR 75.105(c)(3), the Secretary will give an absolute priority to each application that meets one of the priority areas listed in 34 CFR 309.32 (a)–(d).

The Secretary especially urges the submission of applications for outreach projects that—(1) Address the needs of unserved and underserved preschool children who are severely and multiply handicapped; and (2) attempt to improve skills for use in the family, home, community or day care centers by parents and personnel participating in

the projects. However, applications that meet the invitational priorities described in this paragraph will not receive a competitive preference over the other applications that meet the priorities described in 34 CFR 309.32(a)–(d).

For applications or information contact: Gerald B. Boyd, Early Childhood Branch, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., (Room 4609, Switzer Building), Washington, DC 20202. Telephone (202) 732–1050.

Program authority: 20 U.S.C. 1423.

Dated: October 8, 1986.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 86–23247 Filed 10–14–86; 8:45 am]

BILLING CODE 4000–01–M

Intergovernmental Advisory Council on Education Executive Committee; Meeting

AGENCY: Intergovernmental Advisory Council on Education Executive Committee.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Intergovernmental Advisory Council on Education Executive Committee. 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.

DATE: October 30, 1986.

ADDRESS: Senate Conference Room #313, State of Arizona Senate Building, 1700 West Washington Street, Phoeniz, Arizona, 85007.

FOR FURTHER INFORMATION CONTACT: Dr. James G. Horn, Executive Director (A), Intergovernmental Advisory Council on Education, 513 Reporter's Building, Washington, DC 20202.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education was established under section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council was established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

A portion of the meeting on October 30, 1986 will be closed to the public when agenda item I is discussed, a period of one to three hours when applicants for the position of Executive Director are reviewed and interviewed. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemption (6) of section 3(a) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C 552b(c)(6). Discussion of the applications will include consideration of the qualifications and fitness of the candidates and will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

The proposed agenda includes:

—Review of applications and interviews of candidates for the position of Executive Director in a closed meeting

—Old Business and New Business including reports from Council Committees

Records are kept of all Council proceedings, and are available for public inspection at the Intergovernmental Advisory Council on Education, 513 Reporter's Building, 300 7th Street, SW., from 9:00 a.m. to 5:00 p.m.

Dated: October 10, 1986.

Nancy R. Greer,

Acting Deputy Under Secretary.

Tentative Agenda—Intergovernmental Advisory Council on Education, Executive Committee, October 30, 1986, Senate Conference Room #313, State of Arizona Senate Building, Phoenix, AZ

I. Interview of candidates for the position of Executive Director.

II. Open meeting—Discussion and/or action in reference to hiring of an Executive Director.

III. Old Busines

A. Committee Reports—

1. Update of efforts to place IACE under GEPA.
2. Review of Job Training Task Force Report.
3. Reports from other Committees.

B. Other Old Business

IV. New Business—

A. Discussion and/or action of major project(s) for FY 1987.

B. Other New Business

Agenda Item I will be Closed to the Public.

[FR Doc. 86–23362 Filed 10–14–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Assistant Secretary for International Affairs and Energy Emergencies

Atomic Energy Agreements; Proposed Subsequent Arrangement With Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under general license issued by the U.S. Nuclear Regulatory Commission.

The subsequent arrangement to be carried out under the above authority involves approval of the following sale:

Contract Number S–CA–395, for the supply of 30 millligrams of uranium–236 and 30 milligrams of uranium–234 to the Royal Ontario Museum, Toronto, Canada, for use as tracers for uranium-lead age determination studies.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: October 9, 1986.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86–23270 Filed 10–14–86; 8:45 am]

BILLING CODE 6450–01–M

Atomic Energy Agreements; Proposed Subsequent Arrangement With European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreement involves approval for the return of 55 kilograms of U.S. origin irradiated research reactor fuel from the HFR reactor in the Netherlands for reprocessing and storage in U.S. Department of Energy facilities. The return of highly enriched uranium (HEU) is consistent with U.S. nonproliferation

policy in that it serves to reduce the amount of HEU abroad.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: October 9, 1986.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-23271 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

Atomic Energy Agreements; Proposed Subsequent Arrangement With Euratom

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RDT/NO(EU)-53, for the retransfer of 30 grams of fissile plutonium of United States origin incorporated in irradiated plutonium-uranium irradiated mixed-oxide fuel from the Federal Republic of Germany to Norway for post-irradiation examination.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy

Dated: October 9, 1986.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 86-23272 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: The Department of Energy (DOE) has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The collection number(s); (2) collection title; (3) type of request, e.g., new, revision, or extension; (4) frequency of collection; (5) response obligation, ie., mandatory, voluntary, or required to obtain or retain benefit; (6) affected public; (7) an estimate of the number of respondents annually; (8) annual respondent burden i.e., an estimate of the total number of hours needed to respond to the collection; and (9) a brief abstract describing the proposed collection and, briefly, the respondents.

DATES: Comments must be filed November 14, 1986. Last notice published Monday, September 22, 1986, (51 FR 33654).

ADDRESS: Address comments to Mr. Vartkes Broussalian, Department of Energy Desk Office, Officer, of Management and Budget, 726 Jackson Place, NW., Washington DC 20503. (Comments may also be addressed to, and copies of the submissions obtained from, Mr. Gross at the address below.)

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Data Collection Services Division (EI-73), Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 252-2308.

SUPPLEMENTARY INFORMATION: If you anticipate commenting on a collection, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise Mr. Broussalian of your intent as early as possible.

Statutory Authority:

Sec. 13(b), 5(b), 5(a), and 52, Pub. L. 93-275, Federal Energy Administration Act of 1974, (15 U.S.C. 772(b), 764(b), 764(a), and 790a).

Issued in Washington, DC, October 9, 1986.

Douglas Hale,

Acting Director, Statistical Standards, Energy Information Administration.

DOE COLLECTIONS UNDER REVIEW BY OMB

Collection No. (1)	Collection title (2)	Type of request (3)	Response frequency (4)	Response obligation (5)	Affected public (6)	No. of respondents annually (7)	Respondent burden hrs. annually (8)	Abstract (9)
EIA: EIA-28	Financial reporting system	Extension	Annually	Mandatory	Business or other for profit.	22	25,344	The Form EIA-28 provides data to evaluate the energy industry competitive environment and to analyze energy industry resource development, supply, distribution, and profitability issues. Survey results from 22 major energy producers are published annually for both private and public sector use.

[FR Doc. 86-23273 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 86-47-NG]

Brymore Gas Marketing, Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Brymore Gas Marketing, Inc. (Brymore), blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 86-47-NG authorizes Brymore to import up to 200 Bcf of Canadian gas over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 252-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, October 3, 1986.

Barton R. House,

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 86-23202 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP85-58-015]

El Paso Natural Gas Company; Compliance Filing

October 8, 1986.

Take notice that on October 3, 1986, El Paso Natural Gas Company ("El Paso") filed, pursuant to Part 154 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the Natural Gas Act, the following tariff sheets to its FERC Gas Tariff:

Tariff Volume	Tariff Sheet
First Revised Volume No. 1	Substitute Ninth Revised Sheet No. 100.
	First Substitute Revised Sheet No. 220.
	Fourth Revised Sheet No. 221.
	Third Revised Sheet No. 222.
	Third Revised Sheet No. 251.
	Fourth Revised Sheet No. 252.
	First Revised Sheet No. 253.
	Second Revised Sheet No. 254.
	First Revised Sheet Nos. 255, 256 and 313.
Original Volume No. 1-A	Substitute Fourth Revised Sheet No. 24.
	Substitute Original Sheet No. 114.
	First Revised Sheet No. 115.
	First Revised Sheet No. 116.
	First Revised Sheet Nos. 122 through 124.

El Paso states that the tendered tariff sheets to First Revised Volume No. 1 and Original Volume No. 1-A to its FERC Gas Tariff are submitted in compliance with the provisions of section 6.2 of Article VI of the Stipulation and Agreement in Settlement of Rate Proceedings at Docket No. RP85-58-000, *et al.*, which states in part that "If as a result of any order or decision by the Commission in Docket No. RP81-130-000, *et al.*. . . . the minimum commodity bill of Transwestern Pipeline Company ('Transwestern') applicable to sales to Pacific Lighting Gas Supply Company ('PLGS') is esablished at any level other than sixty (60) percent of an annual contract quantity of 278,597,565 dekatherms, then, EL Paso shall be required to modify the additional fixed cost reimbursement quantity established by section 5.3 of Rate Schedule G to reflect the same percentage level as that reflected in Transwestern's minimum bill to PLGS by filing the appropriate tariff sheet(s) with the Commission and serving them on jurisdictional customers and interested state commissions within sixty (60) days of the date the minimum commodity bill of Transwestern is established at such other level."

By Opinion No. 238 issued July 1, 1985 at Docket No. RP81-130-007, *et al.*, the Commission ordered that Transwestern's minimum bills be eliminated effective the date the Commission issues an order on rehearing. By Opinion No. 238-A issued August 4, 1986 at Docket No. RP81-130-024, *et al.*, the Commission denied the applications for rehearing filed by Transwestern, El Paso and a group of El Paso's customers known as the EOC companies.

El Paso further states that the tendered tariff sheets reflect (i) the elimination of El Paso's Fixed Cost Reimbursement Charge (minimum bill) under § 3.1(c) and the related provisions under §§ 3.3 and 5.3 of Rate Schedule G; (ii) certain conforming changes in other provisions of Rate Schedule G due to the elimination of references to the Fixed Cost Reimbursement Charge; and (iii) the elimination of section 4 of Rate Schedules INC-1, T-1 and T-2 which pertained to section 3.3 of Rate Schedule G. Also, tendered Tenth Revised Sheet No. 100 (Statement of Rates) of the First Revised Volume No. 1 Tariff reflects the elimination of the rate referenced under section 3.1(c) of Rate Schedule G (Fixed Cost Component of the Commodity Charge). Certain of the tendered tariff sheets are submitted only to reflect conforming changes necessitated by the renumbering of provisions under the identified Rate Schedules after elimination of the minimum bill provisions.

El Paso also tendered First Revised Sheet No. 313 to First Revised Volume No. 1 which serves to reflect the deletion of section 5.3, *Adjustment of Maximum Contracted Daily Demand*, under section 5, BILLING, of the General Terms and Conditions of said Tariff which section is no longer necessary in the operation of natural gas service under Service Agreements applicable to Rate Schedule G.

El Paso requests that the tendered tariff sheets be accepted by the Commission and permitted to become effective August 4, 1986, the effective date of the elimination of Transwestern's minimum bill.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP85-58-000, *et al.*, and, otherwise, upon all of its interstate pipeline system customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 385.214 and 385.211 of this chapter. All such motions or protests should be filed on or before October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23262 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC86-19-000]

K N Energy, Inc.; Motion for Extension of Time

October 8, 1986.

Take notice that on September 26, 1986, K N Energy, Inc (K N), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. TC86-19-000 a motion pursuant to Rule 212 of the Commission's rules of practice and procedure (18 CFR 385.212) for an extension of time for K N to comply with the filing requirement of Article 6.2, *Annual Three Year Forecast*, of the stipulation and agreement approved by the Commission's order in Docket Nos. RP76-90, *et al.*, issued November 21, 1981, all as more fully described in the motion which is on file with the Commission and open to public inspection.

Specifically, under Article 6.2, K N is required to file with the Commission, on or before October 1 of each year, a three-year forecast of the gas reguirements on its interstate system and the gas supply available to meet those requirements for twelve-month periods from November 1 through October 31. K N states that while its gas supply requirements have been defined, it will not have a current gas supply forecast until the second week of November, 1986. In addition, K N states that it has experienced delays in obtaining certain required data from its computerized billing system. K N, therefore, requests that it be granted a 45-day extension of time to permit it to file the aforementioned forecast for this year no later than November 14, 1986.

K N states that all parties to the stipulation and agreement in Docket Nos. RP76-90, *et al.*, as reflected on the Commission's official service list, have been served with this motion.

Any person desiring to be heard or to make any protest with reference to the instant filing should on or before October 17, 1986, file with the Fedeal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23263 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-1-000]

Natural Gas Pipeline Company of America; Change in FERC Gas Tariff

October 8, 1986.

Take notice that on October 1, 1986, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective April 1, 1987:

Twenty-fourth Revised Sheet No. 301
Twenty-second Revised Sheet No. 302
Twenty-third Revised Sheet No. 303
Twenty-third Revised Sheet No. 304
Twenty-second Revised Sheet No. 305
Ninth Revised Sheet No. 306
Tenth Revised Sheet No. 307
Tenth Revised Sheet No. 308
Ninth Revised Sheet No. 309

Natural states that the purpose of the filing is to set out the Buyer's quantity entitlements under section 22 of the General Terms and Conditions of Natural's FERC Gas Tariff for the service year April 1, 1987 through March 31, 1988. Natural requested waiver of the Commission's regulations to the extent necessary to permit the revised sheets to become effective April 1, 1987 the beginning of the 1987-1988 service year.

The Monthly Quantity Entitlements on Sheet Nos. 301 through 309 have been changed, where required, to reflect requested changes in such entitlements by Natural's sixteen (16) DMQ-1 and thirty-three (33) G-1 customers. Customers requesting changes in Daily Quantity Entitlements were accommodated where feasible by Natural. The Monthly and Daily Entitlements on these sheets provide sufficient gas volumes to allow each customer to fully meet (within contractual limits) its reported requirements.

A copy of the filling was mailed to Natural's jurisdictional customers and to interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commissions rules of practice and procedure All such motions or protests must be filed on or before October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23264 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-2-000]

Northern Natural Gas Co., Division of Enron Corp.; Tariff Filing

October 8, 1986.

Take notice that Northern Natural Gas Company, Division of Enron Corp. (Northern) on October 1, 1986, tendered for filing, proposed changes to its FERC Gas Tariff. Such changes have been filed to comply with §§ 284.7(a), 284.7(b)(2) and 284.8(d) of the Commission's regulations, all as more fully explained in the filing which is available for public inspection.

Northern is filing to establish rates and the applicable rate schedule to provide open-access non-discriminatory firm transportation service in accordance with Section 311 of the Natural Gas Policy Act.

Accordingly, Northern proposes through this tariff filing to establish rates for firm transportation services, which are equivalent to the rates filed in Northern's Stipulation and Agreement of Settlement in Docket No. RP85-206 for firm transportation service under Rate Schedule FT-1. These rates are filed herein at Second Revised Sheet No. 4g.1 and Original Sheet No. 4g.2 of Northern's FERC Gas Tariff, Third Revised Volume No. 1. Such rates are intended to comply fully with §§ 284.7, 284.7(b)(2), and 284.8(d) of the Commission Regulations. Northern is also proposing as part of this tariff filing to establish the aforementioned Rate Schedule FT-1, which incorporates the General Terms and Conditions pursuant to which Northern will provide firm transportation services. The aforementioned will remain in effect only until superseding transportation rates and rate schedules are established and become effective by a final order of the Commission in Docket No. RP85-206.

Copies of the filing were served upon all of Northern's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to

intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 or 385.211 of this chapter. All such motions or protests should be filed by October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23259 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-4-000]

Northern Natural Gas Co., Division of Enron Corp., Tariff Filing

October 8, 1986.

Take Notice that on October 2, 1986, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing to become a part of Northern Natural Gas Company's (Northern), F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2.

Third Revised Volume No. 1

Fifth Revised Sheet No. 27e
Third Revised Sheet No. 56a
Third Revised Sheet No. 56b
Second Revised Sheet No. 62

Original Volume No. 2

First Revised Sheet No. 194
First Revised Sheet No. 196
Second Revised Sheet No. 230
Second Revised Sheet No. 232
First Revised Sheet No. 320
First Revised Sheet No. 322
First Revised Sheet No. 332
Second Revised Sheet No. 334
First Revised Sheet No. 381
First Revised Sheet No. 386
First Revised Sheet No. 588
First Revised Sheet No. 591
First Revised Sheet No. 651
First Revised Sheet No. 654
Second Revised Sheet No. 761
Second Revised Sheet No. 765
First Revised Sheet No. 772
First Revised Sheet No. 777
First Revised Sheet No. 962
First Revised Sheet No. 965
Second Revised Sheet No. 1504
Second Revised Sheet No. 1506
First Revised Sheet No. 1553
First Revised Sheet No. 1557
First Revised Sheet No. 1564
First Revised Sheet No. 1568
First Revised Sheet No. 1579a
First Revised Sheet No. 1579d
First Revised Sheet No. 1590
First Revised Sheet No. 1593

These pages revise the billings period for all of Northern's jurisdictional sales rate schedules from a fiscal billing month to a calendar billing month, revise the SS-1 Rate Schedule to provide for eight additional billings days in the billing month of November and two additional billing days in the month of April.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC, 20426, in accordance with the Commission's rules of practices and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23258 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP85-108-001]

Tennessee Gas Pipeline Co.; Availability of the Tops Project Environmental Assessment

October 10, 1986.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC) has prepared an environmental assessment (EA) on the above-referenced docket and has determine that construction and operation of the proposed TOPS project would not constitute a major Federal action significantly affecting the quality of the human environment. The proposed project includes 82.5 miles of 20-inch-diameter pipeline construction in the onshore and offshore vicinity of Corpus Christi, Texas, a separation/dehydration plant in San Patricio County, and associated metering, valves, and pipeline access facilities. Alternatives are also considered in the EA, and environmentally superior modifications to the proposal have been recommended.

The EA will be used in the regulatory decision-making process at the Commission and may be presented as evidentiary matter in formal hearings. Anyone desiring to file a motion to intervene with the FERC on the basis of the EA should do so in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 385.212 and 385.214. Anyone desiring to file a protest should do so in accordance with 18 CFR 385.211.

The EA has been placed in the public files of the Commission and is available for public inspection in the FERC's Division of Public Information, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. Copies have been sent to the public, all parties to the proceeding, and Federal, State and local officials, and are available in limited quantities from the FERC's Division of Public Information.

Any person who wishes to do so may file comments on the EA. Comments should be sent to the office of the Secretary, FERC, 825 North Capitol Street, NE., Washington DC, 20426, within 30 days of publication of this notice. Additional information about the project is available from Mr. Lonnie Lister, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-8883.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23267 Filed 10-14-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-7-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 8, 1986.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on October 6, 1986, tendered for filing certain tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately $181 million annually based upon the 12-month period ended June 30, 1986, as adjusted. The proposed effective date of the instant filing is November 6, 1986. However, because Transco has agreed in Article VII of the pending Stipulation and Agreement in Docket No. TA85-1-29-000, *et al.* not to place increased rates into effect prior to April 1, 1987, it is anticipated that the Commission will suspend this filing and permit it to become effective on April 1, 1987. Such suspension period would be five days less than the full five-month period provided in section 4(c) of the Natural Gas Act. In that regard, Transco requests that the Commission not suspend the instant filing for the full

period because an April 1, 1987 effective date (1) coincides with the commencement of the pipeline summer period; (2) would avoid the administrative burden on Transco and its customers of a rate change becoming effective in the middle of a billing month; and (3) coincides with the termination of the 36-month period under the PGA regulations at 18 CFR 154.38(d)(4)(vi).

Transco states that the principal causes of the rate increase are (1) increases in operating and maintenance expenses and depreciation expenses; (2) an increase in rate base due primarily to the inclusion in rate base of the unamortized balance of the costs of buyouts and buydowns of supplier contracts reflected during the test period; (3) an increase in the overall return and related income taxes; and (4) a slight reduction in projected pipeline throughput.

In addition, *pro forma* tariff sheets and tariff modifications were filed which would (1) allow Transco to track future storage cost increases by Consolidated Gas Supply Corporation (Con Gas) from whom Transco acquires storage service in order to render storage service to its customers; (2) allow Transco to track in system sales rates, future contract buyout and buydown costs with respect to its supplier contracts; (3) allow Transco to track through charges to specific customers the costs, if any, of payments to producers to take-or-pay claims or settlement thereof arising under new supply contracts and which are attributed to the low load factor purchase levels by such customers; and (4) provide for credits to demand charges under certain firm sales rate schedules in those circumstances where the customer receives interruptible transportation quantities (at fully allocated rates per Order No. 436) within its sales contract demand level.

Transco states that there is pending before the Commission on exceptions an ALJ's Initial Decision in Docket No. RP82–55 addressing, among other things, a reserved issue on Transco's rate design, the ultimate determination of which shall be applicable on a prospective basis. Transco's proposed rates have been designed on the basis of a modified fixed-variable (MFV) rate design methodology which is consistent with the Commission's current policies, *see, e.g., Texas Eastern Transmission Corporation*, 30 FERC ¶ 61,144 (1985); and *Tennessee Gas Pipeline Company*, 36 FERC ¶ 61,071 (1986). Transco believes that there exists no legal bar to its making effective rates based on an MFV methodology as proposed. Nevertheless, Transco has included in its filing, as an alternative, revised tariff sheets and supporting schedules reflecting the status quo regarding these matters—the continuation of the existing *Seaboard* rate design.

Copies of the filing were served upon the Company's customers and interested State Commissions. In accordance with the provisions of § 154.16 of the Commission's Regulations, copies of this filing are available for public inspection during regular business hours, in a convenient form and place at Transco's main office at 2800 Post Oak Boulevard in Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rule 211 and Rule 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 86–23260 Filed 10–14–86; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA86–3–30–002]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

October 8, 1986.

Take notice that on September 30, 1986 Trunkline Gas Company (Trunkline) tendered for filing the following revised sheet to its FERC Gas Tariff, Original Volume No. 1:

First Substitute Original Sheet No. 21–J.2

The proposed effective date of this revised tariff sheet is September 1, 1986.

This revised tariff sheet is being submitted by Trunkline at this time in compliance with the Commission's August 29, 1986 Order to reflect revised tariff language for Trunkline's flexible PGA to exclude the effects of storage activity from the determination of gas costs in determining compliance with the three percent limitation.

Trunkline states that the filing of this revised tariff sheet by Trunkline in compliance with the Commission's August 29, 1986 Order in this proceeding is without prejudice to Trunkline's rights to seek rehearing or review of the conditions contained in the August 29, 1986 Order.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 16, 1986. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86–23261 Filed 10–14–86; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 8 through September 12, 1986

During the week of September 8 through September 12, 1986, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Requests for Exception

Cernak Fuel, 9/10/86, *KEE–0134*

Central Fuel filed an Application for Exception from the requirement that it file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Sales Report." In considering the request, the OHA considered the facts that the company had only one bookkeeper and that she was forced to examine each of the firm's contracts individually in order to obtain the information necessary to file the form. Accordingly, the OHA determined that Cernak should the granted an exception which would allow the firm to estimate the data on the reports for the remainder of its reporting period.

Ekrut Oil Company, 9/11/86, *KEE–0054*

Ekrut Oil Company filed an Application for Exception from the requirement to file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Sales Report." In evaluating the request, the DOE found that the firm had not shown that it was more adversely affected by the reporting requirement that other reporting firms. Accordingly, exception relief was denied.

Moonlight Oil Company, 9–11–86, *KEE–0056*

Moonlight Oil Company filed an Application for Exception from the requirement to file Form EIA–782B, the "Resellers'/Retailers' Monthly Petroleum Sales Report." In evaluating the request, the DOE found that the firm had not shown that it was more adversely affected by the reporting requirement than other reporting firms. Accordingly, exception relief was denied.

Supplemental Order

Texaco, Inc., 9/9/86, *KRX–0021*

Texaco Inc. (Texaco) filed a petition for review of a Special Report Order (SRO) that was issued to the firm by the Deputy Drector for Economic Analysis, Office of Hearings and Appeals (OHA), on August 1, 1986. *Texaco Inc.*, 14 DOE ¶_____, Case No. KRX–0019 (August 1, 1986). In considering Texaco's petition for review, the Director of OHA determined that Texaco failed to substantiate its claim that issuance of the SRO was a prosecutoral act and improperly involved OHA in investigatory functions, or that issuance of the SRO was premature. Accordingly, Texaco's petition request that the SRO be rescinded or stayed was denied. However, the SRO was modified to afford Texaco a two-month extension of time for compliance with the SRO's reporting requirements.

Implementation of Special Refund Procedures

Mountain Fuel Supply Company J.N. Abel, Inc. 9/11/86, *KEF–0025, KEF–0034*

The DOE issued a Decision and Order implementing procedures for the distribution of $910,062.21 (plus accrued interest) received from two crude oil producers: Mountain Fuel Supply Company and J.N. Abel, Inc. The DOE determined that the monies should be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges. *See* 51 FR 27899 (August 4, 1986). In accordance with DOE policy, 80 percent of the money in these cases was divided between the State and Federal governments. Twenty percent was reserved for direct restitution to injured parties. Applications for refund by injured firms and individuals must be submitted within 90 days.

Refund Applications

Gary Energy Corporation/H.S. Sowards & Sons, Inc. Utah-Colorado Gas, Inc., 9/12/86, *RF47–5, RF46–6*

H.S. Sowards & Sons, Inc. and Utah-Colorado Gas, Inc., both owned by Glade M. Sowards and Kenneth H. Sowards, filed Applications for Refund in the Gary Energy Corporation refund proceeding. The DOE found that the applicants were not bona fide independent resellers of Gary Energy's products. They transported natural gas liquid products to certain purchasers designated by Gary Energy and received from Gary Energy a transportation margin on a per gallon basis. Data submitted by the applicants indicated that during the consent order period, they were able to increase their business volume with Gary Energy, while maintaining the transportation margin they received. Since there was no evidence that the applicants were in any way injuried by the alleged overcharges of Gary Energy, the DOE denied the refund requests submitted by Sowards and Utah-Colorado.

Gulf Oil Corporation/Bunt's Auto Service, Inc. et al., 9/8/86, RF40–370 ET AL.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by retailers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corp.*, 12 DOE ¶85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the amount of the refund claimed. After examining the applications and supporting documentation submitted by the applicants, the DOE concluded that they should receive a total refund of $14,014, representing $11,551 in principal and $2,463 in accrued interest.

Gulf Oil Corporation/Reedy Creek Utilities Co., Inc. et al, 9/11/86, *RF40–39 et al.*

The DOE issued a Decision and Order concerning 20 Applications for Refund filed in the Gulf Oil Corporation special refund proceeding. All of the applicants were end-users of petroleum products purchased directly from Gulf. In its Decision, the DOE granted the 20 applications under the standards specified in *Gulf Oil Corp.*, 12 DOE ¶85,048 (1984). The refunds granted total $269,640, representing $220,776 in principal and $48,864 in interest.

Marathon Petroleum Company/Altenburger Service Station, et al, 9/2/86, *RF250–845 et al.*

The DOE issued a Decision and Order concerning 70 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant demonstrated the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $56,398 in principal and $2,553 in interest.

