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Briefings on How To Use the Federal Register—
For information on briefings in Dallas, TX, and Washington, DC, see announcement on the inside cover of this issue.

Selected Subjects

Agricultural Commodities
Agricultural Marketing Service

Air Pollution Control
Environmental Protection Agency

Aviation Safety
Federal Aviation Administration

Buses
Interstate Commerce Commission

Civil Defense
Federal Emergency Management Agency

Food Stamps
Food and Nutrition Service

Grant Programs—Natural Resources
National Oceanic and Atmospheric Administration

Hazardous Materials Transportation
Research and Special Programs Administration

Marketing Agreements
Agricultural Marketing Service

Navigation (Water)
Navy Department

Nuclear Power Plants
Nuclear Regulatory Commission

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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

DALLAS, TX

WHEN: April 23; at 1:30 pm.

WHERE: Room 7A23,
Earl Cabell Federal Building,
1100 Commerce Street, Dallas, TX.

RESERVATIONS: local numbers:

Dallas	214-767-8585
Ft. Worth	817-334-3624
Austin	512-472-5494
Houston	713-229-2552
San Antonio	512-224-4471, for reservations

WASHINGTON, DC

WHEN: May 15; at 9 am.

WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

RESERVATIONS: Laurence Davey 202-523-3517

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Separate Parts In This Issue

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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.

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 278

[Amdt. No. 272]

Food Stamp Program, the Food Security Act of 1985; Fees for Coupon Redemption

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: The Food Security Act of 1985 includes numerous provisions which amend the Food Stamp Program. This interim rule implements the provision pertaining to fees for coupon redemption.

DATE: This action is effective April 11, 1986, to be implemented by financial institutions no later than April 21, 1986. Comments must be received by June 10, 1986 to be assured of consideration.

ADDRESS: Comments should be submitted to Bruce A. Clutter, Chief, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 708.

FOR FURTHER INFORMATION CONTACT: Emory Rice, Supervisor, Retailer Participation and Program Litigation Section, at the above address. Phone (703) 756-3427.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291

The Department has reviewed this interim rule under Executive Order 12291 and Secretary's memorandum No. 1512-1. The rule will affect the economy by less than $100 million a year. The rule will not significantly raise costs or prices for consumers, industries, government agencies or geographic regions. There will not be a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprise in domestic or export markets. Therefore, the Department has classified the rule as "not major."

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rule related Notice(s) to 7 CFR 3015, Subpart V (Cite 48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this proposal will not have a significant negative impact on a substantial number of small entities.

Paperwork Reduction Act

This final rulemaking does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Public Participation

This rule implements the provision of the Food Security Act of 1985 which prohibits charges for redemption of coupons. It is nondiscretionary in that the provisions are specifically prescribed by law and cannot be affected by public comment. For this reason, the Department has determined, in accordance with 5 U.S.C. 553(b), that proposed rulemaking and prior public comment are unnecessary and contrary to public interest. Further, since the rulemaking merely implements the cited statutory provision, it constitutes an interpretative rule for which notice and public comment are not required under 5 U.S.C. 553. However, since the Department believes that an opportunity for public comment could result in improve and simplified administration of the rule, it is being published as an interim rule effective upon publication with financial institutions implementing no later than 10 days following publication. A 60 day comment period is being provided. All comments received in the comment period will be evaluated and considered when a final rule is published.

Justification for Publishing as an Interim Rule Effective Upon Publication

In discussing the provision prohibiting charges for the redemption of coupons the Senate Agriculture Committee stated, "The Committee wishes to foreclose the possibility that the practice of banks charging fees for certain deposits of food stamp coupons would ever result in retail food stores dropping out of the Food Stamp Program or in other adverse consequences on program recipients". S. Rpt. No. 99-145, 99th Cong., 1st Sess., p. 255 (1985); see also H.R. Rpt. No. 99-271, 99th Cong., 1st Sess., p. 158 (1985). So long as the charges continue the possibility of just such consequences remains real. For this reason, we believe compliance with Congressional intent requires implementation of the prohibition on charges as soon as possible. At the same time, while publication of the rule in the **Federal Register** constitutes legal notice to financial institutions of its effectiveness, we believe that 10 days advance notice would result in more equitable application of the requirement. For this reason, cause is found pursuant to 5 U.S.C 553(d) for making this rule effective less than 30 days after publication.