Marathon Petroleum Company/Andy's Marathon, et al, 9/12/86, *RF250–677 et al.*

The DOE issued a Decision and Order concerning 36 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant demonstrated the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $29,598 in principal and $1,335 in interest.

Marathon Petroleum Company/Around Clock Auto Center, et al, 9/9/86, *RF250–588 et al.*

The DOE issued a Decision and Order concerning 36 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant demonstrated the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $33,300 in principal and $1,426 in interest.

Marathon Petroleum Company/Chuck Diehl Oil Service, Inc. et al., 9/12/86, *RF250–1178 et al.*

The DOE issued a Decision and Order concerning ten Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant demonstrated the volume of its Marathon purchases, and none requested a refund greater than the approved $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $7,041 in principal and $318 in interest.

Marathon Petroleum Company/Kunkel's Marathon, 9/10/86, *RF250–1171*

The DOE issued a Decision and Order concerning an Application for Refund filed by purchaser of products covered by a consent order with Marathon Petroleum Company. The applicant demonstrated the volume of its Marathon purchases, and did not request a refund greater than the $5,000 small claims refund amount. The refund approved in this Decision is $1,293 in principal and $55 in interest.

Marathon Petroleum Company/Loia & Peloso Oil Company, 9/10/86, *RF250–1151*

The DOE issued a Decision and Order concerning the Application for Refund filed by Loia & Peloso Oil Company, a purchaser of middle distillates covered by a consent order with Marathon Petroleum Company. Loia demonstrated that it purchased 2,127,362 gallons of covered product from Marathon during the consent order period. Under the $5,000 small claims presumption, the refund approved in this Decision is $893 in principal and $40 in interest.

Mobil Oil Corporation/Allied Fuel Company et al., 9/10/86, *RF225–547 et al.*

The DOE issued a Decision granting 73 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the Mobil decision *Mobil Oil Corp.*, 13 DOE ¶85,339 (1985). The DOE granted refunds totalling $19,547.

Mobil Oil Corporation/Ameron-Price Company et al., 9/10/86, *RF225–4777 et al.*

The DOE granted 46 Applications for Refund from a fund obtained through a Consent Order with Mobil Oil Corporation.

All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount in accordance with the procedures established in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $4,470 ($3,784 in principal plus $686 in interest).

Mobil Oil Corporation/Anthony Barbato et al., 9/12/86, RF225-3098 et al.

The DOE issued a Decision granting 55 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totaling $15,871 ($13,403 principal plus $2,468 interest).

Dismissals

The following submissions were dismissed:

Name	Case No.
ERA	KRS-0003
Tosco Corp.	HEE-0102
L.F. Phillips & Sons, Inc.	RF225-3269
White Consolidated Industries, Inc.	KEE-0005

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 7, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 86-23274 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of September 1 Through September 5, 1986

During the week of September 1 through September 5, 1986, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Texaco Inc., 9/5/86 HRO-0273

Texaco Inc. and the States of California and Texas objected to a Proposed Remedial Order that the Economic Regulatory Administration issued to the firm on February 7, 1985. In the PRO, ERA found that Texaco referred to excessive May 15, 1973 selling prices in computing maximum allowable prices for sales of middle distillates and motor gasoline to certain customers that purchased those products on or before May 15, 1973 pursuant to written fixed-priced contracts. Specifically, ERA found that Texaco incorrectly referred to posted price quotations implemented on June 1, 1973 and thereafter as its May 15, 1973 base prices rather than the prices charged in actual sales on or before May 15, 1973. In its Statement of Objections, Texaco maintained that it correctly used its June 1, 1973 price quotations for many of its customers because they orally agreed to those prices on or before May 15, 1973. In rejecting Texaco's position, the DOE held *inter alia*, that, under the express terms of Ruling 1977-5, a presumption existed that oral contracts become binding on the date of delivery of product and, therefore, a presumption existed that Texaco's alleged oral contracts were post-May 15, 1973 transactions. The DOE held that Texaco had failed to rebut that presumption. The DOE further held that the use of an excessive May 15, 1973 selling prices was a per se violation of the price rule for which a refund based on the difference between the incorrect and correct May 15, 1973 selling price was appropriate. In adopting a refund remedy, the DOE granted in part the Statements of Objections filed by the States. Finally, consistent with its determination in a Remedial Order issued to Texaco on July 23, 1986, *see Texaco Inc.*, 14 DOE ¶ 14,083,034 (1986), the DOE modified the PRO to exclude the requirements that Texaco (i) perform a self-audit with respect to customers not identified in the PRO whose May 15, 1973 selling prices were determined to be incorrect, (ii) provide data and calulations for those customers and, upon ERA's approval, (iii) make refunds to those customers.

Request for Exception

Standard Oil of Connecticut, 9/5/86, KEE-0034

Standard Oil of Connecticut filed an Application for Exception in which it sought relief from its obligation to submit Form EIA-782B entitled "Resellers'/Retailers' Monthly Petroleum Sales Report." In considering the request, the DOE found that there was some merit to the firm's contention that it was burdened by the filing requirement. After balancing this burden against the public interest in gathering reliable energy data, the determination was made that a limited form of exception relief was appropriate. Accordingly, the request for exception relief was granted in part.

Interlocutory Orders

Economic Regulatory Administration/Port Petroleum, Inc., 9/3/86, KRZ-0150; KRZ-0290

The Economic Regulatory Administration (ERA) filed a Motion to Join and a Motion to Consolidate Proceedings in connection with two enforcement proceedings initiated against Port Petroleum, Inc. (Port). The first motion sought to add Morris M. James, T. Michael Howell and Gregory C. Crafts (respondents) as additional parties to an amended Proposed Remedial Order (1985 PRO) issued to Port. The Office of Hearings and Appeals (OHA) granted this motion, finding that the ERA had established a *prima facie* case of personal liability based upon the respondents' substantial ownership interest in Port and their active participation in Port's operations. The OHA also found that joinder of these parties was not unduly prejudicial since the respondents will be affored their full procedural rights and since the public interest in ensuring full restitution of the overcharges outweighed any inconvenience caused by the delay in the proceeding. Accordingly, the Motion for Joinder was granted. In the second motion the ERA had sought to consolidate the 1985 PRO with a second PRO issued to Port and the respondents. The OHA denied this Motion, stating that any efficiencies gained from consolidating the two PROs would be outweighed by the resultant complexities of analyzing violations emanating from nonidentical audit periods.

Port Petroleum, Inc. et al., 9/3/86, KRZ-0042

Port Petroleum, Inc., Morris M. James, T. Michael Howell and C. Gregory Crafts filed a motion to dismiss the Proposed Remedial Order (PRO) that the Economic Regulatory Administration issued to them on April 7, 1986. The PRO alleges that Port Petroleum and the individuals named in the PRO violated the Department of Energy rules concerning the firm's entitlement obligations during the period August 1979 through December 1980, and that the violations resulted in benefits of $9,020,867 plus interest accrued on that amount. In their motion, Port and the individuals argued that the PRO should be dismissed because it fails to establish a prima facie case of the alleged violations. The office of Hearings and Appeals (OHA) denied the motion, finding that the PRO and supporting exhibits did establish a prima facie case. The OHA further held that evidence submitted for one month of the audit period by Port and the individuals with their Statement of Objections to the PRO was the type of evidence that could be used to rebut the PRO. The OHA stated that if similar evidence was submitted for two other months of the audit period, and the ERA did not satisfactorily refute that evidence in its Response to the Statement of Objections, the PRO would be rescinded.

Implementation of Special Refund Procedures

Gibbs Industries, Inc., 9/2/86, HEF-0079

This Decision established procedures for the distribution of funds totaling $37,000 obtained as a result of a Consent Order entered into between the DOE and Gibbs Industries, Inc. involving alleged allocation violations. The Decision sets forth refund application procedures for Gibbs customers who purchased motor gasoline during the consent other period: May and June 1979. Specific information regarding the date to be included in refund applications is discussed in the Decision.

Refund Applications

Marathon Petroleum Company/A.L. Blades and Sons et al., 9/2/86, RF250–333 et al.

The DOE issued a Decision and Order concerning 31 Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Marathon Petroleum Company. The Applications were evaluated in accordance with the procedures set forth in *Marathon Petroleum Co.*, 14 DOE ¶ 85,269 (1986). The sum of the refunds approved in this Decision is $9,752, representing $9,348 in principal and $404 in interest.

Marathon Petroleum Company/Ron's Marathon, et al., 9/4/86, RF250–195 et al.

The DOE issued a Decision and Order concerning seven Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company. Each applicant demonstrated the volume of its Marathon purchases, and none requested a refund greater than the $5,000 small claims refund amount. The sum of the refunds approved in this Decision is $4,897 in principal and $211 in interest.

Mobil Oil Corporation/A.W. Oliver et al., 9/5/86, RF225–6033 et al.

The DOE issued a Decision granting 32 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totaling $20,164 ($17,033 principal plus $3,131 interest).

Mobil Oil Corporation/Agriculture Chemical Company et al., 9/4/86, RF225–4008 et al.

The DOE granted 42 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased product directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per-gallon volumetric refund amount in accordance with the procedures established in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $4,470 ($3,784 principal plus $686 interest).

Mobil Oil Corporation/American Rice, Inc. et al., 9/3/86, RF225–5119 et al.

The DOE granted 12 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $3,067 ($2,596 principal plus $471 interest).

Mobil Oil Corporation, Beisaw's et al., 9/2/86, RF225–4488 et al.

The DOE granted 47 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $4,092 ($3,463 principal plus $629 interest).

Mobil Oil Corporation/Bornhoft Concrete Products et al., 9/3/86, RF225–3556 et al.

The DOE granted 49 Applications for Refund from a fund obtained through a Consent Order that the DOE entered into with Mobil Oil Corporation. All of the applicants were end-users who purchased directly from Mobil and therefore were eligible for refunds equivalent to the amount of their documented purchase volumes times 100 percent of the per gallon volumetric refund amount. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $4,487 ($3,799 principal plus $688 interest).

National Helium Corp./Mississippi, Perry Gas Processors, Inc./Mississippi Standard Oil Co. (Indiana)/Mississippi, 9/2/86

RQ3–301, RQ183–302, RQ251–303

The State of Mississippi filed a proposed second-stage refund plan with the Office of Hearings and Appeals (OHA) pursuant to Decisions and Orders establishing procedures for the disbursement of funds obtained under consent orders with National Helium Corp., Perry Gas Processors, Inc., and Standard Oil Co. (Indiana). Mississippi proposed to use the refunds to supplement existing SECP funds in order to increase ridership on urban and rural transit systems and to develop a fleet management program that would primarily benefit state motor pools. The OHA concluded that Mississippi's enlargement of the SECP program would benefit injured consumers, and funds for this program were granted. However, OHA concluded that the fleet management program would not adequately benefit injured consumers; funds for this program were denied.

Quaker State Oil Refining Corp./Certified Gasoline Co. 9/4/86, RF213–0146

The DOE issued a Decision and Order concerning an Application for Refund filed by Certified Gasoline Co., a reseller of Quaker State Oil Refining Corp. refined petroleum products. Certified had purchased refined petroleum products from Quaker State on a sporadic basis and was therefore considered a spot purchaser. In *Quaker State Oil Refining Corp.*, 13 DOE ¶ 85,211 (1985), the DOE established a rebuttable presumption that spot purchasers were generally not injured by the alleged Quaker State overcharges. Despite being given the opportunity to do so, Certified did not rebut this presumption, and its Application for Refund was denied.

Dismissals

The following submissions were dismissed:

Name and Case No.

Anjac Plastics, Inc. RF225–2770, RF225–2771
Borough of Buena, RF225–3482
Brockway Standards, Inc. RF225–3491
Champion Laboratories, Inc. RF225–3504
City of Cleveland, RF225–3510
City of Viroqua, RF225–3501
Cloud County Courthouse, RF225–3486
Cut Rate Auto Parts, RF225–2897
D.H. Holmes Co, Ltd. RF225–3506
Detroit Diesel Allison, RF225–3499
Fred H. McGrath and Son, Inc., RF225–3489
H.B. Fuller Co., RF225–3547, RF225–3548
Harvey's Gulf Service, RF40–211
Joe's Gulf, RF40–1144
Le Van Specialty Co, Inc., RF225–3493
Manufacturers Consultants, Inc., RF225–3528, RF225–3529
McCabe Gulf, RF40–286
McGraw-Edison Power Systems, RF225–3490
Molded Container Co., RF225–3566
National Optical Astronomy, Observatories RF225–3495
Pacific Forge, Inc., RF225–3502
Palm Beach Newspapers, Inc., RF225–3494
Phelps Fan Mfg. Co, Inc., RF225–3478, RF225–3479
Putnam Tool Div., TRW, RF225–3503
Reggie's Gulf Service, RF40–1296
Ronco Precision Automatics, Inc. RF225–3511
School District of Crete, RF225–3498
Solar Compounds Corp. RF225–3505
The Kenyon Piece Dyeworks, Inc., RF225–3492
United States Lines (S.A.), Inc., RF225–3523, RF225–3524
University of Washington, RF225–6253
UNO W. HYOPPONEN, RF225–2780, RF225–2781, RF225–2782
Veeder-Root Inc., RF225–3521, RF225–3522
Ventura Coastal Corp., RF225–3509
Western Gear Corp. RF225–3488
Western Mound Township, RF225–3536, RF225–3537, RF225–3528

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washngton, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 7, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 86–23275 Filed 10–14–86; 8:45 am]

BILLING CODE 6450–01–M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for refunding to adversely affected parties $35,971 obtained as the result of consent orders which the DOE entered into with the following firms:

Leathers Oil Co. of Portland, Oregon
Marlen L. Knutson Distributors, Inc. of Stanwood, Washington

The funds are being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

DATE AND ADDRESS: Applications for refund of a portion of either the Leathers or the Knutson consent order funds must be filed in duplicate on or before January 13, 1987. Applications should refer to the appropriate case number, HEF–0113 for Leathers, and HEF–0110 for Knutson. Address applications to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Nancy Kestenbaum, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 252–6602.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision explains the procedures that the DOE has formulated to distribute to adversely affected parties the $35,971, plus accrued interest, that the DOE obtained under the terms of consent orders entered into with Leathers Oil Co. and Marlen L. Knutson Distributors, Inc. Leathers and Knutson provided these funds to settle all claims and disputes with the DOE regarding the manner in which each firm applied the federal price regulations to its sales of motor gasoline. Both consent orders covered the firms' sales of motor gasoline during the period March 1, 1979 through December 31, 1979. Firms or individuals that purchased motor gasoline from Leathers or Knutson during this time period may be eligible to receive a portion of the consent order funds.

The DOE solicited comments concerning distribution of the consent order funds in a Proposed Decision and Order issued on February 7, 1986. 51 FR 5797 (February 18, 1986). Following this, the DOE determined the final refund application procedures. As the Decision explains, the DOE audit of Knutson identified three first purchasers which may be eligible for refunds. To receive a refund, these firms must submit either a schedule of their monthly purchases from Knutson, or a statement verifying that they purchased motor gasoline from Knutson and are willing to rely on the data in the audit files. The Decision also describes the process by which purchasers not identified in the DOE audits may apply for refunds. These unidentified purchasers must submit monthly schedules of their motor gasoline purchases from Leathers or Knutson, and proof that they were injured by Leathers' or Knutson's alleged pricing violations. Applicants claiming $5,000 or less need only document their purchase volumes.

The specific information required in an Application for Refund is set forth in the Decision and Order. Applications will be reviewed provided they are filed within 90 days of the publication of this Decision and Order in the **Federal Register.**

Dated: October 7, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Implementation of Special Refund Procedures

October 7, 1986.

Name of Firms: Leathers Oil Co., Marlen L. Knutson Distributors, Inc.

Dates of Filing: October 13, 1983, October 13, 1983

Case Numbers: HEF–0113, HEF–0110.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request the the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On October 13, 1983, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with consent orders entered into with Leathers Oil Co. (Leathers), and Marlen L. Knutson Distributors, Inc. (Knutson) (hereinafter both of the companies referenced above will be collectively referred to as the consent order firms).

I. Background

Leathers and Knutson are both "reseller-retailers" of motor gasoline as that term was defined in 10 CFR 212.31. Leathers is located in Portland, Oregon, and Knutson is located in Stanwood, Washington. A DOE audit of each firm's records revealed possible violations of the Mandatory Petroleum Price Regulations. 10 CFR Part 212, Subpart F. Subsequently, each firm entered into a separate consent order with the DOE. The consent orders refer to ERA's allegations of overcharges, but note that there were no findings that violations occurred. Additionally, the consent orders state that the consent order firms do not admit that they committed violations. A brief discussion of the pertinent matters covered by each consent order follows.

The Leathers consent order covers the period March 1, 1979 through December 31, 1979. In order to settle all claims and disputes between Leathers and the DOE regarding Leathers' compliance with the DOE's price regulations in its sales of motor gasoline during the period covered by the audit, the firm entered into a consent order with the DOE on October 15, 1981. The consent order amount represented 38 percent of the potential liability, including interest. In accordance with the consent order, Leathers agreed to remit $10,000 to the DOE for deposit into an interest-bearing escrow account pending distribution by the DOE. Leathers paid the $10,000 in full on October 20, 1980.[1]

The Knutson consent order covers the firm's sales of motor gasoline made during the same period, March 1, 1979 through December 31, 1979. The consent order, which was made effective on September 24, 1981, resolved a Notice of Probable Violation (NOPV) issued on October 6, 1980. The consent order required that Knutson deposit $25,971 into interest-bearing escrow account for ultimate distribution by the DOE. Knutson fulfilled this requirement on October 19, 1981.[2]

On February 7, 1986, the OHA issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of refunds to parties that can make a reasonable demonstration of injury as a result of the consent order firms' alleged violations in their sales of motor gasoline during the consent order periods. 51 FR 5797 (February 18, 1986). The PD&O stated that the basic purpose of a special refund proceeding is to make restituton for injuries that were experienced as a result of actual or alleged violations of the DOE regulations.

[1] As of August 31, 1986, the Leathers escrow account contained $15,780 representing $10,000 in principal, and $5,780 in accrued interest.

[2] As of August 31, 1986, the Knutson escrow account contained $41,209 representing $25,971 in principal, and $15,238 in accrued interest.

In order to give notice to all potentially affected parties, a copy of the Proposed Decision was published in the **Federal Register** and comments regarding the proposed refund procedures were solicited. Copies were also sent to any identified purchasers and to various service station dealers' associations. None of the consent order firms' customers submitted comments on the proposed procedures. Comments were submitted collectively on behalf of the States of Arkansas, Delaware, Iowa, Louisiana, North Dakota, Rhode Island, and West Virginia. Those comments concern the distribution of any funds remaining after all refunds have been made to injured parties. However, the purpose of this Decision is to establish procedures for filing and processing claims in the first stage of the Leathers and Knutson refund proceedings. Any procedures pertaining to the disposition of any monies remaining after this first stage will necessarily depend on the size of the fund. *See Office of Enforcement*, 9 DOE ¶ 82,508 (1981). Therefore, we will not address the issues raised by the states' comments at this time.

II. Refund Procedures

The procedural regulations of the DOE set forth general guidelines which may be used by OHA in formulating and implementing a plan of distribution for funds received as a result of enforcement proceedings. 10 CFR Part 205, Subpart V. The Subpart V process may be used in situations where the DOE is unable to identify readily those persons who might have been injured by alleged overcharges or to ascertain readily the amount of such persons' injuries. For a more detailed discussion of Subpart V and the authority of OHA to fashion procedures to distribute refunds, *see Office of Enforcement*, 9 DOE ¶ 82.508 (1981), and *Office of Enforcement*, 8 DOE ¶ 82,597 (1981) (*Vickers*).

As in other Subpart V cases, we believe that the distribution of refunds in this proceeding should take place in two stages. In the first stage, we will attempt to provide refunds to identifiable purchasers of refined petroleum products who may have been injured by the consent order firm's pricing practices during their particular consent order periods. Any funds that remain after all meritorious first-stage claims have been paid may be distributed in a second-stage proceeding. *See, e.g., Office of Special Counsel*, 10 DOE ¶ 85,048 (1982) (*Amoco*).

A. Refunds to Identified and Unidentified Purchasers. A special refund proceeding is designed to provide restitution to parties that were injured as a result of alleged or actual regulatory violations. We have consistently maintained that the information contained in ERA's audit files may reasonably be used to determine the identities of purchasers allegedly overcharged in the first instance and the amounts of the overcharges. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984). In the Knutson proceeding three first purchasers were identified in the material developed by the DOE during its audit of Knutson. The total amount of refunds assigned to these purchasers equals $753, plus accrued interest. The first purchasers identified by the audit and the share of the settlement earmarked for each are listed in the Appendix.

In previous cases of this type, we have proposed that the funds in the escrow account be apportioned among the purchasers identified in the audit, and other as yet unidentified customers that may have been injured by purchases from the consent order firm. *See, e.g., Bob's Oil Co.*, 12 DOE ¶ 85,024 (1984); *Richards Oil Co.*, 12 DOE ¶ 85,150 (1984). Therefore, in the Knutson proceeding we will allot the remaining $25,218 plus accrued interest to those unidentified purchasers. No first purchasers were identified in the DOE's audit of Leathers. Therefore, all of the funds in the escow account will be allotted to customers who are as yet unidentified.

As we have done in many prior refund cases, we will adopt certain presumptions which will be used to help determine the level of a purchaser's injury. Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. 10 CFR 205.282(e). The presumptions we plan to adopt in this case are used to permit claimants to participate in the refund process without incurring inordinate expenses and to enable OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

As an initial matter, we will adopt a presumption that the alleged overcharges committed by the consent order firms were dispersed evenly among all sales of motor gasoline made by the firms during their relevant consent order periods. In the past, OHA has used a volumetric refund amount as an equitable means of distributing funds based on this presumption. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

We recognize that the impact on an individual purchaser could have been greater than that estimated by using the volumetric factor, and any purchaser may file a refund application based on a claim that it suffered a disproportionate share of the alleged overcharges. *See Sid Richardson Carbon and Gasoline Co. and Richardson Products Co./ Siouxland Propane Co.*, 12 DOE ¶ 85,054 (1984), and cases cited therein at 88,164.

Using a volumetric approach, a successful claimant's refund is determined by multiplying a factor, known as the volumetric refund amount, by the number of gallons of motor gasoline purchased by the claimant. For claimants which purchased motor gasoline from Leathers, the volumetric factor is $0.000658 per gallon. [3] For successful applicants applying for a share of the Knutson escrow account, the volumetric factor is $0.002045 per gallon.[4] In addition, successful claimants will receive a proportionate share of the accrued interest.

Second, we presume that purchasers of the consent order firms' products seeking small refunds were injured by the consent order firms' pricing practices. Under the small-claims presumption, if a refund is below a certain sum a reseller- or retailer-claimant will not be required to make a detailed showing of injury other than evidence of the volumes of motor gasoline which the claimant purchased from the consent order firm. In this case, $5,000 is a reasonable amount for the threshold. *See Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,210 (1984); *Office of Special Counsel*, 11 DOE ¶ 85,226 (1984) (*Conoco*), and cases cited therein.

Unlike threshold claimants, an applicant which claims a refund in excess of $5,000 will be required to document its inquiry. A reseller will be required to demonstrate that it maintained a "bank" of unrecovered product costs.[5] In addition, a reseller

[3] This figure was derived by dividing the $10,000 principal amount by the estimated 15,189,084 gallons of motor gasoline sold by Leathers during the consent order period.

[4] This figure was derived by dividing the $25,128 principal amount by the 12,331,179 gallons of motor gasoline which the company stated it sold during the consent order period.

[5] This injury requirement reflects the nature of the petroleum price regulations in effect beginning on August 19, 1973, and ending on July 16, 1979 for retailers, and on May 1, 1980 for resellers. Under the original rules, a reseller or retailer of motor gasoline was required to calculate its maximum lawful selling price (MLSP) by summing its selling price on May 15, 1973 with increased costs incurred since that time. A firm which was unable to charge its

Continued

claimant must show that market conditions would not permit it to pass through those increased costs. *See, e.g., Triton Oil and Gas Corporation/Cities Service Company*, 12 DOE ¶ 85,107 (1984); *Tenneco Oil Company/Mid-Continent Systems, Inc.*, 10 DOE ¶ 85,009 (1982).

Retailer claimants will be subject to a different requirement for demonstrating injury than that outlined above for reseller applicants. We believe a modification of the injury requirement for retailers is justified because during most of the firms' consent order periods, specifically, from July 16, 1979 to December 31, 1979, retailers of motor gasoline were not required to compute MLSPs with reference to May 15, 1973 selling prices and increased costs. *See* 10 CFR 212.93; 45 FR 29546 (1980). Instead, effective July 16, 1979, a retailer was required to calculate its MLSP under a fixed-margin approach set forth in the new rule. Unrecouped increased product costs could no longer be banked for later recovery. *Id.*

We note that retailer applicants in other refund proceedings are generally unable to claim refunds above the threshold amount if they lack a showing of banks of unrecouped product costs, since banks help to prove that a firm absorbed rather than passed through its increased product costs. However, for the purposes of this proceeding, retailers which lack banks subsequent to July 16, 1979 may still file a claim for a refund for that period which exceeds the small claim threshold.[6] Retailers should, however, submit bank calculations from March 1, 1979 through July 16, 1979. In addition, like resellers, they must show that market conditions prevented them from recovering those increased costs. Indicators of a competitive disadvantage include a detailed description of lowered profit margins, decreased market shares, or depressed sales volumes.[7]

If a reseller or retailer made only spot purchases, it should not receive a refund since it is unlikely to have experienced injury. This is true because

> [t]hose customers tend to have considerable discretion in where and when to make purchases and would therefore not have made spot market purchases of [the firm's product] at increased prices unless they were able to pass through the full amount of [the firm's] quoted selling price at the time of purchase to their own customers.

Vickers, 8 DOE at 85,396–97. Firms which made only spot purchases from the consent order firms will not receive refunds unless they present evidence which rebuts this presumption and establishes the extent to which they experienced injury.

We find that end user—or ultimate consumer—purchasers whose business operations are unrelated to the petroleum industry were injured by the alleged overcharges settled in the consent order. These entities were not subject to DOE regulations during the relevant periods, and are thus outside our inquiry about pass-through of overcharges. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983) (*PVM*); *see also Texas Oil & Gas Corp.*, 12 DOE at 88,209, and cases cited therein. Therefore, to prove injury, ultimate consumers must document only their purchase volumes.

As in previous cases, only claims for at least $15 will be processed. We have found through our experience in prior refund cases that the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE At 85,225. *See also* 10 CFR § 205.286(b). The same principle applies here.