Background

Fees for Coupon Redemption—§ 278.5

The Food Security Act of 1985 (Pub. L. 99-198, section 1523), enacted December 23, 1985, prohibits financial institutions from imposing fees on food retail stores for processing food stamp deposits. The

intent of Congress in enacting the provision on fees for coupon redemption is documented in H.R. Rpt, No. 99–271, 99th Cong., 1st Sess., Page 158 (1985) and S. Rpt. No. 99–145, 99th Cong., 1st Sess., Pages 254 and 255. The Congress has noted in the reports the growing practice of financial institutions charging retail food stores fees for processing food stamp deposits. The Congress, while not wishing to impose an undue burden on financial institutions, notes its concerns in the reports that the practice could result in a decrease in the number of retail food stores authorized to redeem food stamps. This smaller pool of stores might adversely affect program recipients. Thus, in an effort to strike an equitable balance among the involved parties, Congress provided in Pub. L. 99–198 (section 1523) that financial institutions may not charge retail food stores for the deposit of food coupons that are submitted in a manner consistent with the requirement placed on these institutions when they present coupons to the Federal Reserve banks.

Pub. L. 99–198 requires that the Board of Governors of the Federal Reserve be consulted during the preparation of the rulemaking. Therefore, the Agency's designated liaison at the Federal Reserve was contacted. The conclusions of the consultation were confirmed in writing to the designated liaison and reflected in the rulemaking. Thus, the rulemaking does not spell out the specific requirements of the Federal Reserve for submission of coupons by financial institutions to Federal Reserve banks because the requirements are subject to change and the requirements of the various Federal Reserve banks are not the same. Each financial institution has the responsibility to inform retail stores wishing to redeem coupons of the Federal Reserve Deposit requirements in effect on that financial institution. The Congress did, however, clarify its intent in S. Rpt. No. 99–145, 99th Cong., 1st Sess. H.R. Rpt. No. 99–271, 99th Cong., 1st Sess. that cancellation of coupons prior to submission to Federal Reserve banks remain the responsibility of the financial institutions.

Accordingly, this action amends 7 CFR 278.5(a) (1) and (3) to specify the requirements relating to financial institutions, and the redemption and cancellation of coupons.

Implementation

For the reasons stated earlier in this preamble in the section entitled *Justification for Publishing as an Interim Rule Effective Upon Publication*, this action is effective upon publication with implementation by financial institutions no later than 10 days following publication.

List of Subjects in 7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, General line—wholesaler, Penalties.

Accordingly, 7 CFR Part 278 is amended as follows:

1. The authority citation for Part 278 continues to read as follows:

Authority: (91 Stat. 958 (7 U.S.C. 2011–2029))

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND FINANCIAL INSTITUTIONS

1. In § 278.5:

a. Paragraph (a)(1) is amended by adding a new sentence after the first sentence.

b. Paragraph (a)(3) is amended by adding a new sentence after the third sentence.

The additions read as follows:

§ 278.5 Participation of insured financial institutions.

(a) *Accepting coupons.* (1) * * * No financial institution may impose on or collect from a retail food store a fee or other charge for redemption of coupons that are submitted to the financial institution in a manner consistent with the requirements, except for coupon cancellation, for the presentation of coupons by the financial institution to the Federal Reserve banks. * * *

* * * * *

(3) * * * Retail food stores may not be required to cancel the coupons by the insured financial institution nor may the insured financial institution charge the retail food stores a fee or other charge for cancellation of coupons. * * *

* * * * *

2. In § 278.9, a new paragraph (d) is added to read as follows:

§ 278.9 Implementation of amendments relating to the participation of retail food stores, wholesale food concerns and insured financial institutions.

* * * * *

(d) The program changes of *Amendment No. 272* at § 278.5(a) (1) and (3) are effective upon publication of the amendment. Financial institutions must implement the provisions no later than April 21, 1986.