III. Applications for Refund

We have determined that by using the procedures described above, we can distribute the Leathers and Knutson consent order funds as equitably and efficiently as possible. Accordingly, we will now accept applications for refund from individuals and firms who purchased motor gasoline from either of the consent order firms during the period March 1, 1979 through December 31, 1979. Each of the three identified purchasers listed in the Appendix may submit a statement verifying that it purchased motor gasoline from Knutson and is willing to rely on the data in the audit file. The remaining applicants will be required to provide schedules of their monthly purchases of motor gasoline from the consent order firms, including specific information as to the volume of motor gasoline purchased, the date of purchase, the name of the firm from which the purchase was made, and the extent of any injury alleged. If they claim injury at a level greater than the thereshold level, they must document this injury in accordance with the procedures described above. A claimant must also indicate whether it has previously received a refund, from any source, with respect to the alleged overcharges identified in the ERA audit underlying these proceedings. Each applicant must also state whether there has been a change in ownership of the firm since the audit period. If there has been a change in owership, the applicant must provide the names and addresses of the other owners, and should either state the reasons why the refund should be paid to the applicant rather than to the other owners or provide a signed statement from the other owners indicating that they do not claim a refund. Finally, an applicant should report whether it is or has been involved as a party in any DOE enforcement or private, section 210 actions. If these actions have been concluded the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its current status. The applicant must keep OHA informed of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d).

Finally, each application must include the following statement: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c); 18 U.S.C. section 1001. All applications must be filed in duplicate and must be received within 90 days from the date of publication of this Decision and Order in the **Federal Register**. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any applicant which believes that its application contains confidential information must indicate this and submit two additional copies of its application from which the information has been deleted. All applications should refer to the relevant case number, either Case No. HEF–0113 for Leathers, or Case No. HEF–0110 for Knutson, and should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

It Is Therefore Ordered That:

(1) Applications for refunds from the funds remitted to the Department of Energy by Leathers Oil Co. pursuant to

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MLSP in a particular month could "bank" any unrecovered increased product costs, so that those costs could be recouped in a later month, if possible. *See* 10 CFR 212.93; 45 FR 29546 (1980).

[6] The cost bank requirement has been relaxed in other instances regarding the change in the pricing regulations for motor gasoline. *See* Tenneco Oil Company/United Fuels Corporation, 10 DOE ¶ 85,005 at 88.017 n.1 (1982) (Tenneco).

[7] Resellers or retailers who claim a refund in excess of $5,000 but who cannot establish that they did not pass through the price increases will be eligible for a refund of up to the $5,000 threshold, without being required to submit further evidence of injury. Firms potentially eligible for greater refunds may choose to limit their claims to $5,000. *See* Vickers, 8 DOE at 85,396. *See also* Office of Enforcement, 10 DOE ¶ 85,029 at 88,122 (1982) (Ada).

the consent order executed on October 15, 1981, may now be filed.

(2) Applications for refunds from the funds remitted to the Department of Energy by Marlen L. Knutson Distributors, Inc. pursuant to the consent order executed on September 24, 1981, may now be filed.

(3) All applications must be filed no later than 90 days after publication of this Decision and Order in the **Federal Register**.

Dated: October 7, 1986.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix

Marlen L. Knutson Distributors, Inc.

First purchasers	Share of settlement
Elger Bay, 1992A Elger Bay Road, Camano Island, Washington 98292	$52
Gary Drivstuen, Red Barn Snow King, 202 Ferry Street, Monroe, Washington 98272	623
Whitehorse Mercantile, 38710 SR530, Arlington, Washington 98223	78

[FR Doc. 86-23276 Filed 10-14-86; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-36128 (FRL-3093-6)]

Addenda on Data Reporting to Pesticide Assessment Guidelines

AGENCY: Office of Pesticides and Toxic Substances Environmental Protection Agency (EPA).

ACTION: Request for comments.

SUMMARY: EPA is making available, for public comment, proposed addenda to the following studies in the Pesticide Assessment Guidelines: field testing for pollinators, honey bee toxicity, honey bee acute contact LD_{50}, wild mammal toxicity, leaching, photodegradation, hydrolysis, aerobic soil metabolism residues in processed foods and feeds, and residues as a result of seed treatments, fumigation, and post-harvest treatments. The addenda would supersede paragraphs in the Guidelines on data reporting and would provide a format for preparation of study reports by those submitting data to EPA. This will increase the efficiency of pesticide registration and other regulatory activities. Copies of the proposed addenda are available at the address given below for the Information Service Section.

DATE: Comments, identified by the document control number OPP-36128, must be received on or before December 15, 1986.

ADDRESS: Submit three copies of written comments, identified with the document control number "OPP-36128," by mail to: Information Services Section, Program Management and Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460 In person, deliver comments to: Rm. 236, Cm#2, 1921 Jefferson Davis Highway, Arlington, Va.

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

Copies of the draft guidelines are also available at this address.

FOR FURTHER INFORMATION CONTACT: Elizabeth M.K. Leovey, Hazard Evaluation Division (TS-769C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Rm. 807, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. (703-557-1354).

SUPPLEMENTARY INFORMATION: The Pesticide Assessment Guidelines describe protocols for performing tests to support the registration of pesticides under the Federal Food, Drug, and Cosmetic Act and the Federal Insecticide, Fungicide, and Rodenticide Act. A description of the organization of these Guidelines and their relationship to data requirements, along with the necessary information for ordering them from the National Technical Information Service, appears in 40 CFR 158.115, published in the **Federal Register** of October 24, 1984 (49 FR 42856). The Data Reporting addenda will clarify sections in the Guidelines on data reporting and provide formats which guide pesticide registrants in report preparation. With consistent and complete reports, the Agency will spend less time in reorganizing data, retrieving information, and resolving misunderstandings.

This is the third set of Data Reporting addenda which has been made available for public comment. Public comment on the initial set of eight Data Reporting Guidelines was requested in the **Federal Register** on July 31, 1985 (50 FR 31010) and these guidelines are being processed for publication by the National Technical Information Service. A second set of 12 was reviewed by the public in response to the **Federal Register** request of May 21, 1986 (51 FR 18660) and these comments are currently being reviewed. The specific subdivisions and series now being considered are: Subdivision E, Series 71-3, Wild Mammal Toxicity Test; Subdivision L, Series 141-1, Honey Bee Acute Contact LD_{50}; Subdivision L, Series 141-2, Honey Bee —Toxicity of Residues on Foliage; Subdivision L, Series 141-5, Field Testing for Pollinators; Subdivision N, Series 161-1, Hydrolysis Studies; Subdivision N, Series 161-2 and 162-3, Photodegradation Studies in Water and on Soil; Subdivision N, Series 162-1, Aerobic Soil Metabolism Studies; Subdivision N, Series 163-1, Leaching and Adsorption/Desorption Studies; and Subdivision O, Series 171-4, Magnitude of the Residue: Processed Food/Feed Study and Specialty Applications (Classification of Seed Treatments and Treatment of Crops Grown for Seed Use Only as Non-Food or Food Uses, Magnitude of the Residue: Post-harvest Fumigation of Crops and Processed Foods and Feeds, and Magnitude of the Residue: Post-harvest treatment (Except Fumigation) of Crop and Processed Foods and Feeds).

Drafts have been reviewed by the Agency. Comments on this set of reporting formats will be considered by the Agency in preparing a final draft for publication by the National Technical Information Service.

Dated: September 24, 1986.

John W. Melone,

Director, Hazard Evaluation Division, Office of Pesticide Programs.

[FR Doc. 86-22946 Filed 10-14-86; 8:45 am]

BILING CODE 6560-50-M

[SAB-FRL-3095-4]

Science Advisory Board; Municipal Waste Combustion Review Subcommittee; Open Meeting

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that two-day meeting of the Science Advisory Board's Municipal Waste Combustion Review

Subcommittee will meet November 10–11, 1986. The meeting will begin at 9:00 a.m. on November 10 in Classroom #3 of the U.S. EPA, Environmental Research Center, Route 54 and Alexander Drive, Research Triangle Park [RTP], North Carolina. On November 11, 1986, the meeting will be held in Classroom #2 of the RTP facility and will adjourn no later than 4:00 p.m.

The main purpose of the meeting is to continue with a review of a series of scientific issues related to muncipal waste incineration and to assess more recent information made available to the Subcommittees.

The meeting will be open to the public. Any member of the public wishing to attend or to present information to the subcommittee, or to receive further meeting information, should contact Ms. Janis Kurtz, Executive Secretary, or Mrs. Lutithia Barbee, Staff Secretary, [A101F] Environmental Effects, Transport and Fate Committee, Science Advisory Board, by noon on November 7, 1986. The telephone number is (202) 382–2552.

Dated: October 6, 1986.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 86–23227 Filed 10–14–86; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–774–DR]

Michigan; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Michigan (FEMA–774–DR), dated September 18, 1986, and related determinations.

DATED: October 2, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

The notice of a major disaster for the State of Michigan, dated September 18, 1986, 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 September 18, 1986:

Allegan County as an adjacent area for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Dave McLoughin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86–23220 Filed 10–14–86; 8:45 am]

BILLING CODE 6718–01–M

[FEMA–774–DR]

Michigan; Amendment to Notice of a Major-Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Michigan (FEMA-774-DR), dated September 18, 1986, and related determinations.

DATE: October 6, 1986.

FOR FURTHER INFORMATION CONTACT: Sewall H.E. Johnson, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3616.

Notice

The notice of a major disaster for the State of Michigan, dated September 18, 1986, 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 September 18, 1986:

Genesee County as an adjacent area for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Joe D. Winkle,

Acting Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 86–23219 Filed 10–14–86; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL MARITIME COMMISSION

Shipping Conditions in the United States/Colombia Trade; Filing of Petition; O.N.E. Shipping, Ltd.

October 8, 1986.

O.N.E. Shipping, Limited, a liquid bulk carrier engaged in the trade between the United States and Colombia has filed an amended petition under section 19 of the Merchant Marine Act, 1920 (46 U.S.C. app. 876), for the Federal Maritime Commission to issue regulations under 46 CFR Part 585 to adjust or meet conditions unfavorable shipping in the foreign trade of the United States. O.N.E. had filed a similar earlier petition alleging that the cargo preference laws of Colombia had severely damaged ONE's financial position through the reservation of cargoes for Colombian and associated vessels to the detriment of U.S. and third nation vessels. The petition was noticed by the Commission in the **Federal Register** on June 20, 1986 (51 FR 22561), and comments in response thereto were submitted.

The present amendment supplements material previously submitted, and provides information about Colombia government laws promulgated, and actions taken, subsequent to the original filing of the petition.

In order for the Commission to make a full and complete evaluation on the matter interested persons are requested to submit views, arguments and/or data on the amended petition no later than November 4, 1986. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, DC 20573 in an original and 15 copies. Responses shall also be served on counsel for Petitioner:

Graham and James, 1050 17th Street, NW., Suite 1200, Washington, DC 20036

Copies of the petition are available for examination at the Washington, DC office of the Commission, 1100 L Street, NW., Room 11101.

Joseph C. Polking,

Secretary.

[FR Doc. 86–23173 Filed 10–14–86; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–004165–002.

Title: Savannah Terminal Agreement.

Parties: Georgia Ports Authority (Port), Hapag-Lloyd, A.G., Intercontinental Transport (ICT) BV (ICT), Compagnie Generale Maritime (CGM).

Synopsis: The proposed amendment reflects a change in the location of leased storage space and the granting of preferential berthing assignments by the Port, as well as the addresses of ICT and CGM. The parties have requested a shortened review period.

Agreement No.: 203–010678–004.

Title: Med-U.S.A. Westbound Stabilization Agreement.

Parties: Mediterranean-U.S.A. Freight Conference, A.P. Moller-Maersk Line, Trans Freight Lines.

Synopsis: The proposed amendment would permit the parties to discuss and agree upon individual or joint service contracts. The parties have requested a shortened review period.

Agreement No.: 213–011018.

Title: Transnave-Navconsa Space Charter and Sailing Agreement.

Parties: Tranportes Navieros Ecuatorianos Naviera Consolidada, S.A.

Synopsis: The proposed agreement would permit the parties to cross-charter space on one or two vessels each and to coordinate sailings of those vessels in the trade between Florida, Ecuador, and Panama.

Dated: October 9, 1986.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 86–23218 Filed 10–14–86; 8:45 am]

BILLING CODE 6730–01–M

Marine Terminal Service Agreements; Supplemental Waiver of Penalties

AGENCY: Federal Maritime Commission.

ACTION: Supplemental notice of waiver of penalties.

SUMMARY: This supplemental notice extends the waiver of the assessment of penalties under the Shipping Act, 1916, and the Shipping Act of 1984 for pre-filing implementation of marine terminal service agreements until further notice. It also holds in abeyance recent petitions for exemption from filing requirements.

EFFECTIVE DATE: October 15, 1986.

FOR FURTHER INFORMATION CONTACT: Wm. Jarrel Smith, Jr., Director, Bureau of Agreements and Trade Monitoring, Federal Maritime Commission, 1100 L Street NW., Washington, DC. 20573 (202) 523–5787.

SUPPLEMENTARY INFORMATION: On June 25, 1986, the Commission published in the **Federal Register** (51 FR 23154) Notice of Waiver of Penalties (June Notice) which established a 120-day moratorium of the assessment of penalties for previously implemented but unfiled terminal service agreements if filed with the Commission during that peiod.

Since publication of the June notice, the Commission has received numerous requests for clarification of the filing requirement and expressions of concern as to its commercial impact and regulatory necessity. Recently, petitions have been filed with the Commission by the New Orleans Steamship Association, the National Association of Stevedores and the West Gulf Maritime Association (Petitions) asking either for an enlargement of the time in which to comply or a total exemption of terminal service agreements from the filing requirements of the Shipping Act, 1916, and the Shipping Act of 1984, on the grounds that filing such agreements is unduly burdensome and disruptive and serves no valid regulatory purpose.

In response to the concern expressed by the terminal and ocean carrier industries relative to the filing of terminal service agreements, the Commission is extending until further notice the moratorium for filing such agreements. In the meantime, the Commission plans to undertake a formal study to determine the scope and impact of the filing requirement and whether an exemption would be appropriate for certain agreements. Pending further action by the Commission, the aforementioned Petitions for exemptions will be held in abeyance.

Accordingly, notice is hereby given that the penalty provisions of section 32(a) of the Shipping Act, 1916, 46 U.S.C. app. 831, and section 13 of the Shipping Act of 1984, 46 U.S.C. app. 1712, will not be invoked against parties to terminal service agreements for failure to file such agreements with the Commission, as required by section 15 of the 1916 Act, 46 U.S.C. app. 814, and/or section 5 of the 1984 Act, 46 U.S.C. app. 1704, until further notice. This Supplemental Notice supersedes the June Notice.

The Petitions for exemption filed by New Orleans Steamship Association, the National Association of Stevedores and the West Gulf Maritime Association are held in abeyance pending further Commission action.

By the Commission October 8, 1986.

Joseph C. Polking,

Secretary.

[FR Doc. 86–23216 Filed 10–14–86; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 8, 1986.

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

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)

Request for OMB Approval To Extend Without Revision

1. *Report title:* Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks

Agency form number: FFIEC 004

OMB Docket number: 7100–0034

Frequency: Annually

Reporters: Executive officers and principal shareholders of member banks, small businesses are affected

General description of report: This information collection is mandatory [12 U.S.C. 1972(2)(9)(i)] and is given confidential treatment [5 CFR 215.22(d)].

Executive officers and principal shareholders of member banks who are indebted to correspondent banks must file the FFIEC 004 report on such indebtedness to them or their related interests. State member banks are required to retain these reports for a period of three years.

Board of Governors of the Federal Reserve System, October 8, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-23188 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

Agency Forms Under Review

October 8, 1986.

Background

Notice is hereby given of the submission of proposed information collection(s) to the Office of Management and Budget (OMB) for its review and approval under the Paperwork Reduction Act (Title 44 U.S.C. Chapter 35) and under OMB regulations on Controlling Paperwork Burdens on the Public (5 CFR Part 1320). A copy of the proposed information collection(s) and supporting documents is available from the agency clearance officer listed in the notice. Any comments on the proposal should be sent to the OMB desk officer listed in the notice. OMB's usual practice is not to take any action on a proposed information collection until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

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)

Request for OMB Approval To Extend, Without Revision, the Following Report:

1. *Report title:* Reports of Condition and Income

Agency form number: FFIEC 031-034, FR 2109ps/2109pf

OMB Docket number: 7100-0036

Frequency: Quarterly

Reporters: State member banks, small businesses are affected

General description of report: This information collection is mandatory [12 U.S.C. 324] and is given partial confidential treatment.

State member banks are required to file detailed schedules of assets, liabilities, and capital accounts in the form of a condition report and summary statement; detailed schedule of operating income and expense, sources and disposition of income, and changes in equity capital in the form of an income statement; and a variety of supporting schedules. Data are used for supervisory and monetary policy purposes.

Board of Governors of the Federal Reserve System, October 8, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-23187 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

Carolina Mountain Holding Co. et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 31, 1986.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Carolina Mountain Holding Company*, Highlands, North Carolina; to engage *de novo* through its subsidiary, Community Finance Company, Franklin, North Carolina, in making consumer finance loans pursuant to § 225.25(b)(1)(i) of the Board's Regulation Y.

2. *First Bankshares, Inc.*, Barboursville, West Virginia; to engage *de novo* through its subsidiary, Equitable Mortgage Company, Barboursville, West Virginia, in making and servicing mortgage loans pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. Comments on this application must be received by October 30, 1986.

3. *Maryland National Corporation*, Baltimore, Maryland; to engage *de novo* through its subsidiary, MN Credit Corporation, Baltimore, Maryland, in the business of commercial and retail lending, direct and indirect, secured and unsecured; engaging generally in the business of leasing personal and real property of all sorts where the lease is the functional equivalent of an extension of credit; originating lending and leasing transactions as principal or agent; servicing lending and leasing transactions as principal or agent for affiliated or nonaffiliated agent; buying, selling or otherwise dealing in lending and leasing transactions as principal or agent; acting as advisor or broker in lending and leasing transactions; engaging in the sale as agent or broker of insurance similar in form and intent to credit life pursuant to § 225.25(b)(1)(i), (1)(iv), (5), and (8) of the Board's Regulation Y.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; Norwest Financial Services, Des Moines, Iowa; and Norwest Financial Inc., Des Moines, Iowa; to engage *de novo* through their subsidiaries, Centurion Life Insurance Company, Des Moines, Iowa, and Centurion Casualty Company, Des Moines, Iowa, in underwriting, directly or through reinsurance arrangements, credit life, and accident and health insurance that is related to extensions of credit by Norwest Corporation or its subsidiaries which are secured by first mortgages on residential real estate pursuant to section 4(c)(8)(A) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, October 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23189 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

Kish Bancorp, Inc., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 31, 1986.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Kish Bancorp, Inc.*, Belleville, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The Kishacoquillas Valley National Bank of Belleville, Belleville, Pennsylvania.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia; to merge with First National Corporation of Sparta, Sparta, Tennessee, and thereby indirectly acquire First National Bank of Sparta, Sparta, Tennessee. Comments on this application must be received by November 5, 1986.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Vermilion Bancshares Corporation*, Kaplan, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of Vermilion Bank and Trust Company, Kaplan, Louisiana.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comerica Incorporated*, Detroit, Michigan; to acquire at least 25.77 percent of the voting shares of the successor by conversion and merger of MetroBank, Federal Savings Bank, Grand Rapids, Michigan.

E. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Centerre Bancorporation*, St. Louis, Missouri; to acquire at least 85.22 percent of the voting shares of Goppert Bank and Trust Company, Kansas City, Missouri.

2. *Citizens Bancshares of Eldon, Inc.*, Eldon, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Citizens Bank of Eldon, Eldon, Missouri.

3. *First Bancorp of Russell County, Inc.*, Russell Springs, Kentucky; to acquire at least 88 percent of the voting shares of Citizens Bank and Trust Company, Campbellsville, Kentucky. Comments on this application must be received by November 4, 1986.

4. *State Bancorp., Inc.*, Washington, Indiana; to acquire 100 percent of the voting shares of The Bank of Mitchell, Mitchell, Indiana.

F. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Lake Bank Shares, Inc.*, Albert Lea, Minnesota; to become a bank holding company by acquiring 91.8 percent of the voting shares of Security State Bank of Albert Lea, Albert Lea, Minnesota; and 100 percent of the voting shares of Emmons Agency, Inc., Emmons, Minnesota; and thereby indirectly acquire at least 80 percent of the voting shares of First State Bank of Emmons Emmons, Minnesota.

2. *Ridgeland Bancorp, Inc.*, Phillips, Wisconsin; to become a bank holding company by acquiring 87.83 percent of the voting shares of Farmers State Bank, Ridgeland, Wisconsin, and thereby indirectly acquire Bank of Dallas, Dallas, Wisconsin. Comments on this application must be received by November 4, 1986.

G. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Chambanco, Inc.*, Chambers, Nebraska; to acquire 18.8 percent of the voting shares of Ewing Agency, Inc., Ewing, Nebraska, and thereby indirectly acquire Farmers State Bank, Ewing, Nebraska. Comments on this application must be received by November 4, 1986.

H. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Oregon Pacific Financial, Inc.*, Portland, Oregon; to become a bank holding company by acquiring 51.49 percent of the voting shares of Santiam Valley Bank, Aumsville, Oregon.

Board of Governors of the Federal Reserve System, October 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23190 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

Standard Chartered PLC; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that

outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 31, 1986.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Standard Chartered PLC.* London, England; Standard Chartered Bank, London, England; Standard Chartered Overseas Holdings Limited, London, England; Standard Chartered Holdings Inc., Los Angeles, California; and Union Bancorp, Los Angeles, California; to merge with United Bancorp of Arizona, Phoenix, Arizona, and thereby indirectly acquire United Bank of Arizona, Phoenix, Arizona.

In connection with this application, Applicants have also applied to acquire H.S. Pickrell Company, Phoenix, Arizona, and thereby engage in mortgage banking pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23191 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

The Standard Life Assurance Company 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 October 29, 1986.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Standard Life Assurance Company,* Edinburgh, Scotland; to acquire IFA, Incorporated, Palatine, Illinois, and thereby engage in leasing personal property of a commercial nature pursuant to § 225.25(b)(5) of the Board's Regulation Y.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation,* Roanoke, Virginia; to acquire Internet, Inc., Reston, Virginia, and thereby engage in providing electronic network and switching services in connection with the operation of the MOST electronic funds transfer system pursuant to § 225.25(b) (1) and (7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-23192 Filed 10-14-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee Meeting; Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is canceling the meeting of the Anesthesiology and Respiratory Therapy Devices Panel scheduled for October 17, 1986. The meeting was announced by notice in the **Federal Register** of September 26, 1986 (51 FR 34255).

FOR FURTHER INFORMATION CONTACT: Michael S. Gluck, Center for Devices and Radiological Health (HFZ-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7226.

Dated: October 9, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86-23301 Filed 10-10-86; 12:58 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-86-1643; FR-2282]

Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages; Application Deadline for Funds for Fiscal Year 1987

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of application deadline for funds under the CDBG Program for Indian Tribes and Alaskan Native Villages for fiscal year 1987.

SUMMARY: This Notice sets the deadline dates for filing applications for funds under the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1987. Applications are required in order to provide HUD with the information necessary to rate the proposed project(s) and to assure HUD that the necessary citizen participation has taken place.

FOR FURTHER INFORMATION CONTACT: Mr. Leroy P. Gonnella, Office of Program Policy Development, Office of

Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6092. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: This Notice sets the deadline dates for submitting applications for the Community Development Block Grant program for Indian Tribes and Alaskan Native Villages. HUD will use the information furnished in these applications to rate the proposed project(s) and to assure the Department that there has been the necessary citizen participation. These dates apply only to applications submitted by Indian Tribes and Alaskan Native Villages for Fiscal Year 1987.

The field responsibility for the administration of the program is divided among the following offices: Region V Office of Indian Programs (OIP) in Chicago, responsible for all HUD Indian program activities within Regions I–V, plus the State of Iowa; Oklahoma City Office, responsible for all HUD Indian program activities in the States of Arkansas, Texas, Oklahoma, Kansas, Louisiana, and Missouri; Region VIII OIP in Denver, responsible for all HUD Indian program activities in Region VIII, plus the State of Nebraska; Region IX OIP in Phoenix, responsible for all HUD Indian program activities in Region IX, plus the State of New Mexico; Region X OIP in Seattle, responsible for all HUD Indian program activities in Region X, with the exception of the State of Alaska; and the Anchorage Office, responsible for all HUD Indian and Alaskan Native program activities in the State of Alaska.

Applications will be accepted by HUD as of the publication date of this Notice.

Final Dates for Submission of Applications

Offices	Applications must be submitted no later than [1]
Region V, OIP	December 15, 1986
Oklahoma City Office	March 27, 1987
Region VIII, OIP	November 21, 1986
Region IX, OIP	February 20, 1987
Region X, OIP	December 19, 1986
Anchorage Office	March 6, 1987

[1] Applications must be received or postmarked no later than the date specified above. Applications received or postmarked after the deadline will not be considered.

Tribes and Villages submitting applications for this program must do so on HUD forms approved by the Office of Management and Budget under OMB Control Number 2506–0043. These forms request information which assures HUD that the necessary citizen participation has taken place. Forms will be provided by the appropriate HUD Field Offices.

Authority: Sec. 107, Housing and Community Development Act of 1974 (42 U.S.C. 5307); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: October 6, 1986.

Alfred C. Moran,

Assistant Secretary for Community Planning and Development.

[FR Doc. 86–23197 Filed 10–14–86; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-06-4990-11-6001; W-85311]

Proposed Conversion of Unpatented Oil Placer Mining Claim (Black Bird Claim No. 3) to Noncompetitive Oil and Gas Lease; Wyoming

October 7, 1986.

Pursuant to sections 31 and 17(c) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188) as amended by Title IV of the Federal Oil and Gas Royalty Management Act of 1982 (Pub. L. 987–451), a petition for conversion on unpatented oil placer mining claim has been timely filed. The proposed lease has been assigned serial number W–85311. The claim to be converted is the Black Bird No. 3 unpatented oil placer mining claim located in Converse County, Wyoming. The description of the land is as follows: T. 33 N., R. 76 W., 6th Principal Meridian, Wyoming, Section 3: NE¼SE¼, containing 33.57 acres m/l.

This notice explains the reasons for the proposed conversion of the mining claim to a noncompetitive oil and gas lease. The unpatented oil placer mining claim was validly located prior to February 25, 1920, it is currently producing oil, and it was deemed conclusively abandoned for failure to timely file instruments as required by section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744). The statutory date of abandonment was December 30, 1980. Conoco Inc., on behalf of itself and others, has petitioned for the conversion. When issued, the lease will be in the name of Conoco Inc., et al. The lessees have agreed to four special lease terms in addition to the normal lease terms of a noncompetitive oil and gas lease. They include:

1. Standard BLM Stip No. 1—Surface Disturbance.

2. Payment of royalty shall be not less than 12½% on production removed or sold from the unpatented oil placer mining claim including royalty on production since December 30, 1980.

3. Payment of rental of not less than $5 per acre or fraction of an acre per year, including back rentals accruing from December 30, 1980. Rental is due annually in addition to royalty.

4. This lease will be committed to East Unit, Big Muddy Field that was approved February 8, 1961. All information pertaining to unit operations such as production reports, plans of development, plans of operation, etc., will be submitted to the District Manager, Casper, Wyoming, within thirty days after lease issuance.

The lessee has paid the required $500.00 administrative fee and will reimburse the Department for the cost of this **Federal Register** notice. In addition, all back rental and royalty will be paid from December 30, 1980, current to the date the lease is issued.

Production reports have been submitted for the period from December 1980 to May 1983. The production during this period totaled 2150.68 barrels of oil. Royalty from May 1983, current to the date the lease is issued, still needs to be submitted. This will be paid before the lease is issued. Rental is due in addition to royalty at $5.00 per acre or fraction thereof per year. Since the lessee has met all the requirements for conversion of the unpatented oil placer mining claim as set out in the laws referenced above, the Bureau of Land Management is proposing to issue lease W–85311 effective December 30, 1980.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 86–23180 Filed 10–14–86; 8:45 am]

BILLING CODE 4310-22-M

[CA-940-06-4520-12; Group 884—Correction]

California Plat Survey Filing; Correction

October 2, 1986.

In the **Federal Register** for Thursday, April 17, 1986, Vol. 51, No. 74, page 13106, in the middle column, make the following correction:

Under [**Group 884**] California, Filing of Plat of Survey, Arril 8, 1986, in paragraph 2, "Township 37 North, Range 4 East", should be changed to "Township 36 North, Range 4 East".

This error appears twice within paragraph 2.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 86–23181, Filed 10–14–86; 8:45 am]

BILLING CODE 4310-40-M

[WO-150-07-4830-11]

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet November 12–14, 1986, at Zeno's Motel, 1621 Martin Springs Drive, Rolla, Missouri. The meeting hours will be 8:00 a.m. to 5:00 p.m. on Wednesday, the 12th, 2:00 p.m. to 5:30 p.m. on Thursday, the 13th, and 7:30 a.m. to 10:00 a.m. on Friday, the 14th. Council members will also participate in a field tour of lead and zinc mining operations in southeastern Missouri the morning of the 13th and visit a wild horse and burro satellite adoption center the morning of the 14th. The proposed agenda for the meeting is:

Wednesday, November 12

Morning: Address by U.S. Congressman Bill Emerson; Council old and new business, to include Department responses to previous Council resolutions; Meeting of Council subcommittees (Energy and Minerals, Lands, and Renewable Resources).

Afternoon: Eastern Lands and Resources Council (ELRC) presentation; Public Statement Period; Panel Discussion—The Role of Missouri State Agencies in Federal Land and Minerals Programs; Meeting of Council subcommittees.

Thursday, November 13

Afternoon: Presentations on Eastern States Land Records, Minerals Program, and Cadastral Surveying Operations; Meeting of Council subcommittees.

Friday, November 14

Morning: Final meetings of Council subcommittees; Report from subcommittees to full Council and consideration of Council resolutions.

All meetings of the Council will be open to the public. Opportunity will be given for members of the public to make oral statements to the Council, beginning at 1:15 p.m. on Wednesday, November 12. Speakers should address specific national public lands issues on the meeting agenda and are encouraged to submit a copy of their written testimony prior to oral delivery. Please send written comments by November 5 to the Bureau of Land Management's Eastern States Office at the address listed below. Depending on the number of people who wish to address the Council, it may be necessary to limit the length of oral presentations.

DATES: November 12–14—Council Meeting. November 12—Public Statements.

ADDRESS: Copies of public statements should be mailed by November 5 to: Director, Eastern States Office (912), Bureau of Land Management, 350 South Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT: Karen Slater, Washington, DC Office, BLM, telephone (202) 343–2054; or Charlie Most, Eastern States Office, BLM, telephone (703) 274–0190.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the Interior through the Director, Bureau of Land Management, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of BLM.

David C. O'Neal,

Acting Director.

October 8, 1986.

[FR Doc. 86–23194 Filed 10–14–86; 8:45 am]

BILLING CODE 4310-84-M

[CA-010-07-4212-11; CA 18073]

Proposed Lease for Archery Range in Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; proposed lease of public lands.

SUMMARY: The following described land has been examined and proposed as suitable for lease under provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.)

Mt. Diablo Meridian, California

T. 26 S., R. 33 E., Sec. 32,
W½SW¼, W½E½SW¼.

Containing 120 acres, more or less.

SUPPLEMENTARY INFORMATION: The land is located near the town of Lake Isabella, California. The terrain is physically suitable for an archery range and no significant environmental impacts are expected. The range would utilize the Cook Peak escarpment as a backdrop and safety zone. The State of California, Department of Fish and Game has petitioned the Bureau to classify the subject lands as suitable and accept their lease application for the development of an archery range to include a National Field Archery Range, fencing, clubhouse, parking area, picnic area, etc. This notice hereby proposes the subject lands to be classified as suitable for Recreation and Public Purposes leasing. The proposed classification will become final 60 days from the date of publication in the **Federal Register**, unless modified by the Bureau. The proposal is consistent with Bureau and Kern County planning documents, and would serve the recreational interests of the Kern County area. The range would be developed and managed according to plans submitted to the Bureau by the State, with mandatory provisions for public safety and compatibility. It would be open to the public during regularly scheduled events.

DATES: For a period on or before December 1, 1986, interested parties may submit written comments.

ADDRESS: Written comments should be sent to the Bureau of Land Management, Caliente Resource Area Manager, 520 Butte St., Bakersfield, CA 93305.

FOR FURTHER INFORMATION CONTACT: Glenn A. Carpenter, Caliente Resource Area Manager, Bureau of Land Management, 520 Butte St., Bakersfield, CA 93305; phone (805) 861–4236.

Dated: October 7, 1986.

Daniel E. Vaughn,

Acting Caliente Resource Area Manager.

[FR Doc. 86–23249 Filed 10–14–86; 8:45 am]

BILLING CODE 4310-40-M

[ID-010-07-4630-11-F107]

Motor Vehicle Closures on Burned Lands in Gem, Payette, and Washington Counties, ID

AGENCY: Bureau of Land Management, Boise District Office.

ACTION: Notice of motor vehicle closures on burned BLM lands in Gem, Payette, and Washington Counties.

SUMMARY: Pursuant to 43 CFR 8341.2, motor vehicle use on burned BLM-managed lands is limited within the following boundaries:

The area formed by the Main Payette River on the south, Squaw Creek on the east, the Adams County line on the north, and the Snake and Weiser Rivers on the west.

Designated roads and trails within this area will be marked as closed.

The purpose of the limitation is to protect public lands from undue degradation during fire rehabilitation.

DATE: This action is effective October 15, 1986.

FOR FURTHER INFORMATION CONTACT: George Farrow or Dick Geier at the Bureau of Land Management, Boise District Office, 3948 Development

Avenue, Boise, Idaho 83705, (208) 334–1582.

October 3, 1986

J. David Brunner,

District Manager.

[FR Doc. 86–23250 Filed 10–14–86; 8:45 am]

BILLING CODE 4310-C-G-M

INTERSTATE COMMERCE COMMISSION

[No. MC–C–10999]

Matlack, Inc.; Transportation Within Missouri; Petition for Declaratory Order

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for declaratory order.

SUMMARY: Matlack, Inc., a motor carrier, seeks institution of a declaratory order proceeding to determine whether the transportation of chemicals from three distribution facilities at St. Louis, Kansas City, and Springfield, MO, to other points in Missouri is interstate or intrastate in nature. Chemtech Industries, Inc., is a manufacturer and distributor of chemicals. It ships bulk chemicals from out-of-State to the above-noted three Missouri facilities by barge, rail, and motor carrier, temporarily stores them there, breaks them down into smaller volumes, and then reships them by motor carrier or rail to customers at other Missouri points and at points in other States. Matlack hauls shipments from the St. Louis facility.

Any interested party may file a comment in this proceeding according to the schedule set forth below.

DATES: Persons interested in participating in this proceeding should so advise the Commission in writing by October 30, 1986. A list of interested parties will then be compiled and served. Matlack and Chemtech will have 10 days from the service date of that list to serve each party on the list and the Commission with a copy of their comments. The parties will then have 35 days from the service date of the service list to submit their comments to the Commission and to petitioner's representative. Petitioner will have 50 days from the service date of the service list to reply.

ADDRESS: Send an original and, if possible, 10 copies of comments referring to No. MC–C–10999 to: Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

Send one copy of comments to petitioner's representative: Edward J. Kiley, 1730 M Street NW, Suite 501, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT:

Paul W. Schach, (202) 275–7885.

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.

Decided: October 6, 1986.

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

Noreta R. McGee,

Secretary.

[FR Doc. 86–23224 Filed 10–14–86; 8:45 am]

BILLING CODE 7035-01-M

[Section 5a Application No. 110]

Florida Specialized Carriers Interstate Rate Conference, Inc.; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Revocation of antitrust imminuty.

SUMMARY: The Commission dismisses Florida Specialized Carriers Interstate Rate Conference, Inc.'s, pending application for approval of its collective ratemaking agreement, and revokes all antitrust immunity for collective activities performed under that agreement.

EFFECTIVE DATE: This decision is effective on October 14, 1986.

FOR FURTHER INFORMATION CONTACT:

Robert G. Rothstein, (202) 275–7912.

or

Louis E. Gitomer, (202) 275–7691

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision. To purchase a copy, contact T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423; or call toll-free (800) 424–5403, or (202) 289–4357 in the Washington, DC, metropolitan area. This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10706 and 10321.

Decided: October 3, 1986.

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

Noreta R. McGee;

Secretary.

[FR Doc. 86–23223 Filed 10–14–86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86–41]

Gordon M. Acker, D.M.D., Jericho, NY, and Spring Lake Heights, NJ; Hearing

Notice is hereby given that on May 6, 1986 and on May 13, 1986, the Drug Enforcement Administration, Department of Justice, issued to Gordon M. Acker, D.M.D., Orders To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificates of Registration, AA2055362 and AA1793822, respectively, and deny any pending applications for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Orders To Show Cause were received by Respondent and written requests for hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in these matters will be held commencing at 10:00 a.m. on Wednesday, October 15, 1986, in Courtroom No. 10, U.S. Claims Court, 717 Madison Place, NW., Washington, DC.

Dated: October 8, 1986.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 86–23230 Filed 10–14–86; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Registration; Sigma Chemical Co.

By Notice dated June 25, 1986, and published in the **Federal Register** on July 2, 1986; (51 FR 24241), Sigma Chemical Company, 3500 Dekalb Street, St. Louis, Missouri 63118, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Marihuana (7360)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-methylenedioxy amphetamine (7400)	I

Drug	Schedule
Bufotenine (7433)	I
Diethyltryptamine (7434)	I
Dimethyltryptamine (7435)	I
Amphetamine, its salts, optical isomers, and salts of its isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
Phencyclidine (7471)	II
Anileridine (9020)	II
Ecgonine (9108)	II
Morphine-3-Glucuronide (9329)	II

A maximum of 25 grams for each of the above listed substances will be imported annually and will be utilized in researcher or analytical studies.

No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: October 8, 1986.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 86-23231 Filed 10-14-86; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Division of Atmospheric Sciences; Advisory Committee for Atmospheric Sciences; Ruling

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Advisory Committee for Atmospheric Sciences (ACAS).

DATE: October 30-31, 1986.

TIME: 9:00 a.m.—5:00 p.m.

PLACE: Room 540, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

TYPE OF MEETING: Open.

CONTACT: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9874.

PURPOSE OF MEETING: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

AGENDA: *October 30, 1986, Room 540, 9:00 a.m. to 5:00 p.m.*

—Opening remarks by Chairman, ACAS, and Division Director

—Long-Range Planning discussion

October 31, 1986, Room 540, 9:00 a.m. to 4:30 p.m.

—Long-Range Planning discussion continued

—Date and Agenda Items for Spring Meeting, 1987

—Adjourn General Meeting

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-23184 Filed 10-14-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Atmospheric Sciences; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences (ACAS).

Date and time: October 30-31, 1986, 9:00 a.m.-5:00 p.m. each day.

Place: Room 540, National Science Foundation, 1800 G Street NW., Washington, DC.

Type of meeting: Open.

Contact: Dr. Eugene W. Bierly, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, DC 20550, Telephone: (202) 357-9874.

Minutes: May be obtained from the contact person listed above.

Purpose of meeting: To provide advice and recommendations on long-range planning and oversight concerning support for research and research areas.

Agenda: October 30 and 31, 1986, 9:00 a.m. to 5:00 p.m., Room 540.

—Opening remarks by Chairman, ACAS, and Division Director

—Long-Range Planning

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-23185 Filed 10-14-86; 8:45 am]

BILLING CODE 7555-01-M

President's Committee on the National Medal of Science; Meeting

The National Science Foundation announces the following meeting:

Name: President's Committee on the National Medal of Science.

Date and time: Friday, October 31, 1986, 9:00 am—4:00 pm.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Mary E. Clutter, Executive Secretary, President's Committee on the National Medal of Science, National Science Foundation, Washington, DC 20550. Telephone: 202/357-9443.

Purpose of meeting: To provide advice and recommendations to the President in the selection of the National Medal of Science recipients.

Agenda: To review nominations, with supporting documentation, as part of the selection process for the Medals.

Reason for closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are within Exemptions 4 and 6 of the Government in the Sunshine Act.

Authority to close meeting: The determination made on September 25, 1986 by the Director of the National Science Foundation pursuant to the provisions of section 10(d) of Pub. L. 92-463.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-23186 Filed 10-14-86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-321]

Georgia Power Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to Georgia Power Company (GPC), Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia, the licensees for the Edwin I. Hatch Nuclear Plant, Unit No. 1 (Hatch 1), located in Appling County, Georgia.

Environmental Assessment

Identification of Proposed Action

In accordance with GPC's request dated March 5, 1979, the exemption would permit the licensees to leak test the Main Steam Isolation Valves at 28 psig with an acceptance criteria of 11.5 scfh for any valve. Leakage from these valves will not be included in the summation of the local leak rates.

The Need for the Proposed Action

10 CFR 50.54(o) requires that primary reactor containments for water cooled power reactors be subject to the requirements of Appendix J to 10 CFR Part 50. Appendix J contains the leakage test requirements, schedules, and acceptance criteria for tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate the containment. Appendix J was published on February 14, 1973, and by letter dated August 7, 1975, the Commission requested GPC to review the

containment leakage testing program for the facility and to provide a plan for achieving full compliance where necessary.

GPC responded on August 28, 1975, by stating that the containment leak rate test program for Hatch 1 had been reviewed and the program was in full compliance with Appendix J. However, in a letter dated November 16, 1977, GPC reported that in formulating a test program for the Edwin I. Hatch Nuclear Plant, Unit 2 (Hatch 2), it discovered that the Hatch 1 program needed to be updated. Consequently, proposed changes to the Hatch 1 Technical Specifications were also submitted in the November 16, 1977 letter. In response to GPC's proposed changes, the Commission issued Amendment No. 53 to Facility Operating License No. DPR-57 for Hatch 1 on April 12, 1978. In its letter of April 12, 1978, the Commission indicated that Amendment No. 53 did not resolve all of GPC's proposed changes but that they would be reviewed as part of the review of the Hatch 2 program.

Subsequently, on March 5, 1979, GPC submitted an updated containment leak rate test program which was developed utilizing the then recently-approved test program for Hatch 2. In its review of this March 5, 1979 submittal, the staff determined that an exemption to the requirement of 10 CFR Part 50, Appendix J is requried for the proposed testing of the main steam isolation valves (MSIVs) so that they may be tested at ½ the Appendix J required pressure and so that the leakage through the MSIV's is not required to be added in the summation of the leakage from the other isolation valves and penetrations.

Environmental Impact of the Proposed Action

The proposed exemption to the Appendix J test requirements for the MSIV's will not cause post-accident radiological releases to exceed those determined previously for Hatch 1. The proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. Likewise, the proposed exemption does not affect facility nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable radiological or nonradiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associted with the proposed exemption, any alternatives either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require literal compliance with Appendix J to 10 CFR Part 50. Such an action would not enhance the protection of the environment.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in connection with the Final Environmental Statement (FES) relating to this facility, FES for Edwin I. Hatch Units 1 and 2, USAEC (October 1972).

Agencies and Persons Consulted

The Commission's staff reviewed GPC's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated March 5, 1979, which is available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

Dated at Bethesda, Maryland, this 7th day of October 1986.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, BWR Project Directorate #2, Division of BWR Licensing.

[FR Doc. 86-23238 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the withdrawal of an application dated September 9, 1985, filed by the Boston Edison Company. The application requested amendment of Facility Operating License No. DPR-35 for operation of the Pilgrim Nuclear Power Station located in Plymouth County, Massachusetts. The proposed amendment would have revised the Technical Specifications to allow a qualified person to verify control rod movements, when the rod worth minimizer is inoperable, at power levels less than or equal to 20% of rated thermal power. The Commission issued a Notice of Consideration of Issuance of Amendment in the **Federal Register** on October 9, 1985 (50 FR 41243). By letter dated August 21, 1986, the licensee withdrew the application for the proposed amendment. The Commission has considered the licensee's August 21 1986 letter and has determined that permission to withdraw the September 9, 1985 application for amendment should be granted.

For further details with respect to this action, see (1) the application for amendment dated September 9, 1985; (2) our letter to Boston Edison Company dated May 20, 1986; (3) the licensee's letter of withdrawal dated August 21, 1986; and (4) our letter to Boston Edison Company dated October 1, 1986.

Dated at Bethesda, Maryland this 1st day of October 1986.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, BWR Project Directorate No. 1, Division of BWR Licensing.

[FR Doc. 86-23239 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-220]

Niagara Mohawk Power Corp.; Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Niagara Mohawk Power Corporation (the licensee) to withdraw its March 4, 1986 application for amendment to Facility Operating License No. DPR-63 issued to the licensee for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (NMP 1) located in Oswego County, New York. Notice of the consideration of issuance of this amendment was published in the **Federal Register** on April 23, 1986 (51 FR 15404).

The request proposed changes to Tables 3.6.2k and 4.6.2k, High Pressure Coolant Injection, of the Appendix A Technical Specifications (TS). The amendment would have placed additional surveillance requirements and limiting conditions for operation on NMP 1 due to a modification providing high reactor coolant level tripping of the motor-drive feedwater pumps. Rather than proceed with the proposed amendment, Niagara Mohawk intends to incorporate these requirements into

procedures in accordance with TS section 6.0, Administrative Controls.

By letter dated June 27, 1986, the licensee requested, pursuant to 10 CFR 2.107, permission to withdraw its March 4, 1986 application. The Commission has considered the licensee's request and has determined that permission to withdraw the March 4, 1986 application for amendment should be granted.

For further details with respect to this action, see (1) the application for amendment dated March 4, 1986, (2) the licensee's request for withdrawal dated June 27, 1986, and (3) our letter dated October 1, 1986. All of the above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the State University of New York, Penfield Library, Reference and Documents Department, Oswego New York 13126.

Dated at Bethesda, Maryland this 1st day of October 1986.

For The Nuclear Regulatory Commission

John A. Zwolinski,

Director, BWR Project Directorate No. 1, Division of BWR Licensing.

[FR Doc. 86-23240 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-259, 260, and 296]

Tennessee Valley Authority; Withdrawal of Application for Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Tennessee Valley Authority (the licensee) to withdraw its October 27, 1983, application as supplemented August 1, 1984, for proposed amendments to Facility Operating Licenses Nos. DPR-33, DPR-52, and DPR-68 for the Browns Ferry Nuclear Plant, Units 1, 2, and 3 located in Limestone County, Alabama. The proposed amendments would have revised the provisions in the Technical Specifications for Radiological Effluents. The Commission issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on January 28, 1984 (49 FR 3356). By letter dated April 4, 1986 the licensee withdrew its application for the proposed amendments.

By letter dated September 30, 1986, the licensee submitted a new amendment request which is technically identical to the old request but in a new format. This new request will be separately noticed.

For further details with respect to this action, see (1) the application for amendments dated October 27, 1983 as supplemented August 1, 1984, (2) the licensee's letter dated April 4, 1986, withdrawing the application for license amendment, and (3) and licensees new application dated September 29, 1986. The above documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Local Public Document Room in the Athens Public Library, South and Forrest, Athens, Alabama 35611.

Dated this 7th day of October 1986.

For the Nuclear Regulatory Commission.

Daniel R. Muller,

Director, BWR Project Directorate #2, Division of BWR Licensing.

[FR Doc. 86-23241 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061-SC]

Kerr-McGee Chemical Corp.; (Kress Creek Decontamination); Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of October 8, 1986, oral argument on the NRC staff's appeal from the Licensing Board's June 19, 1986, initial decision in this show cause proceeding will be heard at *10:00 a.m. on Wednesday, October 29, 1986, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4530 East-West Highway, Bethesda, Maryland.*

Dated: October 8, 1986.

For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86-23236 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061-SC; Source Material License No. STA 583]

Kerr-McGee Chemical Corp.; Kress Creek Decontamination; Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this show cause proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Christine N. Kohl, Chairman
Dr. W. Reed Johnson
Howard A. Wilber

Dated: October 8, 1986.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 86-23237 Filed 10-14-86; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC87-1; Order No. 710]

Mail Classification Schedules; Third-Class Maximum Size Change, 1986

Issued October 8, 1986.

Before Commissioners: Janet D. Steiger, Chairman, Bonnie Guiton, Vice-Chairman; John W. Crutcher; Henry R. Folsom; Patti Birge Tyson.

Notice is hereby given that on October 1, 1986, the United States Postal Service, pursuant to section 3623 of Title 39, United States Code, filed a request with the Postal Rate Commission for a Recommended Decision on proposed changes to the Domestic Mail Classification Schedule increasing the maximum size for bulk third-class carrier route presort mail from 13.50 to 14.00 inches in length and 11.50 to 11.75 inches in width. § 300.0230, 39 CFR 3001.030(b), Appendix A.[1] This filing has been designated Docket No. MC87-1.

The proposal was accompanied by the filing of Library References LR-TSC-1 and 2 and the Direct Testimony of Michele A. Denny in support of the proposal.

Motion for Waiver of Rules 64(b)(3) And 64(c)

Simultaneously with the filing of the case, the Postal Service filed a Motion for Waiver of sections 64(b)(3) and 64(c) of the Commission's rules of practice. [39 CFR 3001.64(b)(3) and (c)]. Section 64(b)(3) requires the Postal Service to file a statement "identifying the degree of substitutability between various classes and subclasses" including a description of cross-elasticity of demand between various classes of mail. Section 64(c) requires the Postal Service to provide information concerning the characteristics of mailers and the items they mail by class and subclass.

The Postal Service says that it should be granted a waiver because the proposed changes will not affect rates or costs and will have an insignificant impact on the amount of mail eligible for carrier route presort rates. In this regard, the Postal Service says that "the proposed change would act merely to

[1] The specific changes to the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

permit publishers of Plus publications to enter their mail at third-class carrier route presort rates instead of the third-class five-digit rates to which they are already eligible." The Postal Service concludes that the proposed size enlargement will not affect inter-class mail volumes and thus would not be useful in the consideration of its proposal.

Persons who wish to address the Postal Service's motion should file their answers on or before October 27, 1986.

The request of the Postal Service for a recommended decision on establishing changes to the Domestic Classification Schedule and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

Intervention

Any person desiring to be heard with reference to the proposal submitted by the Postal Service in Docket No. MC87–1 and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a notice of intervention. Notices of intervention must be filed with the Secretary, Postal Rate Commission, Washington, DC 20268–0001 on or before October 27, 1986, and must be in accordance with section 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing, or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[2] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before October 27, 1986, file a written notice of limited participation, pursuant to section 20a of the Commission's rules of practice (39 CFR 3001.20a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 20b of the Commission's rules, 39 CFR 3001.20b.

Officer of the Commissioner

The Officer of the Commission charged with representing the interests of the general public in this docket [39 U.S.C. 3624(a)] is Stephen A. Gold, Director, Office of the Consumer Advocate. During this proceeding, he will direct the activities of the Commission personnel assigned to assist him and neither he nor such personnel will participate in nor advise as to any Commission decision (39 CFR 3001.8). The Officer of the Commission shall supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case.

In this case the Officer of the Commission shall be separately served with three copies of all filings, in addition to and simultaneously with service on the Commission of the 25 copies required by section 10(c) of the rules of practice [39 CFR 3001.10(c)].

The Commission orders:

(A) Notices of intervention as a full or limited participator in this docket shall be sent to Charles L. Clapp, Secretary, Postal Rate Commission, 1333 H Street NW., Suite 300, Washington, DC 20268–0001, on or before October 27, 1986.

(B) Responses to the Postal Service's motion for waiver of sections 64(b)(3) and 64(c) of the rules of practice shall be due on or before October 27, 1986.

(C) Stephen A. Gold is designated Officer of the Commission to represent the interests of the general public in this proceeding. Service of documents on the Commission shall not constitute service on the Officer of the Commission, who shall separately be served three copies of all documents.

(D) The Secretary shall cause this Notice and Order to be published in the **Federal Register.**

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 86–23174 Filed 10–14–86; 8:45 am]

BILLING CODE 7715-01-M

[2] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired peliminary clarifications of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–15349; File No. 812–6364]

Application and Opportunity for Hearing; IDS Life Insurance Co. et al

October 6, 1986.