Dated: April 8, 1986.

Sonia F. Crow,

Acting Administrator.

[FR Doc. 86–8176 Filed 4–10–86; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Parts 925 and 944

Grapes Grown in a Designated Area of Southeastern California, and Table Grapes Imported Into the United States; Maturity and Pack Requirements for the 1986 Season and Each Season Thereafter

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes: (1) A higher maturity requirement for domestic and imported Flame Seedless grapes to improve the quality and flavor characteristics available to consumers; (2) A lower net fruit weight requirement for wrapped domestic grapes, than for unwrapped domestic grapes; (3) That current packing holiday requirements also apply to domestic grapes which are repacked; (4) April 15 rather than May 1 as the effective date of the 1986 domestic regulations since the 1986 crop is expected to mature earlier; and (5) An effective date of April 15, 1986, for imports of grapes except for imports of grapes arriving by ocean transport for which the effective date is April 19, 1986. The changes applicable to domestic grapes were recommended by the California Desert Grape Administrative Committee, the body which works with the Department in administering the Federal marketing order for California desert grapes. The changes applicable to grapes offered for importation are necessary under section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Effective Date: April 15, 1986. California Desert Grape Regulation 6 is applicable from April 15 through August 15, 1986, and Table Grape Import Regulation 4 is applicable from April 15 through August 15, 1986, except as noted for imports of grapes arriving by ocean transport. These regulations are applicable from May 1 through August 15 in each year thereafter.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has certified that this

action will not have a significant economic impact on a substantial number of small entities.

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

It is estimated that about 22 handlers of California desert grapes are currently subject to regulation under the marketing order for California desert grapes and that approximately 50 importers of table grapes will be subject to this action under the table grape import regulation during the course of the current season and that the great majority of these groups may be classified as small entities. While regulations issued under this order and corresponding import requirements impose some costs on affected handlers and importers and the number of such persons may be substantial, the added burden on small entities, if present at all, is not significant.

The California desert grape regulation is effective during a specified portion of each season under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of table grapes grown in a designated area of southeastern California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), herein referred to as the "Act." The California Desert Grape Administrative Committee, established under the order, locally administers the marketing order program.

Table grape imports are covered under an import regulation which requires table grapes offered for importation to meet the same minimum grade, size, and maturity requirements as specified under the California desert grape regulation during the same specified period the domestic regulation is in effect. Grapes of the Emperor, Calmeria, Almeria, and Ribier varieties are exempt from import requirements because they are not regulated under the California desert grape regulation. The import regulation is effective under section 8e (7 U.S.C. 608e–1) of the Act.

The California and import table grape regulations require table grapes to meet the minimum grade and size requirements of U.S. No. 1 Table grade as specified in the United States Standards for Grades of Table Grapes (European or Vinifera Type) except that grapes of the Flame Seedless variety are required to meet the minimum berry size requirement of ten-sixteenths of an inch. In addition, fresh table grapes (domestic and imported) are required to meet the minimum maturity requirements for table grapes as specified in the California Administrative Code. These requirements are effective from May 1 to August 15 of each year, unless these dates are changed for good reason.

The California Desert Grape Administrative Committee met January 16, 1986, and recommended changes in the maturity and pack requirements for 1986 season table grapes grown in southeastern California. It also recommended that these changes, described in detail below, be effective April 15, 1986, so that all 1986 season fresh grape shipments are subject to regulation. Pursuant to section 8e of the Act, the table grape import regulation also must be changed to reflect the changes in maturity requirements and the earlier effective date for the 1986 season.

The Committee recommended that the minimum maturity standard for the Flame Seedless variety be the same as that currently in effect for the Thompson Seedless variety. Thompson Seedless is one of the major commercial varieties of grapes produced in the regulated area. Flame Seedless is a relatively new variety and increasing in importance. The committee believes that the maturity requirements for Flame Seedless grapes should be the same as those for Thompson Seedless grapes to help the Flame Seedless variety stay competitive with Thompson Seedless in the marketplace. Pursuant to section 8e of the Act, this change would also apply to Flame Seedless grapes offered for importation.