Notice is hereby given that IDS Life Insurance Company ("IDS Life"), IDS Life Variable Account for Sherson Lehman ("Separate Account"), at 800 IDS Tower, Minneapolis, Minnesota 55474, and Shearson Lehman Brothers, Inc. ("Shearson"), at 2 World Trade Center, New York, New York 10048, (collectively, "Applicants"), filed an application on April 25, 1986, and amendments thereto on August 4, 1986 and October 3, 1986, pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act"), for an order granting exemptions from sections 2(a)(32), 2(a)(35), 12(d)(1), 17(a), 22(c), 26(a), 27(c)(1), 27(c)(2), 27(d) and 27(f) of the Act, and Rules 6e–2(b)(1), 6e–2(b)(12), 6e–2(b)(13), 6e–2(c)(1), 6e–2(c)(4), 22c–1 and 27f–1 thereunder, to the extent necessary to permit Applicants to offer the single premium variable life contract described in the application. A further amendment to this application will be filed shortly requesting that an order disposing of this application be issued retroactive to October 20, 1986, unless the Commission orders a hearing upon request or upon its own motion. Previous notice of the filing of the application was provided in Investment Company Act Release No. 15298, issued on September 9, 1986 (36 SEC Docket 937, September 23, 1986), and the notice period closed on October 1, 1986. However, through inadvertence such notice was not published in the **Federal Register.** All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the Act and the rules thereunder for the complete text of those provisions that are relevant to the application.

Applicants state that IDS Life, an indirect wholly-owned subsidiary of American Express Company, is a stock life insurance company organized under the laws of the State of Minnesota, and the Separate Account is a segregated investment account of IDS Life that is registered under the Act as a unit investment trust. Applicants further state that IDS Life and the Separate Account intend to issue and Shearson intends to distribute single premium variable life insurance contracts ("Contracts"), as defined in paragraph (c)(1) of Rule 6e–2 under the Act, funded through the Separate Account. According to the application, the Separate Account will invest at net asset value in shares issued by the Shearson Lehman Series Fund, Inc. ("Fund"), a diversified open-end management investment company, or in units of The Shearson Lehman Brothers Stripped ("Zero Coupon") U.S. Treasury Securities Fund ("Zero Fund"), a unit investment trust established by Shearson, an indirect wholly-owned subsidiary of American Express Company.

I. The Contracts

A. Custodianship

Applicants request an exemption from sections 26(a) and 27(c)(2) of the Act and Rule 6e–2 to the extent necessary to permit the Separate Account to hold shares of the Fund under an open account arrangement without the use of stock certificates and without IDS Life acting as trustee or custodian pursuant to a trust indenture. Applicants represent that they will meet the conditions of the proposed amendments to Rule 6e–2(b)(13)(iii),[1] *i.e.*, that the life insurer complies with all other applicable provisions of section 26 as if it were a trustee, depositor or custodian for the separate account; files with the insurance regulatory authority of a state or territory of the United States or of the District of Columbia an annual statement of its financial condition in the form prescribed by the National Association of Insurance Commissioners, which most recent statement indicates that it has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000; and is examined from time to time by the insurance regulatory authority of such State, territory or District of Columbia as to its financial condition and other affairs and is subject to supervision and inspection with respect to its separate account operation.

B. Surrender Charge

No sales charge is deducted from the single premium payment; however, Applicants state that IDS Life will use a deferred sales charge ("Surrender Charge") and access a Distribution Expense Charge, as described below, to recover certain expenses relating to the sale of the Contract, including commissions paid to sales personnel, and other promotional and selling expenses. Applicants state that the surrender values under the Contract will be adjusted to reflect a charge equal to 8% of the Contract's cash value in the first contract year, declining by 1% each year thereafter until the charge is 1% in the eighth Contract year and 0% in all succeeding Contract years. However, Applicants note that if the contract experiences significantly favorable investment performance, the actual dollar amount that is assessed as a Surrender Charge could increase from one year to the next. Applicants represent that the Surrender Charge, together with the total cumulative Distribution Expense Charge, will not exceed 9% of the single premium. It will apply only upon the full surrender of a Contract, since the Contract does not provide for partial surrenders. Applicants further state that this charge will affect the cash surrender value of the Contract, as well as the amount available for Contract loans and that it will not affect the amounts that can be transferred among the Separate Account's subaccounts, the subaccount's investment performance, a contractholder's voting interest, a contractholder's conversion rights or the Contract's death benefits.

Applicants assert that their deferred sales load benefits the public, is more advantageous to the investor than a front-end load, and is consistent with the essential purpose of variable life insurance. Applicants submit that the Surrender Charge will generally provide higher cash surrender values and a generally greater death benefits than a front-end sales charge since more money is at work for the contractholder from the start of the contract. Applicants assert that Rule 6e–2 can be read as only contemplating sales loads imposed upon a premium payment, and Applicants seek exemptive relief in order to avoid any question regarding complete compliance with the Act and rules thereunder.

Applicants assert that section 2(a)(35) contemplates that a charge to cover sales and promotional expenses incurred in connection with the sale of investment company securities will be deducted at the time payment for those securities is made, and that a deferred sales charge may not be encompassed by the definition of sales load in Rule 6e–2, paragraphs (b)(1) and (c)(4). Applicants seek exemptive relief from those provisions to permit the imposition of a deferred sales charge on the grounds, *inter alia*, that the timing of the Surrender Charge does not change its essential nature. Applicants also seek exemptive relief from sections 2(a)(32), 27(c)(1), and 27(d), and Rule 6e–2, paragraphs (b)(12) and (b)(13)(iv), to the extent that such provisions do not contemplate the imposition of a sales charge at the time of redemption. Applicants submit that the Contracts are redeemable securities, whether the sales charge is imposed at the time of purchase or whether such charge is deferred and made contingent upon an occurrence at a later time.

With respect to section 22(c) and Rule 22c–1, Applicants assert that Rule 6e–2(b)(12) affords exemptive relief from those provisions with respect to redemption procedures, which include surrender and exchange provisions in the context of variable life insurance, and that Rule 6e–2(b)(12) could be read as being premised on the absence of a deferred sales charge. Applicants state that their Surrender Charge would in no way have the dilutive effect which rule 22c–1 was designed to prohibit, that variable life insurance contracts do not lend themselves to the kind of speculative short-term trading against which Rule 22c–1 was aimed, and that the Surrender Charge would discourage rather than encourage any such trading. Accordingly, Applicants seek exemptive relief from section 22(c) and Rules 22c–1 and 6e–2(b)(12) to the extent necessary to permit them to effect their proposed pricing.

Applicants request exemption from Rule 6e–2(c)(1)(i), which defines "variable life insurance contract" in terms of a cash surrender value that varies to reflect the investment experience of a separate account, to the extent necessary for this provision to be deemed to apply to the structure of cash surrender values under the Applicant's Contract.

C. Distribution Expense Charge

Applicants state tht IDS Life deducts from the Separate Account a Distribution Expense Charge equal, on an annual basis, to .30 percent of the daily net asset value of the Separate Account for the first ten Contract years, and 0 percent thereafter.

As discussed more fully above, Applicants note that serction 2(a)(35) and paragraphs (b)(1) and (c)(4) of Rule 6e–2 contemplate a front-end sales load format. Accordingly, Applicants request exemptive relief from section 2(a)(35) and Rules 6e–2(b)(1) and 6e–2(c)(4), to the extent necessary for the term "sales load", as used in the Act and rules thereunder, to be deemed to contemplate the distribution Expense Charge under Applicants' Contract. Applcants submit that a deferred sales load is in the owner's interest and therefore the requested relief is appropriate and in the publc interest because, as noted above, a Distribution Expense Charge, such as under the Contract, results in greater amounts of money being available for investment on the owner's behalf, and generally higher cash values under the Contract. Moreover, since greater amounts of money are allocated to the Separate Account, the amount of death benefits provided under the Contract will generally be larger than it woulld be if the sales load were deducted prior to the allocation of monies to the Separate Account.

[1] *See* Investment Company Act Rel. No. 14421, March 15, 1985.

In addition, Applicnts request exemptions from sections 26(a)(2) and 27(c)(2) and from paragraphs (b)(13)(i), (ii) and (iii) of rule 6e–2 to permit the Distribution Expense Charge to be deducted in the manner proposed. Applicants assert that their procedures obtain sales loads using two different methods (i.e., through a Surrender Charge and a Distribution Expense Charge). Applicants note that the proposed amendments to paragraph (b)(13)(ii) of rule 6e–2 provide that sales loads deducted pursuant to any method permitted by the rule cannot exceed the proportionate amount of sales load deducted prior thereto pursuant to the same method. Applicants request the relief necessary to permit those deductions.

Also, Applicants note that the proposed amendments to paragraph (b)(13)(i) and (iii) of Rule 6e–2 recognize that sales loads may not be deducted directly from the premium, but may be subsequently deducted from the contract's values. Moreover, Applicants' represent that IDS Life will monitor the amount of the Distribution Expense Charge on an ongoing basis and that such charge (either alone or when added to any applicable Surrender Charge) will never exceed 9 percent of the single premium.

D. Mortality Charge and State Premium Tax Charge

Applicants assert that the exemptive relief provided by Rule 6e–2(b)(13)(iii) is broad enough to permit a deduction from the Separate Account for the Mortality Charge and the State Premium Tax Charge. Nevertheless, Applicants request exemption from sections 26(a)(2) and 27(c)(2) of the Act.

Applicants state that IDS Life deducts from the Separate Account a Mortality Charge for the anticipated cost of paying death benefits equal, on an annual basis, to .50 percent of the daily net asset value of the Separate Account. Although the Mortality Charge may be increased under the terms of the Contract, Applicants represent that IDS Life guarantees that this daily asset charge will never exceed a daily cost of insurance charge based upon (1) the 1958 Commissioner's Standard Ordinary Mortality Table; (2) the insured's age and sex; (3) the interest rate assumed in the contract; and (4) the death benefit determined by multiplying the Contract value times the applicable death benefit factor (even though the death benefit under the Contract is the greater of the guaranteed minimum death benefit or the Contract value times the death benefit factor on the date of death). Thus, Applicants believe that the Contract assesses Mortality Charges which are commensurate with the risks assumed.

Applicants state that IDS Life deducts a charge equivalent, on an annual basis, to .20 percent of the daily net asset value of the Separate Account during the first then years, and 0 percent thereafter. Applicants further state that this daily asset charge is deducted to cover the premium taxes assessed by the varius states and to compensate IDS Life for the average premium tax expense it incurs when issuing the Contract.

Applicants argue that this method of deduction to recover mortality costs and state premium taxes increases the amount invested on behalf of contractowners. Applicants believe that it is more equitable, and beneficial to contractholders to deduct these charges on an ongoing basis directly from each contract rather than to deduct it from the single premium. Applicants state that a deduction from the single premium for mortality costs would be a large one, accompanied by a significant risk charge, basis on necessary assumptions about the length of time the contract would be in force, the investment performance of the various subaccounts, and the other factors necessary to determine the net amount at risk over the life of the Contract.

E. Minmum Death Benefit Guarantee Risk Charge

Applicants state that IDS Life deducts from the Separate Account a Minimum Death Benefit Guarantee Risk Charge equal, on an annual basis to .40 percent of the daily net asset value of the Separate Account. Applicants request an exemption from section 26(a)(2) and 27(c)(2) of the Act to the extent necessary to permit this deduction.

In accordance with the provisions of proposed paragraph (b)(13)(iii) of Rule 63–2, Applicants represent that they have reviewed to level of the Minimum Death Benefit Guarantee Risk Charge and assert that it is reasonable in relation to the risks assumed by IDS Life under the Contract. Applicants note that unlike the typical variable life contract where the minimum death benefit guarantee ("MDBG") comes into effect only when the cash value is exhausted, the MDBG under the Contract can come into effect immediately. In this regard, Applicants further note that an MPDG cost is incurred when IDS Life is providing a higher death benefit than it is charging for under the Mortality Charge. This cost is incurred, Applicants maintain, when the difference between the mimimum death benefit (*i.e.*, the initial face amount) and the actual death benefit being charged for (*i.e.*, the cash value multiplied by the death benefit factor) is positive.

Applicants further represent that IDS Life will maintain at its home office, available to the Commission, a memorandum explaining the basis for the representation and the documents used to support it. Applicants state that they do not believe that the Surrender Charge being imposed under the Contracts will cover the expected costs of distributing the Contracts. IDS Life has concluded that there is a reasonable likelihood that the distribution financing arrangement being used in connection with the Contracts will benefit the Separate Account and the contractholders and represents that a memorandum setting forth the basis for this representation will be maintained at IDS Life's home office and will be available to the Commission. Applicants further represent that the Separate Account will only invest in underlying fund(s) which have undertaken to have a board of directors, a majority of whom are not interested persons of the fund, formulate and approve any plan under Rule 12b–1 under the Act of finance distribution expenses.

F. Withdrawal Notice

Applicants propose to personally deliver the right of withdrawal notice together with the Contract in certain circumstances, and to furnish notice of such withdrawal right and a statement of contract charges on a written document containing information comparable to that required by Form N–27I–2. Applicants request exemptions from section 27(f), Rule 27f-1, and Rule 6e-2(b)(13)(iii)(A) and (viii)(C) to permit such a delivery. Applicants state their belief that their notice will be a more effective disclosure document since it will be tailored to the Contracts and that personal delivery conforms to industry practice and is a less costly way of delivering the required notice. Applicants also state that comparable relief has been afforded to flexible premium contracts and has been proposed for scheduled contracts in pending amendments to Rule 6e-2(b)(13)(viii)(A) and (viii)(C).

G. Section 6(c)

Applicants represent pursuant to section 6(c) that all exemption requested are necessary or apropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants further represent that if and to the extent that Rule 6e-2 is amended to provide relief

on terms or conditions different from any relief granted to them pursuant to this application, Applicants shall take all necessary steps to comply with amended Rule 6e-2.

II. The Zero Fund

A. Operation

The Zero Fund is registered under the Act and is comprised of multiple unit investment trusts ("Trust"), each Trust containing U.S. Treasury securities which have been stripped of their unmatured interest coupons, interest coupons which have been stripped from U.S. Treasury securities, and receipts and certificates for such stripped obligations and stripped coupons. The Separate Account will purchase units of each Trust based upon the net transactions by contractowners. Applicants state that the total offering price of Zero Fund units placed in the Separate Account, whether they are sold to the Separate Account in the primary or secondary market, will include a "transaction charge" paid directy by IDS Life to Shearson. The Separate Account will not directly pay such charge; instead IDS Life will pay an amount to Shearson out of its general account assets to compensate Shearson as the sponsor and principal underwriter of the Zero Fund. Applicants state that the transaction charge ranges from .5–2.0% of the offering price, depending upon the maturity of the Trusts for which securities are purchased. Thereafter, IDS Life will seek to be reimbursed for the amounts advanced by assessing a charge on the assets of the Separate Account held in the subaccounts investing in the Zero Fund. Applicants state that the amount of the asset charge is currently set at an effective annual rate of .25% percent, and in no event will it exceed an annual rate of .50% percent of the average daily net assets of each of the subaccounts investing in the Trusts. Applicants represent that this charge will be cost-based with no anticipated element of profit for IDS Life, although it will include an element of interest compensating IDS Life for the delay in recouping amounts advanced. Applicants state that the rate of interest will be based on the current yield for U.S. Treasury bonds having a maturity closely approximating the weighted average maturity of the bonds held in the Zero Fund (rounded to the nearest full year) as to which the Separate Account holds an interest.

B. Asset Charge

IDS Life and the Separate Account seek relief from the provisions of section 12(d)(1) to allow the Separate Account to acquire the units of the Zero Fund and from sections 26(a)(2) and 27(c)(2) to the extent necessary to permit IDS Life to recover through an asset charge the amounts paid by it to Shearson in connection with the Separate Account's acquisition of Zero Fund units. In support of their application, Applicants asset that this proposed structure does not raise legal or policy issues materially different from the common separate account structure in which a unit investment trust invests solely in shares of an underlying open-end management investment company, which Applicants assert is permitted by section 12(d)(1)(E) of the Act. Moreover, Applicants note that by permitting the investment divisions of the Account to be allocated to the Zero Fund, which invests in zero coupon bonds, contractowners will have available an investment vehicle that will have a fixed yield for a specified period of time. Applicants contend that the proposed transactions does not run counter to the statutory purposes underlying section 12. In this regard, Applicants state that the transaction is not a method for leveraging control or assessing overlapping charges.

Applicants claim that the compensation received by Shearson is necessary to induce Shearson to create the Zero Fund, to implement the operational procedues for the Zero Fund, and to commit to maintaining the secondary market. Applicans note that the secondary market here, unlike the case of most publicly offered unit investment trusts, is not merely a desirable feature designed to avoid disruption of the Trust's portfolio; it is necessary to maintain the stabilized rate of return on the funds in a subaccount of the Separate Account. Applicants state that the asset charge is not designed as reimbursement of distribution expenses or to compensate IDS Life for sales efforts, and that the amount of the transaction fee is the same as a charge negotiated at arm's length and imposed by Shearson as sponsor and market-maker for a unit investment trust in a non-affiliated venture identical in all material respects to the venture described in the application. Applicants believe that having IDS Life pay the transaction charge, with reimbursement by the Separate Account through the asset charge, is desirable in that allocating a proportionate share of the acquisition expenses to all contractowners who allocate premiums to the subaccounts of the Separate Accounts investing in the Zero Fund, rather than permitting the expenses borne by individual contractowners to vary based upon the timing of their particular allocation (as would be the case if the Separate Account paid the transaction charge directly), benefits contractowners by stabilizing yield and by creating more equitable results among contractowners.

Applicants assert it is appropriate to recover interest costs through deduction of the proposed asset charge. IDS Life expects to advance large amounts in the early years in connection with the purchase of units of interests in the Zero Fund, but considerably less in later years because purchases of units (and transaction charges) will diminish since later purchases by contractowners will be offset by redemptions. Because the asset charge will be designed to recover these charges over the life of each of the Trusts (thus spreading the costs among contractowers purchasing early in the life of each Trust and those purchasing later), Applicants represent that a significant portion of the cost to IDS Life is the loss of interest on monies advanced caused by the delay in recovery. Given that IDS Life anticipates recovery of the transacton costs over the life of each Trust, Applicants believe that a rate of interest associated with the weighted average maturity of the bonds held by the Trust is the fair and reasonable measure of the time value of the monies advanced by IDS Life. Applicants represent that as to each subaccount of the Separate Account, the rate of interest will be applied to the amounts by which the transaction charges for the subaccount for each quarter exceed the asset charges collected as reimbursement for such charges, plus any amounts (including interest) that were unrecovered at the end of the prior quarter. Applicants further represent that IDS Life will monitor the cumulative amounts collected for each subaccount through this asset charge in comparison with the amounts paid by IDS Life and will not charge any subaccount of the Separate Account more than actual costs.

C. Affiliated Transactions

Applicants request exemption from section 17(a) of the Act to permit the proposed transactions between Shearson and Separate Account. Applicants state that all the outstanding voting stock of Shearson and IDS Life is beneficially owned by American Express Company, and thus, Shearson and the Separate Account are affiliated persons within section 2(a)(3) of the Act. Applicants assert, however, that the conditions set forth in sections 6(c) and 17(b) for the granting of an exemptive order are met under the proposed

transactions between Shearson and the Separate Account.

Applicants assert that the consideration the Separate Account will pay Shearson upon the purchase of Trust units, including, indirectly, the transaction charge, will be fair and reasonable and will not involve overreaching on the part of any person concerned. According to the application, the price at which the Separate Account will purchase and resell units from and to Shearson will be based upon the offering side evaluation of the underlying securities. Applicants state that a qualified independent evaluator [2] will determine the offering side valuation of the underlying securities for any purchase or sale of units by the Separate Account and that market prices for the underlying securities are usually readily available. Applicants assert that as a result of this independent evalution of the worth of the underlying securities, the Separate Account will be buying and selling units from Shearson at a price determined to be at "market," and this evaluation should eliminate any possibility that Shearson would sell units to the Separate Account at an inflated price or purchase units from the Separate Account at a price below their market value. Applicants state that the presence of Shearson as market maker enables the Separate Account to receive a better price for units it sells than it might otherwise receive if Shearson were not standing ready and able to purchase the units at a price based on the offering side of the market. Applicants further state that Shearson will not be able to influence the Separate Account to purchase or sell units the Separate Account would not otherwise have purchased or sold. The Separate Account will only purchase units from Shearson as contractowners choose to direct their purchase payments for contracts or cash value of existing Contracts to subaccounts of the Separate Account that correspond to a Trust. Similarly, the Separate Account will only sell units when contractowners surrender their Contract, reallocate cash value from those subaccounts, or make a Contract loan.

Finally, Applicants note that while IDS Life and Shearson are affiliated persons, they have separate management and each is operated as a separate "profit center." Applicants represent that the compensation of sales persons selling the Contracts is not dependent upon nor affected by the particular investment vehicle or vehicles to which contractowners allocate the premiums for or the cash value of the Contracts. Applicants therefore assert that such sales persons are not expected to have a preference as to which investment vehicle or vehicles contractowners select under the Contract.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than October 27, 1986, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion. For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 86-23215 Filed 10-14-86; 8:45 am]

BILLING CODE 8010-01-M

[2] Applicants state that the evaluator is not affiliated with Shearson or IDS Life, nor is the evaluator an affiliate of Shearson or IDS Life, nor will any successor evaluator for the Zero Fund be so affiliated.

DEPARTMENT OF STATE

[Public Notice CM 8/1014]

Advisory Committee on Historical Diplomatic Documentation; Partially Closed Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet from 9 a.m. to 5 p.m. on November 6 and 7, 1986, in Room 1107 of the Department of State. Entry to the building is controlled. Members of the public wishing to attend the open portion of the session, November 7, from 9 a.m. to noon, should notify The Historian, Department of State, Washington, DC 20520 (telephone: (202) 663-1122) in advance to arrange for admission. Persons making advance arrangements will use the Diplomatic Entrance, 22nd and C Streets on November 7.

The Advisory Committee advises the Bureau of Public Affairs, and in particular the Office of the Historian, concerning matters connected with preparation of the documentary series entitled *Foreign Relations of the United States* and other responsibilities of that Office. Of particular importance are editorial and publishing practice and questions related to declassification of official records as specified in Executive Order 12356 (April 2, 1982).

In accordance with section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that certain discussions during the meeting will necessarily involve consideration of matters recognized as not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed when such discussions take place, from 9 a.m. to 5 p.m., on Thursday, November 6, and from 2 p.m. to 5 p.m. on Friday, November 7.

Dated: October 7, 1986.

William Z. Slany,

Executive Secretary.

[FR Doc. 86-23233 Filed 10-14-86; 8:45 am]

BILLING CODE 4710-10-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Administration

[Docket No. IP85-20; Notice 2]

Alfa Romeo, Inc.; Grant of Petition For Determination of Inconsequential Noncompliance

This notice grants the pettion by Alfa Romeo, Inc. of Englewood Cliffs, New Jersey, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.101 and 571.105, Motor Vehicle Safety Standards No. 101, *Controls and Displays* and No. 105, *Hydraulic Brake Systems*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on December 24, 1985, and an opportunity afforded for comment (50 FR 52581).

According to paragraph S5 and Table 2 of Standard No. 101, the brake system telltale shall be identified with the word "Brake". Paragraphs S5.3(a) and (b) of Standard No. 105, require that:

S5.35(a) "Each indicator lamp shall display word or words in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and/or this section,

which will be legible to the driver in daylight when lighted * * *."

(b) If a single common indicator is used, the lamp shall display the word "Brake" * * *."

The petitioner, Alfa Romeo, Inc., produced some 1,150 1986 Spider models with ISO (International Standard Organization) symbol for "Brake" instead of the word. This was done in anticipation of the ISO symbol being selected over the other methods of identification in proposed changes to the standard pending at the time.

Alfa Romeo indicated that production orders have been given to the instrument cluster supplier to retool and produce the warning lamp lens with the word "Brake", but before the running change can be effected, some 1,150 vehicles will have been manufactured and sold.

Because of the disproportionate high cost due to the small number of vehicles, $520 per vehicle claimed by Alfa Romeo, the petitioner proposed that the following be allowed in lieu of total replacement of the instrument panel:

a. A special label attached to the outside of the instrument cluster, which would clearly tell the driver that the ISO symbol means "Brake".

b. An Owner's manual insert explaning clearly that the ISO symbol means "Brake."

All vehicles in Alfa Romeo stock would be identified as outlined above. In addition, Alfa Romeo dealers stock would be identified prior to sale to the user. Those vehicles now in the hands of users would be identified by recalling them for application of an instrument cluster lable and updating their Owner's Manuals. This would be performed within Alfa Romeo's standard recall procedure, but not according to the requirements of 49 CFR Parts 577 and 579, due to the small quantity involved.

No comments were received on the petition.

On May 12, 1986, the petitioner informed NHTSA that it had proceeded to implement its suggested plan to place inserts in Owner's Manuals, to attach labels to the outside of the instrument cluster, and to provide owners of vehicles with inserts and labels. The agency has concluded that these actions should materially reduce the likelihood of confusion that the noncompliance could create, and that the noncompliance has therefore become inconsequential as it relates to motor vehicle safety. Petitioner therefore has met its burden of persuasion, and its petition is granted.

(Sec. 102 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on October 8, 1986.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 86-23172 Filed 10-14-86; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

[No. MC-F-17845]

Motor Carrier exemptions, Dillingham Acquisition Corp.; Control Exemption; Foss L & T Co. and Propane Transport, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Dillingham Acquisition Corporation (DAC), a noncarriers has filed a petition under 49 U.S.C. 11343(e) seeking exemption of its acquisition of control of Foss L & T Co. (Foss) (MC-126420 and W-587), a motor and water carrier of property, and Propane Transport, Inc. (PTI) (MC-114969), a motor carrier of property, through acquisition from noncarrier KKR Associates of indirect control of Dillingham Holdings, Inc. (Dillingham), a noncarrier. Dillingham indirectly controls both Foss and PTI pursuant to an exemption approved in Finance Docket No. 30152. The majority of the voting stock of DAC will be held by the existing management of Dillingham and by employee benefit plans of Dillingham or its subsidiaries.

DATE: Comments must be received by November 14, 1986.

ADDRESSES: Send comments (an original plus 10 copies) referring to Docket No. MC-F-17845 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

and

(2) Petitioners' representatives: Harold E. Mesirow, Barbara Morgret Campbell 21 Dupont Circle, NW., Washington DC 20036.

FOR FURTHER INFORMATION CONTACT: Warren Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: DAC seeks exemption under 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

A copy of the petition may be obtained from petitioners' representative, or it may be inspected at the Washington, DC office of the Interstate Commerce Commission during normal business hours.

Decided: October 10, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 86-23463 Filed 10-14-86; 11:14 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 199
Wednesday, October 15, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

DEPARTMENT OF DEFENSE

AGENCY HOLDING THE MEETING: Uniformed Services University of the Health Sciences

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 51 FR 34313, September 26, 1986.

PREVIOUSLY ANNOUNCED DATE OF THE MEETING: Tuesday, October, 7, 1986.