Currently, the Flame Seedless variety is considered mature if the grapes test not less than 16.5 percent soluble solids (i.e., the amount of sugar in the grape juice) or the juice contains soluble solids equal to or in excess of 20 parts to every part of acid contained in the juice. Under these requirements, Flame Seedless grapes would be considered mature with a lesser soluble solids percentage (e.g. 12 percent) as long as they meet or exceed the 20 to 1 sugar to acid ratio.

To ensure a more uniform flavor to consumers, the committee recommended that Flame Seedless grapes be considered mature if the juice of the grapes contains not less than 15 percent soluble solids, and the juice contains soluble solids equal to or in excess of 20 parts to every part acid contained in the juice. Under this regulation, if the soluble solids drop below the 15 percent level, the grapes will automatically fail to meet the maturity standards irrespective of the sugar to acid ratio.

The committee also recommended that the minimum net weight requirement for domestic grapes packed in standard containers be relaxed from 22 pounds to 20 pounds, if such grapes are wrapped in plastic or paper, or packed in plastic bags prior to packing. Standard containers hold about 22 pounds of grapes. Due to the wrapping material fewer bunches of grapes are able to be packed in a standard container and domestic handlers had a difficult time meeting the 22 pound net fruit requirement last season. Hence, a 20 pound net weight requirement for wrapped grapes is established.

The committee also recommended that packing holiday requirements established under the order also apply to repacked grapes. Handlers cannot pack grapes during such holidays (i.e. Saturdays, Sundays, and certain legal holidays). This is to avoid an oversupply of grapes in marketing channels early in the week. Last season, some handlers packed large quantities of grapes just prior to the packing holidays with the intent of repacking those grapes during the packing holidays. This action effectively defeated the purpose of the packing holiday requirements. Application of packing holiday requirements to repacked domestic grapes should stop handlers from circumventing these requirements. However, as currently provided, any handler may ship grapes during a packing holiday as long as such grapes were packed or repacked prior to such holiday and meet quality and other requirements in effect.

Finally, as noted earlier, the committee recommended that the 1986 domestic seasonal regulations become effective on April 15 rather than May 1 as currently provided in the continuing regulation. Field reports indicate that harvest of the 1986 desert grape crop will begin about two weeks earlier than usual.

Notice of these proposed changes for California desert and imported table grapes was contained in a proposed rule published in the **Federal Register** (51 FR 10218) on March 25, 1986. The notice invited interested persons to file comments on the proposed rule through April 4, 1986. Numerous comments were filed for and against the proposed effective date for imported grapes.

As proposed, the effective date of the 1986 import regulation was April 15,

1986 (the same as that for the domestic regulation), except that the effective date applicable to imports arriving by ocean transport was proposed to be May 1. The later effective date was to provide notice of proposed changes to importers and to recognize the transit time for grapes imported from Chile, the primary grape exporter to the United States.

A total of 75 comments were filed, and all but nine were opposed to the later effective date of the import regulation for Chilean grapes. Those opposing the later effective date (May 1, 1986) indicated that in the absence of regulation of Chilean grapes from April 15–May 1 imports of such grapes could be of substandard quality; i.e., lower than U.S. No. 1 Table, the minimum grade applicable to domestic grapes to be effective April 15. Commentors advanced the point that the domestic grape industry has sought to expand sales of grapes by maintaining a consistent product quality image in the marketplace. They indicated that the presence of lower quality imported grapes in the market with good quality domestic grapes could result in consumer dissatisfaction and reduced sales. These commentors contended that an earlier effective date would not limit imports of Chilean grapes meeting the prescribed minimum quality standards and that grapes can be reconditioned prior to importation if necessary to meet the minimum quality requirements.

Several comments from importers of Chilean grapes and associations representing Chilean grape exporters and importers supported the proposed May 1 effective date for regulations on Chilean grapes. They maintained that the Chilean grape exporters have taken into account the May 1 effective date, as specified in the continuing regulation, in planning their operations for the season.