CHANGE IN MEETING: Open but for a portion of the meeting to Faculty Appointments which was closed.

CONTACT PERSON FOR MORE INFORMATION: Donald L. Hagengruber, Executive Secretary of the Board of Regents, 202/295-3049.

SUPPLEMENTARY INFORMATION: Regents Olch, Colemen, Nixon, Johns, Peterson, Hill, O'Rourke, Lambird and Ramirez voted to close a portion of the 7 October 1986 Board meeting relating to Faculty Appointments to discuss information of a personal nature, relating to a possible candidate for a University position, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and which was not known until immediately prior to the convening of the meeting so that no earlier announcement of this change was possible. In addition to the Regents, the meeting attendees included the President, Uniformed Service University of the Health Sciences, and the Executive Secretary, Board of Regents.

GENERAL COUNSEL CERTIFICATION: The Acting General Counsel, in accordance with section 3(f)(1) of the Government in the Sunshine Act, 5 U.S.C. 552b(f)(1) and the Board of Regents' rules issued under that Act, 32 CFR 242a.6(g), hereby certifies that portion of the Board of Regents' meeting of October 7, 1986, at which the Board considered a possible candidate for a University position, pursuant to 10 U.S.C. 2113(f), was properly closed to the public on the basis of the exemption set forth in the Board of Regents' rules at 32 CFR 242a.4(b) and (f).

October 10, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86-23373 Filed 10-10-86; 3:44 pm]

BILLING CODE 3810-01-M

2

FEDERAL ENERGY REGULATORY COMMISSION

October 8, 1986.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552B:

TIME AND DATE: October 15, 1986, 10:00 a.m.

PLACE: 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the division of public information.

Consent Power Agenda, 843RD Meeting—October 15, 1986, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 10002-001, American Power Producers, Inc.
CAP-2.
Project No. 4349-008, Long Lake Energy Corporation
CAP-3.
Project Nos. 6015-009, and 010, Charles D. Howard
CAP-4.
Project No. 9167-001, Pennsylvania Hydroelectric Development Corporation
CAP-5.
Project No. 9231-001, Scott Paper Company
CAP-6.
Project Nos. 77-007, and 008, Pacific Gas and Electric Company
CAP-7.
(A) Project Nos. 9550-001 and 002, Lower Patterson, Inc.
(B) Project No. 9550-003, Lower Patterson, Inc.
Project No. 9587-001, Patterson Creek Associates
CAP-8.
Project Nos. 9952-001 and 002, Warren Osborn
CAP-9.
Project No. 6415-003, Slush Cup Company
CAP-10.
Project No. 4948-002, Energeology, Inc. and Lower Power River Irrigation District
CAP-11.
Project No. 3865-003, Guadalupe-Blanco River Authority
CAP-12.
Project No. 3228-003, Atlantic Power Development Corporation
CAP-13.
Docket No. EL82-4-000, Hydroelectric Development, Inc.
CAP-14.
(A) Docket No. QF86-734-000, Luz Solar Partners III, LtD.
(B) Docket No. QF86-736-000, Luz Solar Partners IV, Ltd.
CAP-15.
Omitted
CAP-16.
Docket No. ER86-674-000, Duke Power Company
CAP-17.
Docket No. ER86-562-002, Boston Edison Company
CAP-18.
Docket Nos. ER86-558-003, 004 and 005, Gulf States Utilities Company
CAP-19.
Docket No. ER86-504-002, Pennsylvania Power and Light Company
CAP-20.
Docket Nos. ER85-785-009, 010, ER86-387-002 and ER86-526-002, Wisconsin Electric Power Company
CAP-21.
Docket No. ER84-579-000, AEP Generating Company,
Docket No. ER84-707-001, AEP Generating Company, Appalachian Power Company, Indiana and Michigan Electric Company and Virginia Electric Power Company

Consent Miscellaneous Agenda

CAM-1.
Docket No. RM85-19-000, Generic Determination of Rate of Return on Common Equity for Public Utilities
CAM-2.
Docket No. FA85-63-001, Long Island Lighting Company
CAM-3.
Docket No. FA84-61-000, Central Maine Power Company
CAM-4.

Docket No. FA86-23-000, Montaup Electric Company
CAM-5.
Docket No. IS86-3-034, Arco Pipe Line Company
CAM-6.
Docket No. GP85-16-000, Minerals Management Service, Metairie, Louisiana, Section 102(d) Determination, Conoco, Inc., OCS-1030 No. E-10 Well, Sidetrack No. 1, MMS Docket G4-4428, FERC No. JD85-10119
CAM-7.
Docket No. RM85-1-000, Regulations of Natural Gas Pipelines After Partial Wellhead Decontrol (Bishop Pipeline Corporation)

Consent Gas Agenda

CAG-1.
Docket No. RP86-162-000, Natural Gas Pipeline Company of America
CAG-2.
Docket No. RP86-118-002, Consolidated Gas Transmission Corporation
CAG-3.
Docket No. RP86-101-001, Superior Offshore Pipeline Company
CAG-4.
Docket No. Docket No. RP86-85-002, Texas Gas Transmission Corporation
CAG-5.
Docket Nos. TA86-3-59-004 and 005, Northern Natural Gas Company, Division of Enron Corporation
CAG-6.
Docket No. RP86-93-003, United Gas Pipe Line Company
CAG-7.
Docket No. RP86-143-001, Columbia Gas Transmision Corporation
CAG-8.
Docket No. RP86-147-001, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.
CAG-9.
Docket No. RP86-144-002, Sea Robin Pipeline Company
CAG-10.
Docket No. RP86-142-001, Natural Gas Pipeline Company of America
CAG-11.
Docket No. RP86-42-002, El Paso Natural Gas Company
CAG-12.
Docket No. RP86-86-001, Sabine Pipe Line Company
CAG-13.
Omitted
CAG-14.
Docket Nos. TA86-2-15-002, 003, 004, RP86-138-001, 002 and 003, Mid Louisiana Gas Company
CAG-15.
Docket No. RP86-105-000, ANR Pipeline Company
CAG-16.
Docket No. RP86-40-000, Westar Transmission Company v. Northern Natural Gas Company, Division of Enron Corporation
CAG-17.
Docket No. RP85-13-000 RP85-65-000, Northwest Pipeline Corporation
CAG-18.
Docket No. RP86-72-000, Pacific Interstate Transmission Company
CAG-19.
Docket No. RP85-209-006, United Gas Pipe Line Company
CAG-20.
Docket Nos. ST86-1630-000, ST86-1631-000, ST86-1632-000, ST86-1633-000, ST86-1636-000, ST85-1686-00 and ST86-1874-000, Louisiana Resources Company
CAG-21.
Docket Nos. ST86-2368-000, ST85-1000-000 and ST85-1001-000, Somerset Gas Service
CAG-22.
Docket No. ST86-1657-001, ANR Pipeline Company
CAG-23.
Docket No. ST81-260-008 and 010, Mustang Fuel Corporation
CAG-24.
Docket No. RI82-6-000, Arco Oil & Gas Company
CAG-25.
Docket Nos. RI74-188-086 and RI75-21-081, Independent Oil & Gas Association of West Virginia
CAG-26.
Docket No. CI86-52-000, Pogo Producing Company
Docket No. CI86-180-000, Holden Energy Corporation
CAG-27.
Docket No. CP66-269-005, et al., Tennessee Gas Pipeline Company, a division of Tenneco Inc.
Docket No. CI67-1810-003, et al., the Louisiana Land and Exploration Company
CAG-28.
Docket Nos. CI84-381-000, CI84-382-000 and CI84-383-000, Man-Gas Transmission Company
CAG-29.
Docket No. CI73-494-000, FERC Gas Rate Schedule No. 13, Columbia Gas Development Corporation
CAG-30.
Docket Nos. CP65-393-005 and TC82-63-001, Florida Gas Transmission Company
CAG-31.
Docket No. CP86-388-000, Transcontinental Gas Pipe Line Corporation
CAG-32.
Docket No. CP86-362-000, National Fuel Gas Supply Corporation
CAG-33.
Omitted
CAG-34.
Docket No. CP86-416-000, Northern Natural Gas Company, Division of Enron Corporation
CAG-35.
Docket No. CP86-385-000, Trunkline Gas Company and Panhandle Eastern Pipe Line Company
CAG-36.
Docket No. CP85-715-002, ANR Pipeline Company
CAG-37.
Docket Nos. CP85-794-000 and 001, Texas Gas Transmission Corporation
CAG-38.
Docket No. CP86-509-000, Alabama-Tennessee Natural Gas Company
CAG-39.
Docket No. CP86-547-000, ANR Pipeline Company
CAG-40.
Docket No. CP86-390-000, Locust Ridge Gas Company
CAG-41.
Docket No. CP86-642-000, Shell Gas Pipeline Company
CAG-42.
Docket No. CP86-617-000, Tricentrol Interstate Pipeline, Inc.
CAG-43.
Docket No. RP86-87-000, Mountain Fuel Resources, Inc.,
CAG-44.
Docket No. RP86-90-000 and 001, Black Marlin Pipeline Company
CAG-45.
Docket No. RP86-95-000, Canyon Creek Compression Company
Docket No. RP86-96-000, Trailblazer Pipeline Company
Docket No. RP86-88-000, Overthrust Pipeline Company
Docket No. RP86-82-000, Wyoming Interstate Company, Ltd.
CAG-46.
Docket No. CP86-422-000, Great Lakes Gas Transmission Corporation

I. Licensed Project Matters

P-1.
Project Nos. 2934-008 and 009, New York State Electric and Gas Corporation
Project Nos. 4684-004 and 005, Long Lake Energy Corporation
P-2.
Docket No. EL84-11-000, Aquenergy Systems, Inc.

II. Electric Rate Matters

ER-1.
Docket No. EL86-26-003, San Diego Gas and Electric Company v. Alamito Company
ER-2.
Docket Nos. ER83-418-000 and ER84-188-000 (Phases I and II), Kansas Power and Light Company
ER-3.
Docket No. QF82-179-000, Hetch Hetchy Water and Power Department

Miscellaneous Agenda

M-1.
Docket No. RM86-20-000, Rules of practice and procedure: Time period for appeals of staff actions
M-2.
Reserved
M-3.
Reserved
M-4.
Omitted
M-5.
Omitted
M-6.
Docket No. RM85-1-000, Regulation of natural gas pipelines after partial wellhead decontrol (Cascade Natural Gas Corporation)

I. Pipeline Rate Matters

RP-1.
Omitted
RP-2.
Omitted
RP-3.

Omitted
RP-4.
Omitted
RP-5.
Docket Nos. RP82-71-017, 018, TA83-1-59-006, TA84-1-59-005 and TA85-1-59-005, Northern Natural Gas Company, division of Enron Corporation

II. Producer Matters

CI-1.
Docket No. CI86-307-000, Sea Robin Pipeline Company

III. Pipeline Certificate Matters

CP-1.
Docket Nos. CP86-232-001, 002, CP86-486-000, CP86-504-000, CP86-551-000, CP86-573-000 and CP86-598-000, Panhandle Eastern Pipe Line Company
Docket No. CP86-584-000, Independent Petroleum Association of Mountain States v. Panhandle Eastern Pipe Line Company
Docket No. CP86-663-000, Independent Petroleum Association of Mountain States v. Colorado Interstate Gas Company
CP-2.
Omitted
CP-3.
Omitted
CP-4.
Docket No. TC85-19-000, El Paso Natural Gas Company

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-23266 Filed 10-9-86; 4:25 pm]

BILLING CODE 6717-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

AGENCY MEETING

Pursuant to the provisions of the "Government in the Sushine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 3:00 p.m. on Thursday, October 16, 1986, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance and for consent to merge and establish eight branches:

People's Bank, Bridgeport, Connecticut, an insured State mutual savings bank, for consent to merge, under its charter and title, with First Federal Savings Bank, Norwalk, Connecticut, a non-FDIC-insured institution, and for consent to establish the five existing and three approved unopened offices of First Federal Savings Bank as branches of the resultant bank; First Federal Savings Bank, Norwalk, Connecticut, for Federal deposit insurance upon its coversion to a State-chartered mutual savings bank.

Applications for Federal deposit insurance (U.S. Branches of a Foreign Bank) and for consent to purchase assets and assume liabilities:

The Hongkong and Shanghai Banking Corporation, Hong Kong, a foreign bank, for consent to purchase certain assets and assume certain liabilities of Global Union Bank, New York, New York, an insured State nonmember bank, and for Federal deposit insurance of deposits received at and recorded for its proposed branches at 19 Division Street and 88 Pine Street, Wall Street Plaza, New York, New York.

Application for consent to purchase assets, and assume liabilities:

The Bank of Glenwood, Glenwood, Arkansas, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Glenwood, Arkansas, office of FirstSouth, F.A., Pine Bluff, Arkansas, a non-FDIC-insured institution.

Applications for consent to purchase assets and assume liabilities and establish one branch:

Columbus Bank and Trust Company, Columbus, Georgia, an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in the Warm Springs Office of First American Bank, Warm Springs, Georgia, and for consent to establish that office as a branch of Columbus Bank and Trust Company.

Norstar Bank of Maine, Portland, Maine, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits made in the North Windham, Maine, branch of American Bank, FSB, Sanford, Maine, a non-FDIC-insured institution, and for consent to establish that office as a branch of Norstar Bank of Maine.

Application for consent to merge and establish one branch:

Bank of Coweta, Newnan, Georgia, an insured State nonmember bank, for consent to merge, under its charter and title, with the First American Bank, Warm Springs, Georgia, and for consent to establish the Luthersville Office of First American Bank as a branch of the resultant bank.

Application for consent to purchase assets and assume the liability to pay deposits upon transfer and establish a temporary branch:

Farmers and Merchants State Bank of Hale, Hale, Michigan, an insured State nonmember bank, for consent to purchase certain assets of and assume the liability to pay deposits, upon transfer, of the Hale Branch of Michigan Bank—Huron, East Tawas, Michigan, a State member bank, and for consent to establish that office as a temporary branch of Farmers and Merchants State Bank of Hale.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 46,688-NR—The First National Bank of Darrouzett, Darrouzett, Texas
Case No. 46,712-L (Amendment)—United American Bank in Knoxville, Knoxville, Tennessee

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Quarterly Report for Actions Approved Under Delegated Authority as of June 30, 1986

Discussion Agenda: No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898-3813.

Dated: October 9, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-23333 Filed 10-10-86; 12:04 pm]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:30 p.m. on Thursday, October 16, 1986, the Federal Deposit Insurance Corporation's Board of Diectors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters.

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors

requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Request for exemption from Part 325 of the Corporation's rules and regulations:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), and (c)(9)(A)(ii)).

Discussion Agenda:

Requests for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: October 9, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86–23334 Filed 10–10–86; 12:04 pm]

BILLING CODE 6714–01–M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 9, 1986.

TIME AND DATE: 10:00 a.m, Thursday, October 9, 1986.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: In addition to the previously announced item, the Commission also discussed the following:

2. NACCO Mining Company, Docket No. LAKE 85–87–R, etc; Emerald Mines Corp., Docket No. PENN 85–298–R; White County Coal Corp., Docket No. LAKE 86–58–R; and Greenwich Collieries, etc., Docket No. PENN 85–188–M. (Consideration of pending motions)

3. Odell Maggard v. Chaney Creek Coal Corporation, Docket No. KENT 86–1–D, KENT 86–51–D. (Consideration of pending motion).

4. Fife Rock Products Co., Docket No. WEST 85–141–M. (Consideration of operator's request for relief from default order)

5. Litigation matters

It was determined by a unanimous vote of Commissioners that these items be added to this meeting and that no earlier announcement of the additions was possible.

CONTACT PERSON FOR MORE INFO: Jean Ellen, (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 86–23297 Filed 10–10–86; 9:29 am]

BILLING CODE 6735–01–M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 11:00 a.m., Monday, October 20, 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 employee.

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: October 10, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–23383 Filed 10–10–86; 4:01 pm]

BILLING CODE 6210–01–M

7

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:00 a.m., Wednesday, October 15, 1986.

PLACE: NTSB Board Room, Eighth Floor, 800 Independence Avenue SW., Washington, DC 20594.

STATUS: The first two items will be open to the public. The last two items will be closed to the public under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Pipeline Accident Report:* Northeast Utilities Service Company Explosion and Fire, Derby, Connecticut, December 6, 1985.

2. *Safety Study:* Passenger/Commuter Train and Motor Vehicle Collisions at Grade Crossings.

3. *Opinion and Order:* Administrator v. Doty, Docket SE–7018; disposition of the appeals of the Administrator and the respondent.

4. *Opinion and Order:* Administrator v. MacGlashan, Docket SE–6933; disposition of the Administrator's appeal.

FOR MORE INFORMATION, CONTACT: H. Ray Smith (202) 382–6525.

Ray Smith,

Federal Register Liaison Officer.

October 9, 1986.

[FR Doc. 86–23278 Filed 10–10–86; 9:29 am]

BILLING CODE 7533–01–M

8

COMMISSION ON CIVIL RIGHTS

October 10, 1986.

PLACE: 1121 Vermont Avenue, NW., Room 512, Washington, DC 20425.

DATE AND TIME: Friday, October 17, 1986, 9:00 a.m.–5:00 p.m.

STATUS OF MEETING: Open to the public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes for September 11, 1986 Meeting
III. Staff Director's Report
  A. Status of Funds
  B. Personnel Report
  C. Office Directors' Reports
IV. Program Planning for FY '87
V. Report on Indian Hearing
VI. Civil Rights Developments in the Central States Region.

PERSON TO CONTACT FOR FURTHER INFORMATION: Deborah Burstion-Wade, Press and Communications Division, (202) 376–8312.

William H. Gillers,

Solicitor.

[FR Doc. 86–23401 Filed 10–14–86; 10:55 am]

BILLING CODE 6335–01–M

federal register

Wednesday
October 15, 1986

Part II

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 15

Federal Acquisition Regulation (FAR); Use of Letter RFP for Noncompetitive Procurements; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 15

Federal Acquisition Regulation (FAR); Use of Letter RFP for Noncompetitive Procurements

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) 15.402 to permit the use of letter requests for proposals for sole source acquisitions.

Comments: Comments should be submitted to the FAR Secretariat at the address shown below on or before December 15, 1986 to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets NW, Room 4041, Washington, DC 20405.

Please cite FAR Case 86–54 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed changes to FAR 15.402 do not appear to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601, et seq.) because the proposed coverage does nothing more than permit use of an alternate format for a limited number of solicitations.

B. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed changes to FAR 15.402 do not impose any additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Part 15

Government procurement.

Dated: October 6, 1986.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Part 15 be amended as set forth below:

PART 15—CONTRACTING BY NEGOTIATION

1. The authority citation for Part 15 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2453(c).

2. Section 15.402 is amended by redesignating the existing paragraph (g) as paragraph (h) and by adding a new paragraph (g) to read as follows:

15.402 General.

* * * * *

(g) Unless prohibited by agency regulations, letter FRPs may be used for sole source acquisitions. Letter RFPs should be as clear and concise as possible and exclude any unnecessary verbiage or notices. When a letter RFP is used, the uniform contract format procedures of 15.406 do not apply. Letter RFPs should only request data and information necessary for providing a proposal. However, contracting officers must still obtain any required representations and certifications and must still comply with other portions of this regulation such as Subparts 5.2, Synopses of Proposed Contract Actions, and 15.8, Price Negotiation.

* * * * *

15.406–2 [Amended]

3. Section 15.406–2 is amended by removing in the first sentence of paragraph (a)(1) the words "Part 53" and inserting in their place the words "this regulation".

[FR Doc. 86–23178 Filed 10–14–86; 8:45 am]

BILLING CODE 6820–61–M

Federal Register

Wednesday
October 15, 1986

Part III

Department of Agriculture

Agricultural Stabilization and Conservation Service

7 CFR Part 713

Farm Marketing Quotas, Acreage Allotments, and Production Adjustment; Feed Grain, Rice, Cotton, and Wheat; Interim Rule

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 713

Farm Marketing Quotas, Acreage Allotments, and Production Adjustment; Feed Grain, Rice, Cotton, and Wheat

AGENCY: Commodity Credit Corporation ("CCC"), and Agricultural Stabilization and Conservation Service ("ASCS"), USDA.

ACTION: Interim rule.

SUMMARY: This interim amends the regulations found at Part 7 of Chapter VII of the Code of Federal Regulations effective for the 1987 crops of feed grains, rice, cotton, and wheat. Included in the changes are amendments with respect to: (1) The limited cross compliance requirement; (2) adjusting crop acreage bases; (3) providing "considered planted" credit for farms owned by Farmers Home Administration and for farms that do not participate in the acreage reduction program in effect for a crop; (4) the appeal of farm program payment yields established for the 1981 through 1985 crop years; (5) the reserve for adjusting crop acreage bases established for extra long staple cotton; (6) the procedure for accepting bids to participate in "cost reduction option" diversion programs; and (7) the rules for use of conserving use acreage and acreage designated as acreage conservation reserve ("ACR"). Implementation of the changes made by this interim rule will improve the effectiveness of the commodity programs for the 1987 and subsequent crop years.

DATES: Effective October 14, 1986. Comments must be received on or before November 14, 1986, in order to be assured of consideration.

ADDRESSES: Submit Comments to: Director, Cotton, Grain, and Rice Price Support Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Bill Harshaw, Assistant to Director, Cotton, Grain, and Rice Price Support Division, ASCS, P.O. Box 2415, Washington, DC 20013, (202) 447–7902.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512–1 and has been classified "not major". It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that Regulatory Impact Analyses are not required for the changes which are made in this interim rule.

The titles and numbers of the Federal assistance programs to which this interim rule applies are: Cotton Production Stabilization—10.052; Feed Grain Production Stabilization—10.055; Wheat Production Stabilization—10.058; Rice Production Stabilization—10.065 as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since neither the Agricultural Stabilization and Conservation Service ("ASCS") nor the Commodity Credit Corporation ("CCC") is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

A draft environmental impact statement pertaining to agricultural acreage adjustment programs has been prepared. Further information is available from Phillip Yasnowsky, Program Analysis Division, ASCS, USDA, P.O. Box 2415, Washington DC 20013; (202) 447–7887.

This program/activity is not subject to the provisions of Executive Order 12372 which requries intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

The Office of Management and Budget has approved the information collection requirements contained in these regulations under the provisions of 44 U.S.C. Chapter 35 and OMB Numbers 0560–0030, 0560–0071, 0560–0091 and 0560–0650 have been assigned.

Discussion of Changes

1. On May 30, 1986, the Secretary of Agriculture announced certain provisions of the production adjustment and price support programs that will be in effect for the 1987 crops of wheat, feed grains, cotton, and rice. In order to implement these provisions, amendments to the regulations currently found at 7 CFR Part 713 must be made.

(a) Section 503 of the Agricultural Act of 1949 (the "1949 Act") requires that farm acreage bases be established for farms for the 1987 and subsequent crop years. Section 505 of the 1949 Act provides that the Secretary may permit an upward adjustment of any crop acreage base established for a farm, except that such adjustment may not exceed 10 percent of the farm acreage base established for the farm. Such an upward adjustment must be offset by an equivalent downward adjustment in other crop acreage bases established for the farm. The Secretary's May 30, 1986 announcement stated that adjustments using this authority will not be permitted for the 1987 crop year. Accordingly, § 713.11(a) is amended to provide that adjustments made in accordance with section 505 of the 1949 Act will be permitted as determined and announced by the Secretary.

(b) Sections 101A, 103A, 105C, and 107D of the 1949 Act authorizes the Secretary to require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect must not exceed the crop acreage base for that commodity. This is commonly referred to as "limited cross compliance" "Full cross compliance." is authorized by sections 105C and 107D, if a set-aside program is in effect for a crop of wheat or feed grains. "Full cross compliance" means that, as a condition of eligibility for loans, purchases, or payments, a producer must comply on the farm with the terms and conditions of any other commodity program. The Secretary's May 30, 1986 announcement stated that "limited cross compliance" will be in effect for the 1987 crops of wheat, feed grains, upland cotton, and rice. Accordingly, § 713.101(a) is amended to set forth the terms of the "limited cross compliance" requirement.

2. Section 1314 of the Food Security Act of 1985 (the "1985 Act") amended section 335 of the Consolidated Farm and Rural Development Act with respect to the sale or leasing of farmland owned by the Farmers Home Administration ("FmHA"). Section 335 sets forth the restrictions which must be followed to sell or lease such land. Section 335(e)(8) provides that compliance by the Secretary with the provisions of section 335(e) shall not cause any acreage allotment, marketing quota, or acreage base assigned to such property to lapse, terminate, be reduced, or otherwise be adversely affected. Accordingly, § 713.3(e) is amended to provide that considered planted credit may be

provided in accordance with instructions issued by the Deputy Administrator for crop acreage bases established for farms owned by FmHA.

3. Section 713.3(e)(2)(vii) provides that producers on a farm who do not participate in the production adjustment program in effect for a crop may obtain considered planted credit in order to preserve the crop acreage base when they do not plant the crop. Considered planted credit can be obtained in an amount equal to the acreage of conserving uses credited to the crop and not to exceed the crop acreage base for the crop.

a. Because "limited cross compliance" will be in effect for the 1987 crops, this provision could be abused by producers in areas, such as summer fallow areas, with abundant availability of acreage which may be designated as acreage devoted to conserving uses. For example, a producer on a farm who is not participating in the program for any crop could preserve the crop acreage base for one crop by crediting available acreage as a conserving use in order to receive considered planted credit for such crop and thereby preserve the crop acreage base. Meanwhile the producer could plant an acreage of another program crop that is larger than that commodity's crop acreage base and thereby increase the acreage base for that crop for future years. Producers who do not have access to such acreage which may be considered to be a conserving use would therefore be treated in an inequitable manner since such credit would not be available to them.

b. Producers who plant an acreage of a crop which is less than the total amount of the crop acreage base but do not participate in the program in effect for a crop cannot obtain any considered planted credit in order to preserve the crop acreage base established for the crop for the farm. These producers are treated inequitably in comparison with producers who plant no acreage at all. Producers who do not plant any acreage of a crop for which a crop acreage base has been established may receive considered planted credit in an amount equal to the total amount of the crop acreage base.

In order to alleviate these inequities, § 713.3(e)(2)(vii) is revised to provide that considered planted credit may be approved for any acreage of conserving uses designated to the crop in accordance with § 713.102, regardless of whether any acreage of the crop is planted. Section 713.102 limits the acreage of conserving uses that may be designated to a crop to the difference between the crop acreage base and the sum of the planted acreage, prevented planted acreage, and acreage conservation reserve ("ACR") acreage. Section 713.3(e)(2)(vii) is amended to provide that, in accordance with instructions issued by the Deputy Administrator, considered planted credit may be obtained only if producers on the farm have not violated any cross compliance requirement that is in effect for the crop year and have not planted an acreage of the crop in excess of the acreage base for any program crop.