The Chilean Ambassador to the United States requested that May 1 be established permanently as the effective date for imported table grapes regardless of how they arrive, that the date of arrival of Chilean table grapes, not the date of clearing Customs, be the date for determining whether or not section 8e import requirements would apply, and that the present weight and packaging requirements remain in effect.

The Ambassador pointed out that Chilean grape producers and exporters are making all necessary efforts to assure the American consumer of a product of the highest quality; i.e., a product which is in strict compliance with U.S. requirements in terms of quality, maturity, sanitary, and packaging conditions

Last year, the domestic grape regulation became effective May 3 and the grape import regulation became effective May 6. In order to assess the potential effect of a two-week delay in imposing import regulations on Chilean grapes, the Department reviewed USDA inspection certificates on Chilean grapes arriving at the ports of Philadelphia, Tampa, and Los Angeles during the period April 15 through May 1, 1985, a period when grape imports were not regulated. Such review indicated that about 75 percent of those grape imports from Chile would have failed to meet the minimum U.S. No. 1 Table grape grade. Thus, the contention that lower quality imports of Chilean grapes could occur and decrease grape sales in the absence of regulation has merit.

Each comment was carefully considered in reaching a final decision on this action. On the basis of the comments received, and other available information, it is determined that the effective date of the regulation for imported grapes shall be April 15, 1986, except that for imported grapes arriving by ocean transport the effective date of regulation shall be April 19, 1986, and that that is consistent with the notice requirements of section 8e of the Act requires that at least three days notice must be given prior to initiating import regulations. Moreover, imports of good quality Chilean grapes should not have no problem meeting the section 8e requirements. As pointed out earlier, they can be reconditioned if they initially fail.

A permanent effective date of May 1 for table grapes, as proposed by the Chilean Ambassador, would not be consistent with section 8e of the Act. The provisions of section 8e require table grapes offered for importation to meet the same or comparable grade, size, maturity, or quality requirements as those imposed on domestic table grapes regulated under the Federal marketing order. Hence, the import requirements must coincide with the beginning of the domestic shipping season. The beginning of the season fluctuates depending on growing conditions and can be earlier (like this season) or later than May 1. Hence, establishment of a permanent May 1 date would be inconsistent with the provisions of section 8e.

The Chilean Ambassador requested that the date of arrival, not the U.S. Customs Service release date, be the date used for determining whether or not section 8e import requirements apply. The term "importation" is defined in the regulations as release from custody of the U.S. Customs Service (§ 944.503(c)). Thus, this is the date that must be used in determining the date of importation and the date on which the import requirements will apply.

He also requested that the weight and packaging import requirements under section 8e remain intact. The import requirements for grapes control only the quality, grade, size, and maturity of the grapes offered for importation. The weight and packaging requirements specified in this rule are not applicable to imported grapes.

In view of the foregoing, the exceptions filed by the Chilean Ambassador, Chilean grape importers, and associations representing Chilean grape exporters and importers are denied.

The specified requirements for both California and imported table grapes will continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Although the seasonal regulations will be effective for an indefinite period, the committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the California desert grape crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of California and imported table grapes would tend to effectuate the declared policy of the Act.

Findings. After consideration of all relevant information, including the proposal set forth in the notice and comments filed with respect thereto, it is hereby found that the following changes in the domestic and imported grape requirements, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is hereby further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that: (1) Shipments of 1986 crop grapes grown domestically are

about to begin; (2) to maximize benefits to domestic producers, this regulation should apply to as many shipments as possible during the marketing season; and (3) to assure the quality of imported grapes, the grape import requirements should apply April 15, 1986, to imports of grapes other than those arriving by ocean transport, and apply April 19, 1986, to ocean transport arrivals.

List of Subjects

7 CFR Part 925

Marketing agreements and orders, Grapes, California, Incorporation by reference.

7 CFR Part 944

Fruits, Import regulations, Grapes, Incorporation by reference.

PARTS 925 AND 944—[AMENDED]

1. The authority citation for 7 CFR Parts 925 and 944 continues to read as follows:

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

2. Therefore, §§ 925.304 and 944.503 and revised to read as follows:

§ 925.304 California Desert Grape Regulation 6.

During the period April 15 through August 15, 1986, and May 1 through August 15 of each year thereafter, no person shall pack or repack any such grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, unless approved in accordance with paragraph (e) of this section nor handle any variety of grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, unless such grapes meet the following requirements:

(a) *Grade, size, and maturity.* Such grapes shall meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.887 through 51.912), except that grapes of the Flame Seedless variety shall meet the minimum berry size requirement of ten-sixteenths of an inch, and shall be considered mature if the juice contains not less than 15 percent soluble solids and the soluble solids are equal to or in excess of 20 parts to every part acid contained in the juice in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code (Title 3).

(b) *Container and pack.* (1) Such grapes shall be packed in one of the following containers, which are new and clean, and which otherwise meet the requirements of sections 1380.19(14), 1436.37, and 1436.38 of the California Administrative Code (Title 3):

(i) Sawdust pack with inside dimensions of 7¾ x 14 15/16 x 18⅝ inches, specified as container 28;

(ii) Polystyrene lug with inside dimensions of 6¾ x 12½ x 15⅝ inches, specified as container 38J;

(iii) Standard grape lug with dimensions in inches of 4½ to 8½ (inside) 13½ to 14½ (outside)×16⅝ to 17½ (outside); specified as container 38K;

(iv) Polystyrene lug with inside dimensions of 6¾ or 8¼ x 11½ x 18⅛ inches, specified as container 38Q;

(v) Grape lug with dimensions in inches of 4 to 7 inches (inside) x 15¾ (outside) x 19 1/16 (outside), specified as container 38R;

(vi) Such other types and sizes of containers as may be approved by the committee for experimental or research purposes.

(2) The minimum net weight of grapes in any such containers, except for containers containing grapes packed in sawdust, cork, excelsior or similar packing material, or packed in bags or wrapped in plastic or paper, and experimental containers, shall be 22 pounds based on the average net weight of grapes in a representative sample of containers. Containers of grapes packed in bags or wrapped in plastic or paper prior to being placed in these containers shall meet a net weight requirement of 20 pounds.

(3) Such containers of grapes shall be plainly marked with the minimum net weight of grapes contained therein (with numbers and letters at least one-fourth inch in height), the name of the variety of the grapes and the name of the shipper.

(4) Such containers of grapes shall be plainly marked with the lot stamp number corresponding to the lot inspection conducted by an authorized inspector, except that such requirement shall not apply to containers in the center tier of a lot palletized in a 3 box by a 3 box pallet configuration.

(c) *Organically grown grapes.* Organically grown grapes (defined to mean grapes which have been grown for market as natural grapes by performing all the normal cultural practices, but not using any inorganic fertilizers or agricultural chemicals including insecticides, herbicides, and growth regulators, except sulfur) need not meet the minimum individual berry size requirements of this section if the following conditions and safeguards are met: (1) The handler of such grapes has registered and certified with the committee on a date specified by the committee the location of the vineyard, the acreage and variety of grapes, and such other information as may be needed by the committee to carry out these provisions; (2) each container of organically grown grapes bears the words "organically grown" on one outside end of the container in plain letters in addition to requirements specified under paragraph (b)(3) of this section.

(d) *By-product grapes.* The handling of grapes for processing (raisins, crushing and other by-products) is exempt from requirements specified in paragraphs (a), (b), and (c) of this section if the committee determines that the person handling such grapes has secured the appropriate permit or order from the County Agricultural Commissioner, and the by-product plant or packing plant to which the grapes are shipped has adequate facilities for commercial processing, grading, packing or manufacturing of by-products for resale.

(e) *Suspension of packing holidays.* Upon approval of the committee, the prohibition against packing or repacking grapes on any Saturday or Sunday, or on the Memorial Day or Independence Day holidays of each year, may be modified or suspended to permit the handling of grapes provided such handling complies with procedures and safeguards specified by the committee.