4. Section 509 of the 1949 Act requires the Secretary to establish an administrative appeal procedure which provides for an administrative review of determinations made with respect to farm acreage bases, crop acreage bases, and farm program payment yields. The administrative procedure so established is set forth at 7 CFR Part 780. With respect to farm program payment yields, be the average of the farm program payments yields for the farm for the 1981 through 1985 crop years, excluding the year in which such yield was the highest and the year in which such yield was the lowest. The 1985 Act provides that, if no crop of the commodity was produced or no farm program payment yield was established for any of the 1981 through 1985 crop years, the farm program payment yield shall be established on the basis of the average farm program payment yield for such crop years for similar farms in the area. With respect to farm program payment yields established for a crop for any of the 1981 through 1985 crop years before the enactment of the 1985 Act, there is no authority to change or adjust such yields. Accordingly, § 713.155 is amended to clarify that farm program payment yields for the farm which were established before the enactment of the 1985 Act are not appealable. Determinations of farm program payment yields which are established after December 23, 1985 may be appealed in accordance with 7 CFR Part 780.

5. The Extra Long Staple Cotton Act of 1983 authorized a special reserve for adjusting acreage bases established for extra long staple cotton. The authority for this reserve expired with the 1986 crop year. Accordingly, § 713.11(d) is deleted.

6. On June 30, 1986, the Secretary announced that the option to implement the cost reduction options authorized by section 1009 of the 1985 Act with respect to the 1987 crop of wheat would not be exercised at that time. Section 1009(e) provides that the Secretary may, at any time prior to harvest, reopen the program for a crop for which a production control or loan program is in effect to participating producers for the purpose of accepting bids from producers for the conversion of acreage planted to such crop to diverted acres in return for payment in kind from CCC surplus stocks of the commodity to which the acreage was planted. In taking such action, the Secretary must determine that (1) changes in domestic or world supply or demand conditions have substantially changed after announcement of the program for such crop, and (2) without action to further adjust production of such crop, the Federal Government and producers will be faced with a burdensome and costly surplus. Such payments in kind shall not be included within the payment limitation of $50,000 per person established under section 1001 of the 1985 Act, but shall be limited to a total $20,000 per year per producer for any one commodity. Section 713.58 is added to provide the regulations which would apply to a bid diversion program which may be announced under section 1009. These regulations are generally similar to those formerly set forth at 7 CFR Part 770 which were in effect for the 1983 crop year with respect to the Payment-In-Kind Program.

7. Several comments were received with respect to the haying and grazing provisions of the interim rule published on March 11, 1986 (51 FR 8428) that were applicable to the 1986 crop year. Due to the need to implement the 1986 programs in a timely manner, some of the proposals presented by these comments which were determined to be meritorious could not be implemented with respect to the 1986 crop year. However, the following revisions have been made with respect to the use of ACR acreage for the 1987 and subsequent crop years:

(a) Section 713.3(d) is amended to provide that State committees must consult with interested parties before deciding whether to authorize haying of conserving use acreage. This section is also amended to provide that acreages which are hayed shall be considered to be nonprogram crop acreages if the State committee has determined that haying of conserving use acreage is prohibited.

(b) Section 713.63(a) has been amended to require the State committee to consult with interested parties before deciding to authorize grazing of ACR acreage and, if authorized, the 5 month nongrazing period applicable to such acreage.

(c) Section 713.63(c)(2) has been amended to clarify that producers may charge fees for hunting and fishing on ACR acreage.

List of Subjects in 7 CFR Part 713

Cotton, Feed grains, Price support programs, Wheat, Rice.

Interim Rule

PART 713—[AMENDED]

Accordingly the regulations found at Part 713 of Chapter VII of Title 7 of the Code of Federal Regulations are amended as follows:

1. The authority citation for Part 713 is revised to read as follows:

Authority: Secs. 101A, 103A, 105C, 107C, 107D, 107E, 109, 113, 401, 403, 503, 504, 505, 506, 507, 508, and 509 of the Agricultural Act of 1949, as amended; 99 Stat. 1419, as amended, 1407, as amended, 1395, as amended, 1444, 1383, as amended, 1448; 91 Stat. 950, as amended, 63 Stat. 1054, as amended, 99 Stat. 1461, 1461, as amended, 1462, 1463, 1463, 1464, 1464 (7 U.S.C. 1441–1, 1444–1, 1444b, 1445b–2, 1445b–3, 1445b–4, 1445d, 1445h, 1421, 1423, and 1461 through 1469); sec. 1001 of the Food Security Act of 1985, as amended, 99 Stat. 1444 (7 U.S.C. 1308); sec. 1001 of the Food and Agriculture Act of 1977, as amended, 91 Stat. 950, as amended (7 U.S.C. 1309); sec. 1009 of the Food Security Act of 1985, 99 Stat. 1453 (7 U.S.C. 1308a).

2. Section 713.3 is amended by republishing the introductory text of (d), revising paragraphs (d)(1) and (e)(2)(vii), removing paragraphs (d)(2)–(d)(4), redesignating paragraphs (d)(5)–(d)(10) as paragraphs (d)(2)–(d)(7), and adding paragraph (e)(4) to read as follows:

§ 713.3 Definitions.

* * * * *

(d) *"Conserving uses"* shall mean all uses during a year of cropland as defined in Part 719 of this chapter except for:

(1) Acreage of crops planted for harvest or use during the current crop year, which shall include:

(i) A crop of rice, upland cotton, feed grains, wheat, or ELS cotton;

(ii) A crop of soybeans;

(iii) Any nonprogram crop;

(iv) Any crop for which price support is available through loans and purchases in accordance with Chapter XIV of this title; and

(v) In a State where the State committee, after consulting with interested parties, has determined that haying of conserving use acreage shall not be permitted, any acreage which is harvested for green chop, hay, silage, or haylage.

* * * * *

(e) * * *

(2) * * *

(vii) For farms which are not participating in a set-aside, acreage reduction, or diversion program for the crop, the acreage of nonprogram crops and conserving uses credited to the crop in accordance with § 713.102, provided that, in accordance with instructions issued by the Deputy Administrator, producers on the farm are not in violation of any cross compliance requirement in effect in accordance with § 713.100 and such producers have not planted an acreage of a program crop in excess of the acreage base established for the crop for the farm.

* * * * *

(4) With respect to farms owned by the Farmers Home Administration for 1986 and subsequent crop years, an acreage equal to the crop acreage base established for the farm in accordance with instructions issued by the Deputy Administrator.

* * * * *

3. Section 713.11 is amended by removing and reserving paragraph (d) and revising paragraph (a)(1) to read as follows:

§ 713.11 Adjusting crop acreage bases.

(a) *Adjustments using farm acreage base.* (1) With respect to the 1987 and subsequent crop years, if determined and announced by the Secretary, an operator of a farm may adjust acreage bases established for crops of wheat, feed grains, upland cotton, and rice in accordance with paragraphs (a)(2) through (a)(4) of this section.

* * * * *

(d) [Reserved]

* * * * *

4. Section 713.58 is added to read as follows:

§ 713.58 Bid diversion program.

(a) The Secretary will announce:

(1) If, when there is a production control or loan program in effect for a crop of a major agricultural commodity, the program is being reopened to participating producers for the purpose of accepting bids for the conversion of acreage planted to such crop to diverted acres;

(2) The period of time during which bids may be submitted;

(3) The form of the bid, i.e. whether the bid shall be as a percentage of the farm program payment yield for the farm, as a number of pounds or bushels per acre, or such other form as may be determined and announced;

(4) The basis for evaluating bids; including any limitation upon the number of acres that may be accepted;

(5) The manner in which payment will be made to producers whose bids are accepted; and

(6) Other requirements of the program.

(b) Except as otherwise announced by the Secretary, and in accordance with instructions approved by the Executive Vice President, CCC, when a bid diversion program is announced by the Secretary:

(1) The operator of a farm and any other producers on the farm may submit a bid for contract with CCC on a form prescribed by CCC.

(i) To be eligible to submit a bid, the operator and any other producers on the farm must be parties to a contract to participate in the program for the applicable commodity for the crop year for the farm and must not have been determined to be in violation of such contract.

(ii) The contract to participate in the bid diversion program may contain requirements as to the eligibility of acres planted to the crop, the time and manner by which the growing crop must be destroyed, limitations on the use of the acreage and the crop residue, provision for assessing liquidated damages in the case of violation of the contract, and such other provisions as may be necessary for effective operation of the program.

(iii) The bid may be submitted to the appropriate county ASCS office prior to the close of business on a date to be announced by the Secretary.

(2) If a bid diversion program is offered for more than one commodity, the operator and any other producers may select the commodities to be included in the bid, except that CCC may require that the bid include either both crops or neither crop of corn and grain sorghum, or barley and oats.

(3) The bid shall be determined by the operator and other producers and shall be in the form as announced by the Secretary.

(4) After the final date for submitting bids, the bids in each county shall be ranked for each commodity, treating corn and grain sorghum or barley and oats as single commodities, if so required by CCC, on the basis of the percentage of the farm program payment yield, with the lowest percentage being ranked highest, or such other basis as announced by the Secretary. In the case of identical bids, such bids shall be ranked in the order received or, where an appointment procedure was utilized by the county ASCS office during the time in which producers submitted bids, a lottery shall be conducted to determine the order by which such bids should be ranked. The bids for each commodity shall then be accepted in rank order. CCC may establish the number of acres for which bids will be accepted for each commodity in each county.

(5) To the extent practicable, any questions as to the content of the bid shall be resolved by the county committee when bids are opened. Any decision by the county committee may be appealed as provided in § 713.155. If an appeal is resolved in the producer's favor, the bid may then be accepted without regard to whether accepting such bid would result in exceeding the maximum number of acres which may be enrolled in the program as established for the county.

(c) In accordance with the regulations in Part 795 of this chapter, the total amount of payments which a person shall be entitled to receive annually in accordance with the diversion program described in this section shall not exceed $20,000 per commodity. CCC may require that corn and grain sorghum shall be considered as one commodity, that barley and oats shall be considered as one commodity, or that all such commodities shall be considered as one commodity.

5. Section 713.63 is amended by revising paragraphs (a) and (c)(2) to read as follows:

§ 713.63 Use of ACR acreage.

(a) *State committee determination.* The State committee, after consulting with interested parties, may authorize grazing of ACR acreage for the 1987 through 1990 crops, except during a 5-consecutive-month period for a county as determined by the State committee.

* * * * *

(c) * * *

(2) The ACR acreage may be used for noncommercial recreation, temporary location of beehives, or for home gardens. Fees may be charged for hunting and fishing.

* * * * *

6. § 713.100 is amended by revising paragraph (a) to read as follows:

§ 713.100 Cross compliance on the farm.

(a) Whenever an acreage reduction program is determined and announced by the Secretary with respect to a crop of rice, upland cotton, wheat, or feed grains, and the Secretary announces that limited cross compliance is in effect with repect to such a crop, as a condition of eligibility for loans, purchases, and payments with respect to such a crop, producers on a farm shall not plant an acreage of another commodity in excess of the acreage base established for the crop for the farm if an acreage reduction program is in effect for such commodity.

* * * * *

7. Section 713.155 is revised to read as follows:

§ 713.155 Appeals.

(a) A producer, an assignee of a cash payment, or holder of a commodity certificate issued in accordance with § 713.154 may obtain reconsideration and review of any determination made under this part in accordance with the appeal regulations found at Part 780 of this chapter.

(b) With respect to farm program payment yields, determinations made before December 23, 1985 are not appealable.

Signed at Washington, DC on October 7, 1986.

Milt Hertz,

Acting Executive Vice President, Commodity Credit Corporation, and Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 86-23086 Filed 10-14-86; 8:45 am]

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Wednesday
October 15, 1986

Part IV

Commission on the Bicentennial of the United States Constitution

45 CFR Part 2001

Project Recognition and Use of Logo; Final Rule

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2001

Project Recognition and Use of Logo

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Final rule.

SUMMARY: These regulations set forth general provisions and policies governing the process adopted by the Commission on the Bicentennial of the United States Constitution for project recognition and support and for use of the Commission's logo. These policies will apply to all projects, programs and other activities designed to commemorate the 200th anniversary of the drafting, signing, ratification and adoption of the United States Constitution, in 1787 and 1788, and the beginnings of the Federal Government under the Constitution in 1789, including the election of the First Congress and of America's first President and Vice President, the creation of the first cabinet departments and the creation of the Federal judiciary system.

These regulations are necessary so that the mandates of Congress in Pub. L. 98–101 may be carried out by the Commission in accomplishing its principal purpose, to promote and coordinate activities to commemorate the bicentennial of the Constitution. The effect of these regulations is to enable individuals, private and public organizations, including governmental agencies and states, to obtain the official recognition of the Commission for their proposed projects and to use the Commission's National Bicentennial Logo. The regulations also make clear the criteria for Commission involvement with projects and the limitations on such involvement.

EFFECTIVE DATE: October 15, 1986.

ADDRESS: Communications relative to this rule and all applications resulting therefrom should be mailed to: Commission on the Bicentennial of the United States Constitution, 736 Jackson Place, NW., Washington, DC, 20503.

FOR FURTHER INFORMATION CONTACT: Joseph B. McGrath, General Counsel, Tel. (202) 653–9800 or (202) 653–2427.

SUPPLEMENTARY INFORMATION

Background

These regulations were approved by the Commission on November 25, 1985 as an interim rule to govern policies on project recognition and support and use of the Commission's logo during the organizational phase of Commission operations. They were published as an interim rule on March 10, 1986, (51 FR 8300–8304). Comments were requested from the public, to be received on or before May 9, 1986. No substantive comments were received.

The Commission functioned under the interim regulations from November 1985 through July 1986. As a result of this experience, the Commission adopted policy resolutions expanding and clarifying portions of the interim rule. These substantive amendments are incorporated into this final rule. There is no further public comment period. The changes in the interim rule are summarized below. In addition, the title caption in the heading has been changed so that it will more accurately describe the contents of this final rule.

Amendments

(a) Section 2001.22 has been revised to define the meaning of "commercial use" of the logo in terms of existing statutory restrictions and legislative history.

(b) Section 2001.24 has been added to authorize federal agencies to use the logo on stationery and publications, and to provide for use of the logo by general media.

(c) Section 2001.25 has been added to provide full notice to the public that any unauthorized use or abuse of the Commission's logo is subject to penalties under existing Federal law, and that the logo is registered and protected under the Trademark Act of 1946, as amended.

(d) A new paragraph (e) has been added to § 2001.35 to authorize official recognition, upon request, of programs and projects of nonprofit organizations which do not have a single project or major group of projects which meet the recognition requirements for submission under § 2001.35(a).

(e) Additional language has been added to paragraph (c) of § 2001.37 to provide for designation of a Bicentennial Community in the absence of a recognized State Bicentennial Commission. Similar language has been added to § 2001.43.

(f) A simplified model application form has been included under Appendix C for use by local communities requesting official recognition as a Designated Bicentennial Community.

Classification

This is not a major rule under E.O. 12291 since it is not likely to have any effect on the economy, on costs or on prices, nor does it affect competition, employment, investment, productivity, innovation or the ability of U.S. based enterprises to compete with foreign enterprises. A regulatory analysis is not required for this rulemaking. This rule has no effect on the environment and an environmental impact statement under the National Environmental Policy Act is not required.

Paperwork Reduction Act

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). The information collection requirements have been approved by OMB for use through September 30, 1989, and have been assigned OMB control number 3312–0014.

Lists of Subjects in 45 CFR Part 2001

National bicentennial logo, State bicentennial commission, Designated bicentennial community, National register of bicentennial projects, U.S. Constitution bicentennial, Officially recognized projects, Seals and insignia.

Issued in Washington, DC, on September 26, 1986.

Mark W. Cannon,

Staff Director.

For the reasons set out in the preamble and under the authority of Pub. L. 98–101, 97 Stat. 719, Part 2001 which was added at 51 FR 8300, March 10, 1986 as an interim rule is adopted as a final rule and revised to read as follows:

CHAPTER XX—COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

PART 2001—PROJECT RECOGNITION AND USE OF LOGO

Subpart A—General Policies

Sec.

Subpart B—National Bicentennial Logo

Subpart C—Involvement With Bicentennial Projects

Subpart D—Selection Process

Subpart E—Coordination and Information

Authority: Pub. L. 98–101, 97 Stat. 719, 5 U.S.C. 552.

Subpart A—General Policies

§ 2001.10 Commission policy.

The Commission on the Bicentennial of the United States Constitution was established by Pub. L. 98–101 to promote and coordinate activities to commemorate the bicentennial of the Constitution. All public and private groups are encouraged to conduct activities that will foster awareness, knowledge and appreciation of the Constitution of the United States, the establishment of the Federal Government and passage of the Bill of Rights. Insofar as its resources permit, the Commission will offer information, advisory assistance, and coordination to individuals and groups interested or involved in bicentennial activities.

§ 2001.11 Financial support decisions.

Commission involvement with a project in any of the ways herein described does not obligate the Commission to contribute financial support to that project. Any decision to provide financial support to a bicentennial project shall be considered by the Commission separately and on its own merits in relation to the resources of the Commission.

§ 2001.12 Nonexclusive involvement.

Unless otherwise indicated by the Commission in advance and in writing, Commission involvement with a project will not in any way limit the Commission from involving itself in other projects of the same or a similar nature.

Subpart B—National Bicentennial Logo

§ 2001.20 Design and adoption.

Under the authority granted by section 5(j) of Pub. L. 98–101, 97 Stat. 721, the Commission has designed and adopted a Logo as the official emblem of the bicentennial. This design is depicted and described in Appendix A to this part of the Commission's regulations. It is hereby designated by the Commission as the official National Bicentennial Logo and this designation includes any likeness of this Logo which, in whole or in part, is used in such manner as to suggest this Logo. Its use shall be governed by these regulations.

§ 2001.21 Authorized use of logo.

(a) Authorization for use of the National Bicentennial Logo shall be granted only at the sole discretion of the Commission and in accord with these regulations. Reproduction of the Logo is permitted only after written authorization of the Commission. Authorized users may not delegate use of the Logo to others unless specifically authorized to do so in writing by the Commission or by these regulations.

(b) The Logo shall be reproduced always in its entirety as adopted by the Commission and depicted in Appendix A to this part. It shall not be altered nor may it be overprinted with any legend, symbol or other marking. All uses of the Logo should incorporate high standards of design, dignity and taste. When used by officially recognized State Bicentennial Commissions, Bicentennial Communities, nonprofit organizations and officially recognized project sponsors or cosponsors, the Logo shall bear a legend beneath it that reflects authorization for use in accordance with these regulations.

§ 2001.22 No commercial use permitted.

(a) *Statutory prohibitions.* No commercial use of the National Bicentennial Logo is authorized. This prohibition on commercial use in section 5(j), Pub. L. 98–101, 97 Stat. 721, is defined to mean that the Logo shall not be used by any corporation or private person in connection with the production or manufacture of any commercial goods, as part of an advertisement promoting any commercial goods or services, or as part of an endorsement for any such goods or services. Goods and services produced or sold by tax-exempt nonprofit organizations are not "commercial goods and services" within the meaning of this definition.

(b) *Commission review.* The Commission shall review all requests for use of the Logo by commercial organizations. The Commission shall also review requests of a State Bicentennial Commission or a Designated Bicentennial Community (see below) for use of the Logo by a commercial sponsor of a project officially recognized by such Commission or Community. In exercising its discretion, the Commission shall determine each case on its merits.

§ 2001.23 Informational use of logo.

(a) *Federal agencies.* The Commission has authorized use of the National Bicentennial Logo by Federal agencies and departments on their stationery and publications to the extent that such use is otherwise permitted by law. This designation of Federal agencies and departments is defined to include all organizations of the U.S. Government, including those of the executive, the legislative and the judicial branches. Use of the Logo is authorized only under the following conditions:

(1) Each agency, department, Congressional office or judicial organization wishing to use the Logo shall submit a written request approved or signed by the head of the agency, department, Congressional office or judicial organization involved.

(2) If the Logo is desired for use on Government publications, a list of the names and types of publications should be supplied to the Commission. If possible, sample copies should be sent to the Commission.

(3) Written requests, lists of publications and sample copies should be sent to: Staff Director, Commission on the Bicentennial of the United States Constitution, 736 Jackson Place, NW., Washington, DC 20503; Attention: Federal Programs Division.

(4) Approval of each request for Logo use shall be made by the Commission Staff director or his designee following review of staff analysis and recommendations. A written response to each request shall be provided by the Staff Director together with copies of the Logo and directions for its use.

(5) Each agency, department, Congressional office or judicial organization shall be informed of the correct design uses of the Logo and of prohibitions on its use. Permission to use the Logo does not authorize an agency to grant use of the Logo to any other Government or private organization by any form of subsequent agreement, lease of contract.

(b) *General media use.* Following adoption by the Commission and its publication in the **Federal Register** on March 10, 1986 (51 FR 8303), the National Bicentennial Logo has been available on request to the general media in connection with news stories, informational articles and public awareness uses. Copies of the Logo and guidelines for its use shall be available on request to all print and electronic news services, publications, or representatives thereof, solely for the

purpose of informing the general public about the Commission and its activities or the commemoration of the Constitution and its bicentennial.

§ 2001.24 Penalties for unauthorized use.

(a) Use of the official National Bicentennial Logo without specific authorization granted in writing in accordance with these regulations shall be subject to applicable penalties under Federal law. Under section 701, chapter 33, title 18 U.S.C., the penalty for unauthorized use, possession, manufacture or sale of an official Government insignia or any colorable imitation or likeness thereof, is a fine of $250 and imprisonment of up to six months, or both.

(b) Registration of the National Bicentennial Logo by the Commission with the United States Patent and Trademark Office, effective July 1, 1986, is a recognition and notice of the Commission's ownership thereof, and evidence of the Commission's exclusive right to use the Logo in commerce. No person or organization has the right to use a mark in commerce which is in identical form or in such near resemblance to the Logo as may be likely to cause confusion or mistake, or to deceive the public.

Subpart C—Involvement with Bicentennial Projects

§ 2001.30 Commission decisions.

Unless delegated by vote of the Commission to a committee of the Commission, or to the Commission's Staff Director, authority to decide Commission involvement with projects remains with the full Commission. Commission involvement with bicentennial projects shall be determined by written decisions on each project as set forth herein.

§ 2001.31 Withdrawal of involvement.

The Commission reserves the right at all times and with respect to any project to withdraw its involvement or recognition, or both, including any authorization for use of the Logo.

§ 2001.32 Types of projects.

There are five forms of Commission involvement with bicentennial projects. These are identified as Commission Projects, Cosponsored Projects, Officially Recognized Projects, State Bicentennial Commissions, and Designated Bicentennial Communities. The details as to each type of project recognition are set forth in the following sections of this subpart.

§ 2001.33 Commission projects.

Commission projects are defined as projects of national or international significance, for the development and implementation of which the Commission takes full responsibility. Such projects will be few in number and approved in advance by the Commission.

§ 2001.34 Cosponsored projects.

(a) *Commission participation.* The Commission may choose to cosponsor a limited number of projects with private and public organizations, domestic and foreign, including all branches and agencies of the Federal Government. In doing so, the Commission reserves the option to participate in a project's development and implementation, although primary responsibility for the project will ordinarily rest with the other sponsor or sponsors.

(b) *Use of logo.* Cosponsors shall be authorized to use the National Bicentennial Logo solely in connection with the project for which the Commission is a cosponsor. Such use shall include the legend, "Cosponsored by the Commission on the Bicentennial of the United States Constitution." A cosponsored project shall also be considered an Officially Recognized Project (see below).

(c) *Qualification criteria.* For a project to qualify for Commission cosponsorship the Commission must determine that (1) the project will make an exceptional contribution to advancing the national commemoration; (2) the project will increase public understanding and appreciation of the Constitution; (3) the cost to the Commission, if any, is reasonable in relation to what the project will accomplish; and, (4) the project will be adequately financed and directed.

§ 2001.35 Officially recognized projects.

(a) *Recognition requirements.* (1) The Commission shall grant Official Recognition to projects of exceptional merit with regional, national, or international significance. To be considered for Official Recognition, such projects must have substantial educational and historical value in relation to the U.S. Constitution and must be adequately financed and directed.

(2) Projects which are undertaken in honor of the Constitution and its bicentennial and which otherwise meet the project recognition requirements of this section, but are not in substance directly related to the Constitution, may also be considered by this Commission for Official Recognition.

(b) *Implementation.* Responsibility to develop and implement an Officially Recognized Project lies with the project's sponsor or sponsors. To the extent feasible the Commission shall monitor all Officially Recognized Projects.

(c) *Certificates of recognition.* Projects granted Official Recognition shall receive a Certificate of Official Recognition and such other symbolic recognition as may be approved by the Commission.

(d) *Use of logo.* Sponsors of Officially Recognized Projects are authorized to use the National Bicentennial Logo solely in connection with the recognized project. Such use shall include the legend, "Officially Recognized by the Commission on the Bicentennial of the United States Constitution."

(e) *Federal agency projects.* To obtain Official Recognition, projects and programs sponsored by Federal agencies shall meet the recognition requirements of paragraph (a) of this § 2001.35. They are also subject to the other provisions of this section and to the application requirements of these regulations. The term Federal agencies is defined to include all agencies, departments, offices and other organizations and establishments of the U.S. Government, including those of the executive, the legislative and the judicial branches of Government. A specially designed application form for Federal agencies is available from the Commission.

(f) *Nonprofit organization programs.* (1) Upon written request the Commission may grant Official Recognition to bicentennial programs and projects of nonprofit organizations of regional, national or international scope. Such organizations must have created on their agenda one or more activities designed to honor and commemorate the United States Constitution, but not a project or projects of such exceptional merit or size as to warrant an application for Official Recognition under paragraph (a) of this § 2001.35.

(2) Qualifying programs and projects of nonprofit organizations may be granted Official Recognition singly or en bloc as deemed appropriate by the Commission. No particular form is required for submission of a written request but it should contain all pertinent information including, but not limited to, the following: Identification and background description of applicant, including address and telephone number; a clear and concise description of the bicentennial program, project or activities; name of the responsible

official; information as to timing, budget, source of funds and other relevant information. The Commission reserves the right to request further information.

§ 2001.36 State bicentennial commissions.