(f) Certain maturity, container, and pack requirements cited in this regulation are specified in the California Administrative Code (Title 3) and are incorporated by reference. Copies of such requirements are available from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5697. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street, N.W., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they existed on the date of the approval and a notice of any change in these materials will be published in the **Federal Register.**

(g) The Federal or Federal-State Inspection Service, F&V, AMS, USDA, is the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes grown in the production area. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspections and certification of fresh fruits, vegetables, and other products (7

CFR Part 51); except that all persons who request such inspection and certification must provide adequate facilities in which the inspections may be conducted and also provide the necessary equipment and incidental supplies that are considered as standard requirements for providing fresh inspection under Federal or Federal-State inspection procedures.

§ 944.503 Table Grape Import Regulation 4.

(a)(1) Pursuant to section 8e of the Act and Part 944—Fruits, Import Regulations, the importation into the United States of any variety of vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, is prohibited unless such grapes meet the minimum grade and size requirements specified in § 51.884 for U.S. No. 1 Table grade, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type, 7 CFR 51.880 through 51.912), except that grapes of the Flame Seedless variety shall meet the minimum berry size requirement of ten-sixteenths of an inch, and shall be considered mature if the juice contains not less than 15 percent soluble solids and the soluble solids are equal to or in excess of 20 parts to every part acid contained in the juice in accordance with applicable sampling and testing procedures specified in sections 1436.3, 1436.5, 1436.6, 1436.7, 1436.12, and 1436.17 of Article 25 of the California Administrative Code (Title 3).

(2) Such minimum maturity standards are incorporated by reference, copies of which are available from Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5697. They are also available for inspection at the office of the Federal Register Information Center, Room 8301, 1100 L Street, N.W., Washington, D.C. 20408. This incorporation by reference was approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

(3) All regulated varieties of grapes offered for importation during the 1986 season other than those arriving by ocean transport shall be subject to the grape import requirements effective April 15, 1986, through August 15, 1986, and ocean transport arrivals in 1986 shall be subject to the requirements during the period April 19, 1986, through August 15, 1986. In 1987, and every year thereafter, all regulated varieties of grapes offered for importation shall be subject to the specified import requirements effective May 1 through August 15.

(b) The Federal or Federal-State Inspection Service, F&V, AMS, USDA, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of table grapes that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of table grapes, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR part 51) and in accordance with the Procedure for Requesting Inspection and designating the Agencies to Perform Requested Inspection and Certification (7 CFR 944.400).

(c) The term "importation" means release from custody of the United States Customs Service.

(d) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

Dated: April 9, 1986.

Thomas R. Clark,

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

[FR Doc. 86–8263 Filed 4–9–86; 4:20 pm]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Modification of General Design Criterion 4 Requirements for Protection Against Dynamic Effects of Postulated Pipe Ruptures

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is modifying General Design Criterion 4 (GDC–4) of Appendix A, 10 CFR Part 50 to allow use of leak-before-break technology for excluding from the design basis the dynamic effects of postulated ruptures in primary coolant loop piping in pressurized water reactors (PWRs). The new technology reflects an engineering advance which allows simultaneously an increase in safety, reduced worker radiation exposures and lower construction and maintenance costs. Implementation will permit the removal of pipe whip restraints and jet impingement barriers as well as other related changes in operating plants, plants under construction and future plant designs. Containment design, emergency core cooling and environmental qualification requirements are not influenced by this modification.

EFFECTIVE DATE: May 12, 1986.

ADDRESSES: Copies of the written public comments are available for public inspection and copying for a fee at the NRC Public Document Room at 1717 H Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John A. O'Brien, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443–7854.

SUPPLEMENTARY INFORMATION: On July 1, 1985, the Commission published a proposed amendment to General Design Criterion 4 of Appendix A, 10 CFR Part 50 relating to dynamic effects resulting from postulated pipe ruptures in primary coolant loop piping in pressurized water reactors. (50 FR 27006) The proposed rule was based on investigations performed by industry and by the NRC as well as the staff findings in the resolution of Unresolved Safety Issue (USI) A–2. Future rulemaking was discussed in which application of the new technical approach would be extended to all reactor piping in all reactor types at some later date provided adequate technical justification can be supplied for each new application. The new technical approach depends on advanced fracture mechanics and includes investigations of potential indirect failure mechanisms which could lead to pipe rupture. Acceptable technical procedures and criteria are defined at length in NUREG–1061, Volume 3, dated November 1984 and entitled "Report of the U.S. Nuclear Regulatory Commission Piping Review Committee, Evaluation of Potential for Pipe Breaks."