(a) *Recognition.* The Commission shall recognize any bicentennial organization as a State Bicentennial Commission upon the request of the Governor or the legislature of a state, or upon the request of the chief executive in the case of the District of Columbia, the Commonwealth of Puerto Rico, and the territories of American Samoa, Guam, and the Virgin Islands. A State Bicentennial Commission, so recognized, shall qualify as a state advisory commission under section 6(d) of Pub. L. 98–101, 97 Stat. 722. This Commission is authorized to delegate authority to such state advisory commissions to assist the Commission in carrying out its purposes.

(b) *Use of Logo.* Recognized state bicentennial commissions are authorized to use and to grant use of the National Bicentennial Logo. Permission to use the Logo may be granted only to nonprofit organizations which are sponsors of projects officially recognized by a state commission as a part of a state bicentennial program, provided such sponsors have been advised in writing by the state commission of such recognition. In order to grant use of the Logo, the state commission shall determine in advance that the project will increase public understanding and appreciation of the U.S. Constitution, and that it will be adequately financed and directed.

(c) *Nonprofit organizations.* Nonprofit organizations which are sponsors of state-recognized projects may be authorized to use the National Bicentennial Logo solely in connection with the recognized project. Such use shall include the legend, "Recognized by the [Name of State Bicentennial Commission]."

(d) *Monitoring responsibility.* A state commission which grants use of the National Bicentennial Logo shall be responsible for monitoring such use to assure that it is consistent with the requirements of this Commission and with the letter and spirit of Pub. L. 98–101, 97 Stat. 719, and any amendments thereto.

§ 2001.37 Designated bicentennial communities.

(a) *Definitions.* The Commission encourages local governing bodies to establish Bicentennial Communities. The term "community" includes all political subdivisions having an elected government, such as a city, county, town, village, township, borough, any Native American tribe or reservation, or any combination thereof. Unincorporated areas which have an established identity of their own may also apply for designation through any representative organization satisfactory to the Commission or a state bicentennial commission.

(b) *Qualification criteria.* A Designated Bicentennial Community is one which (1) has established a bicentennial committee broadly representative of the community; (2) has developed a commemorative program that will educate its residents about the meaning and significance of the Constitution; and, (3) has received an official designation from the Commission.

(c) *Application process.* (1) To be considered as a Designated Bicentennial Community, a community should submit a completed application form to its State bicentennial commission. Upon approval by the State commission, the application with the State commission's recommendation shall be sent to this Commission for its review and decision. (See Subpart D—Selection Process, of this part.)

(2) The Commission shall issue a Certificate of Designation to all communities whose applications are approved by the Commission or its Staff Director. In the absence of a recognized State bicentennial commission, official recognition may be granted through submission of a completed application directly to this Commission where it will be reviewed and, if approved by the Commission's Staff Director, shall be granted.

(d) *Use of logo.* Designated bicentennial communities are authorized to grant use of the National Bicentennial Logo to nonprofit organizations which are sponsors of projects officially recognized by the designated community's bicentennial committee as part of the community bicentennial program, provided the sponsors have been advised in writing by the local bicentennial committee of such recognition.

(e) *Nonprofit organizations.* Organization sponsors of community-recognized projects are authorized to use the National Bicentennial Logo only in connection with the recognized project. Such use shall include the legend, "Recognized by [Name of Community], a Bicentennial Community."

(f) *Monitoring responsibility.* A Designated Bicentennial Community which grants use of the National Bicentennial Logo shall be responsible for monitoring such use to assure that it is consistent with the requirements of this Commission and with the letter and spirit of Pub. L. 98–101, 97 Stat. 719, and any amendments thereto.

Subpart D—Selection Process

§ 2001.40 Submission of applications.

To apply for Cosponsorship or Official Recognition of a project, or for a Designated Bicentennial Community, sponsors and applicants must complete a Commission application form and submit it together with all required materials to: Commission on the Bicentennial of the United States Constitution, 736 Jackson Place, NW., Washington, DC. 20503. Copies of application forms may be obtained from the Commission.

§ 2001.41 Application requirements.

(a) Project applications should include a comprehensive description of the project and a narrative statement indicating how the project meets the criteria established by the Commission, as provided on the application form. The application shall include a statement that the applicant agrees to be bound by all policies, requirements, regulations and other decisions made by the Commission affecting the applicant's project and responsibilities. (See Appendix B for sample form.)

(b) Applications for designation as a bicentennial community should include basic data on the community, identification of the community bicentennial committee and a brief statement as to how its commemorative program and plans will educate residents about the meaning and significance of the Constitution. (See Appendix C for sample form.)

§ 2001.42 Evaluation.

The Commission staff shall evaluate all requests for cosponsorship or official recognition, and for designation as a bicentennial community, and shall prepare recommendations for action thereon. The Commission shall be informed of all applications for cosponsorship or official recognition and of all requests for recognition of state bicentennial commissions and designated bicentennial communities.

§ 2001.43 State commission approval.

(a) Approval of the appropriate state bicentennial commission shall be required if a project which meets the recognition requirements under § 2001.35(a) of these regulations is to be conducted or carried out within a single state. In the absence of an officially recognized state bicentennial commission, a project application shall

be processed by this Commission without such approval.

(b) If a project is not of regional, national, or international significance so as to meet the recognition requirements under § 2001.35(a) of these regulations, and it is to be conducted or carried out within a single state, the project application should be submitted to and approved by the appropriate bicentennial community or state bicentennial commission. If neither exists, the application may be sent directly to this Commission.

§ 2001.44 Letter of encouragement.

The Commission may issue a letter of encouragement when a project demonstrates outstanding merit but has not yet reached that stage of development or obtained that level of support which would provide reasonable assurance of implementation. This letter does not authorize use of the National Bicentennial Logo.

§ 2001.45 Commission approval.

Commission approval of an application shall be in writing and shall result in the issuance of a letter of agreement to cosponsorship or a certificate of official recognition, or a certificate of designation establishing a bicentennial community.

Subpart E—Coordination and Information

§ 2001.50 National register of bicentennial projects.

(a) As a means of coordination, and to enable the Commission to provide information and advisory assistance to all interested individuals and groups, the Commission shall maintain a National Register of Bicentennial Projects.

(b) This Register shall include all those projects, activities, and programs in which the Commission has involved itself. These may also be publicized by inclusion in commemorative calendars and schedules of bicentennial events published by the Commission.

(c) Within the limits of Commission resources, and to the extent feasible, the National Register shall be expanded to include officially recognized bicentennial projects approved and reported to the Commission by state bicentennial commissions and bicentennial communities.

Appendix A to Part 2001—National Bicentennial Logo

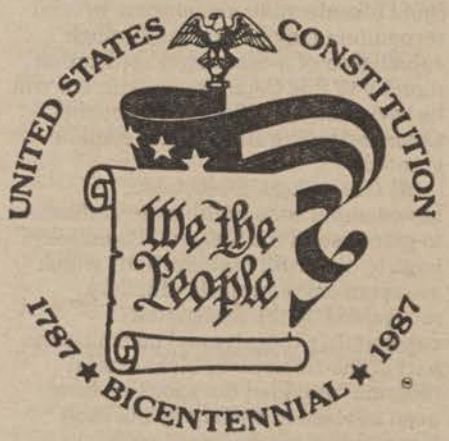
This appendix is intended to improve the utility of Part 2001 by setting forth a depiction of the National Bicentennial Logo, criteria for its use and a detailed description. The Logo was designed and adopted by the Commission under authority of section 5(j), Pub. L. 98–101, as the official emblem of the bicentennial. As such, it is the subject of Subpart B of these regulations and it has been registered as a trademark of the Commission. Copies may be obtained from the Commission. This appendix does not amend or affect existing portions of CFR text, nor does it introduce new requirements or restrictions into the regulations of the Commission.

Criteria for use

The Logo must always be reproduced in its entirety as adopted by the Commission and depicted below. It may not be altered nor may it be overprinted with any legends, symbols or markings. When used by State Bicentennial Commissions, Designated Bicentennial Communities, nonprofit organizations, officially recognized project sponsors and other users, the Logo must bear a legend beneath it that reflects authorization for use.

Description of Logo

In color the Logo is intended to appear on a white or light-colored field. The canton of the American flag is dark blue and the stripes are bright red. The scroll lettering and borders are in gold; the eagle and flag staff are in gold. The circular lettering and dates are in dark blue. When printed in color, the following PMS color designations must be used: Gold, PMS 873C; Red, PMS 199C; Blue, PMS 281C. The Logo may also be duplicated wholly in black or dark blue on a light or white field.



Appendix B to Part 2001—Application for Project Recognition

This Appendix is intended to improve the utility of Part 2001 by setting forth a sample application form as a guide for use in applying to the Commission for cosponsorship or official recognition of a bicentennial project. It does not amend or affect existing portions of the CFR text, nor does it introduce new requirements or restrictions into the regulations of the Commission. Copies are available from the Commission.

The expectation of the Commission is that this sample application form will be used as a guide for all project recognition or cosponsorship applications. Applicants should modify informational requirements as may be necessary for particular projects or activities. As a general matter, however, information requested on the form below will be required by the Commission for its evaluation process prior to granting official recognition of a commemorative project.

Note to Applicants

It is not required, but it will be helpful in expediting review by the Commission for applicants to transmit three (3) copies of their Application (the original and two copies). To the extent practicable, it will be appreciated if the Application and accompanying papers are printed or typed on 8½"x 11" pages, one-side only.

Commission File No. _____

Application for Official Recognition by the Commission on the Bicentennial of the United States Constitution

(Please type or print)

Date of Application.

I. Identification

1. _____
Name of sponsor (individual, organization, or agency).
2. _____
Address of sponsor.
3. _____
Sponsor's telephone number.
4. _____
Name of project for which recognition is sought.
5. _____
Name of project director.
6. _____
Address and telephone No. (if different from sponsor).

II. General Background Information (attach separate sheet)

1. Brief identification and history of the sponsor, including names of the members of the Board of Directors or other leadership body of the sponsoring organization, relevant background of principal organization's personnel, and description of sponsor's previous experience, if any, with this type of project.

Please indicate who will be responsible for the operation of the project and in what capacity they will be so responsible. Please attach resumes of director and co-director or equivalents. If sponsor is a nonprofit 501(c)(3) organization, please attach IRS verification.

2. A summary of the operations and programs of the sponsoring organization during the year immediately preceding the date of this application, including income and budget data. (Not applicable to newly formed organizations.)

3. Please attach copies of significant or representative endorsements of the project by individuals and governmental, business, community, service, academic, Bicentennial, or other organizations.

III. Project Description (attach additional sheets)

1. Provide a brief (no more than one typewritten page) description of the project for which recognition is sought.

2. Attach a comprehensive description of the project in narrative form, including the ways in which the project will be carried out, dates at which significant milestones will be reached, the approximate number and background of probable participants and/or audience, and any other information relevant to the successful conduct of the project. Also, please indicate how the project meets the regulatory criteria established by the Commission on the Bicentennial of the U.S. Constitution (45 CFR Part 2001).

IV. Timing and Budget Information

1. Please state the beginning and ending dates of the project. If specific dates are not yet determined, please state the criteria that will determine the duration of the project.

Period of major emphasis: _____

2. Total actual or estimated cost of project:

$ _____

Actual ——— Estimated ———

3. Total funds available (Do not include funds committed but not yet received):

$ _____

4. Please indicate the sources of funds included in number 3 above:

	Amount
Federal	
State	
Local government	
Corporate	
Foundation grants	
Other	

Please indicate below the government agencies and programs, if any, from which funds have been received and, if you choose to do so, the names of corporations and foundations that have provided funds.

5. Please indicate by source the amount of required funds not currently available for the project but that are committed or otherwise anticipated. Please indicate the status of any pending applications or requests, including approximate time receipt of funds is expected.

	Amount	Status
Federal		
State		
Local government		
Corporation		
Foundation grants		
Other		

If you choose to do so, please indicate the agencies, corporations, foundations, or other sources of anticipated funds.

6. Briefly describe the system of supervision of funds that will be employed for this project.

The signature below attests to the applicant's agreement to be bound by all policies, requirements, regulations, and other decisions that have been made, or will be made, by the Commission on the Bicentennial of the United States Constitution affecting the applicant's project and responsibilities.

Signature of Responsible Officer: _____

Title: _____

Date signed: _____

Note to Applicants: It is not required, but it will be helpful to the Commission, for applicants to transmit three (3) copies of their Application together with the original. Also, to the fullest extent practicable, it will be appreciated if the Application and accompanying papers are printed or typed on 8½" x 11" pages, one-sided only.

Please send to:

Commission on the Bicentennial of the United States Constitution, Plans and Project Recognition, 734 Jackson Place, NW., Washington, DC 20503.

Appendix C to Part 2001—Bicentennial Community Application

This Appendix is intended to improve the utility of Part 2001 by setting forth a sample application form for use by local governing bodies and representative community organizations in applying to the Commission for official recognition and designation as a Bicentennial Community. This appendix does not amend or affect existing portions of CFR text, nor does it introduce new requirements or restrictions into the regulations of the Commission.

The expectation of the Commission is that this form or a facsimile thereof will be used by community groups and local governing bodies for all Bicentennial Community applications. Applicants may find it necessary to modify or add to the basic information requested on this form. As a general matter, however, this information is required by the Commission for its review and approval process. Copies of the form are available from the Commission.

BILLING CODE 6340-01-M

BICENTENNIAL COMMUNITY APPLICATION

The Commission on the Bicentennial of the United States Constitution takes great pleasure in extending to you and your community a cordial invitation to participate in the 200th anniversary of the writing of this historic document.

The creation and development of our representative government from Revolution through Independence and to the present is a remarkable story that is best commemorated through local observance. The Bicentennial Community Program enables citizens of large cities and small towns alike to participate in this recognition of American history. We sincerely urge you to join this program by completing the enclosed application.

REGULATIONS ON DESIGNATING BICENTENNIAL COMMUNITIES

The Commission encourages local governing bodies to establish Bicentennial Communities. The term "community" includes all political subdivisions having an elected government, such as a city, county, town, village, municipality, township, borough, any Native American tribe or reservation, or any combination thereof. Unincorporated areas which have an established identity of their own also may apply for designation.

A Designated Bicentennial Community is one which (1) has established a Bicentennial Committee broadly representative of the Community; (2) has developed and approved plans for a commemorative program that will educate its residents about the meaning and significance of the Constitution; and, (3) has received an official designation from the federal Commission.

To be considered a Designated Bicentennial Community, a community should submit a completed application form to its State Bicentennial Commission. Upon approval by the State Commission, the application with the State Commission's approval noted will be sent to the federal Commission for its review and decision. Notification of approval as a Designated Bicentennial Community then will be forwarded to the local Bicentennial group by the federal Commission.

STATE/LOCAL AFFAIRS
COMMISSION ON THE BICENTENNIAL
OF THE
UNITED STATES CONSTITUTION

734 Jackson Place, N.W.
Washington, D.C. 20503
(202) 653-9808

Basic Data
(Please Type or Print)

DATE OF APPLICATION	NAME OF COMMUNITY	
TYPE (*city, county, etc.*)	POPULATION	STATE
COUNTY	COUNTY SEAT	
MAILING ADDRESS (*include zip*)		
OFFICIAL NAME OF BICENTENNIAL GROUP		
LOCAL BICENTENNIAL CHAIRPERSON		PHONE NUMBER (*include area code*)
MAILING ADDRESS (*include zip*)		
NAME OF CHIEF ELECTED LOCAL OFFICIAL		PHONE NUMBER (*include area code*)
MAILING ADDRESS (*include zip*)		

Brief Outline of Bicentennial Plans

Bicentennial Community Application

_____

(Name of Community)

Please list names, addresses and affiliations of the members of your Bicentennial group. If you need more space to list members, use blank sheets and attach.

NAME	ADDRESS	AFFILIATION

Certification

IT IS CERTIFIED:

1. THAT AS CHAIRPERSON OF THE BICENTENNIAL GROUP, I AM AUTHORIZED TO SIGN THIS CERTIFICATION.
2. THAT ALL THE ABOVE PROCEDURAL STEPS HAVE BEEN ACCOMPLISHED.
3. THAT THE UNDERSIGNED OR MY SUCCESSOR WILL FURNISH PERIODIC PROGRESS REPORTS WHEN REQUESTED.
4. THAT IF APPROVED, THE NATIONAL LOGO WILL BE USED IN ACCORDANCE WITH FEDERAL COMMISSION REGULATIONS.

SPACE FOR OFFICIAL SEAL

_____

Signature of Chairperson

_____

Signature of Chief Elected Official

[FR Doc. 86-23092 Filed 10-14-86; 8:45 am]
BILLING CODE 6340-01-C

Reader Aids

Federal Register

Vol. 51, No. 199

Wednesday, October 15, 1986

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

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Problems with subscriptions	275-3054
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PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
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Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws 523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual 523-5230

Other Services

Library	523-4986
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, OCTOBER

34945-35200.....1
35201-35344.....2
35345-35494.....3
35494-35624.....6
35625-35990.....7
35991-36200.....8
36201-36372.....9
36373-36530.....10
36531-36672.....14
36673-36794.....15

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
5535.....35201
5536.....35625
5537.....35991
5538.....36373
5539.....36375
5540.....36377
5541.....36379
5542.....36531
5543.....36533
5544.....36535
5545.....36537
5546.....36539
5547.....36541
5548.....36673
5549.....36675
5550.....36677
5551.....36679

Executive Orders:
11269 (Amended by EO 12567).....35495
12567.....35495
12568.....35497

Administrative Orders:
Memorandums:
September 30, 1986.....35492
October 6, 1986.....35993, 35995

5 CFR

110.....36174
950.....36174

Proposed Rules:
540.....35651

7 CFR

2.....34945, 35203
51.....36681
301.....36682
319.....35627
412.....35204
418.....36682
419.....36682
427.....36682
429.....36682
713.....36782
910.....35347, 36381
928.....35342
930.....36381
981.....36382
1137.....34946
1230.....36383
1260.....35196
2003.....34947

Proposed Rules:
29.....34994
272.....35152
273.....35152
276.....35152
277.....35152
810.....35224
907.....35517
918.....36701
966.....35358
1036.....34997
1942.....35359

8 CFR

238.....35205, 35499
332c.....35628
341.....35628
343a.....35628

Proposed Rules:
214.....36701

9 CFR

77.....36383
78.....35205
318.....35630

Proposed Rules:
92.....35368
318.....35239

10 CFR

0.....35997
1.....35997
9.....35997
10.....35997
11.....35206
14.....35997
20.....35499
21.....35499
25.....35206
30.....35999
40.....35999
51.....35997
70.....35999
73.....35499
110.....35997

Proposed Rules:
50.....35518
430.....35736
862.....35518

12 CFR

225.....36201
304.....36683
524.....34950
526.....34950
532.....34950
545.....34950
556.....34950
569a.....35500
571.....34950, 36528
584.....34950

Proposed Rules:
202.....35521
205.....36406

13 CFR

101.....35501

124.....36132

14 CFR

39.....34952, 35208, 35502, 35503, 35631, 36002–36005, 36543–36545
71.....35209, 35504, 35505
Proposed Rules:
Ch. I.....35652
21.....35523
39.....34997–34999, 35001, 36015–36018, 36229, 36230
71.....35140, 35527, 35528, 36020, 36562, 36563
75.....35528

15 CFR

Ch. III.....36702
379.....36212
399.....36212, 36217
917.....35209

16 CFR

13.....35211
Proposed Rules:
13.....36406
703.....35370

17 CFR

12.....35506
230.....36385
239.....36385
240.....36547
Proposed Rules:
201.....35653
211.....36006
240.....35002
249.....35655

18 CFR

2.....36217
357.....35507
381.....35347

19 CFR

24.....34954
101.....35352
111.....36221
113.....34954
171.....36221
178.....36221
Proposed Rules:
175.....35240, 36703
353.....35529
355.....35529

20 CFR

416.....36221
Proposed Rules:
404.....36510
416.....36510

21 CFR

74.....35509
81.....35509, 35511
82.....35509
178.....35511
341.....35326
369.....35326
442.....36687
448.....35211
452.....35213, 35214
520.....34959, 34960
522.....35632
558.....34961, 36221, 36392
1308.....36552

Proposed Rules:
331.....35002
334.....35136
358.....35003
660.....36563
812.....35531

24 CFR

115.....36222
201.....34961
203.....34961
234.....34961
888.....36689
Proposed Rules:
207.....36021
255.....36021

25 CFR

Proposed Rules:
120.....35533

26 CFR

46.....36392
602.....36392
Proposed Rules:
1.....35659, 36409

27 CFR

5.....36392
9.....36396, 36398
19.....36392
270.....35353

29 CFR

102.....36223
2603.....35354
2619.....36690
2676.....36691
Proposed Rules:
1910.....35003, 35241

30 CFR

56.....36192
57.....36192
915.....35632
Proposed Rules:
906.....36231
917.....35532
934.....35534
936.....36704
938.....35370
944.....35666

32 CFR

73.....35512
199.....36008
706.....35633, 36400
1285.....35634
Proposed Rules:
43.....35535
220.....36023

33 CFR

100.....35216, 35218
117.....35218, 36224
165.....36009
Proposed Rules:
117.....35535
151.....36233
158.....36233

34 CFR

30.....35645
76.....35582
653.....35582

35 CFR

105.....36010

36 CFR

7.....35647
13.....36011
Proposed Rules:
7.....35009, 36409

37 CFR

Proposed Rules:
201.....35244, 36705
202.....36410

38 CFR

19.....35648
Proposed Rules:
3.....35667

40 CFR

52.....36011
61.....35354
65.....36691
81.....35648
157.....36692
162.....36692
180.....34973, 36012
261.....35355
262.....35190
271.....36013
403.....36368
716.....36013
Proposed Rules:
86.....35372
261.....35372, 36024, 36233–36241, 36707
262.....36342
265.....36342
271.....36342
704.....35762

41 CFR

51–3.....36560
Proposed Rules:
105–56.....35245

42 CFR

405.....34975, 34980
412.....34980
430.....36225
433.....36225
Proposed Rules:
36.....36412
57.....35668, 36412

43 CFR

4.....35218, 35219
36.....36011
1820.....34981
Proposed Rules:
4.....35248, 36414
1600.....35378
3190.....36565

44 CFR

64.....36693, 36698

45 CFR

201.....36225
2001.....36786

46 CFR

97.....35515
159.....35220
170.....35515
172.....35515
Proposed Rules:
202.....36253
502.....36731
568.....36034

47 CFR

0.....34981
22.....35649
64.....34983
73.....35515, 35516, 36401
80.....34983
87.....34984
90.....36013
Proposed Rules:
Ch. I.....36415
1.....35536, 35537
43.....35537
67.....36731
69.....36731
73.....36416, 36417, 36731

48 CFR

513.....36700
546.....35220
553.....36700
725.....34984
737.....34984
752.....34984
Proposed Rules:
15.....36777

49 CFR

106.....34985
107.....34985
171.....34985
172.....34985
173.....34985
174.....34985
175.....34985
178.....34985
192.....34987
531.....35594
571.....35222, 35357
635.....36401
1008.....34989
1011.....34989, 35222, 36403
1130.....34989
1152.....35222
Proposed Rules:
391.....35538
1162.....36732
1312.....36732

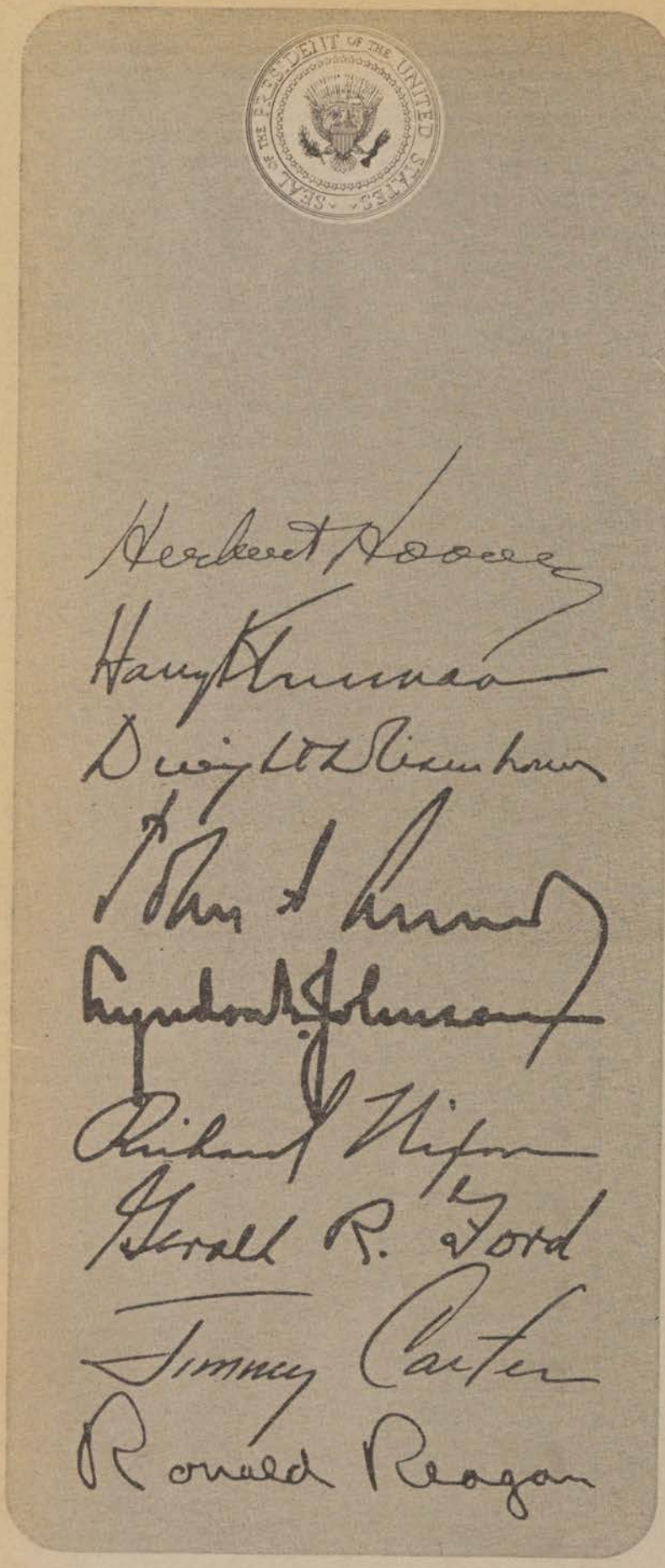
50 CFR

36.....36011
216.....36560
261.....34989
262.....34989
263.....34989
264.....34989
265.....34989
266.....34989
672.....36404
681.....34991
Proposed Rules:
216.....36568
611.....36569
641.....36574
642.....35670
650.....36576
653.....36035

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List October 14, 1986.



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

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