The proposed rule permitted a 60-day comment period. Twenty-four written comments were received from utilities, reactor vendors, architect-engineering firms, an intervenor, and industry groups representing as many as twenty-six utilities. Twenty-three of the written comments endorsed either the rule or the intent of the rule. The intervenor, alleging erroneous leak rate estimations,

opposed the rule. A compilation of the seven issues raised as a result of public comment, the accompanying Commission response and one additional issue raised as a result of oral comments made during an ACRS subcommittee meeting on May 23, 1985 follow:

Issue 1. The rule should be expanded to include piping in PWRs other than the primary coolant loop piping, and in addition, should cover piping in boiling water reactors (BWRs).

Commission Response: The Commission plans to publish in 1986 a broader proposed amendment to GDC-4 which would include all piping in all light water reactors (LWRs), as well as piping in gas and metal cooled reactors. The two-step approach was adopted because safety and economic benefits could immediately be obtained by an amendment limited to the primary coolant loops of PWRs. Sufficient technical information had been developed to justify application of leak-before-break technology to PWR primary coolant loop piping, and the decision was made to prepare a limited scope rule addressing the case which could be defended by the existing evidence.

Issue 2. The supplementary information to the rule should state that the amendment permits redesign of PWR primary coolant loop heavy component supports to reflect the exclusion of dynamic effects resulting from postulated pipe ruptures in primary coolant loops of PWRs.

Commission Response: This comment is accepted. The first sentence of the Scope of Rulemaking section in the proposed rule stated that (among other things) the dynamic effects of pipe rupture include "pipe break reaction forces". Because heavy components support design is determined, in part, by the imposed reaction forces, the elimination of postulated pipe rupture dynamic effects thus allows for a redesign of these supports. Supports, of course, must be able to withstand all remaining loads, including those due to the safe shutdown earthquake, with an acceptable margin of safety.

The Scope of Rulemaking section in the proposed rule also stated that:

> Current design margins in the primary coolant loop heavy component supports are to be maintained. Existing heavy components supports designed for the dynamic effects of pipe ruptures and seismic events are not affected. New plants will be designed with supports which have margins comparable and equivalent to those margins now present.

The intent of these three statements was to insure that component supports would still be designed with a margin of safey. The second sentence inadvertently became a discussion of the supports themselves rather than margins associated with the supports. The corrected statement is "Margins in existing heavy component supports designed for the dynamic effects of pipe rupture and seismic events are not affected." If the loads are revised by elimination of postulated pipe ruptures, the supports can be redesigned accordingly without affecting margins. Prohibiting heavy component support redesign would go beyond the guidance provided by the Advisory Committee on Reactor Safeguards (ACRS) that "Any relaxation of requirements to cope with double-ended guillotine break should be preceded by vigorous reexamination of the integrity of heavy component supports under all design conditions." The ACRS guidance has been interpreted to mean that heavy component supports must have adequate margins such that their failure will not be the cause of pipe rupture in primary coolant loop piping of PWRs.

The concern with heavy component support integrity stems from studies performed under subcontract to Lawrence Livemore National Laboratory (LLNL) which indicated that heavy component support failures during earthquakes were the dominant mechanism for causing a double-ended pipe rupture in primary coolant loop piping. However, as reported in Volume 1 of NUREG/CR-3660, "Probability of Pipe Failure in the Reactor Coolant Loops of Westinghouse PWR Plants", dated July 1985, and Volume 1 of NUREG/CR-3663, "Probability of Pipe Failure in the Reactor Coolant Loops of Combustion Engineering PWR Plants", dated January 1985 (each prepared by Lawrence Livermore National Laboratory) only extremely large decreases in heavy component support seismic capacity have a significant impact on the probability of pipe ruptures in primary coolant loop piping. As a consequence, the Commission has decided that redesign of heavy component supports can be accepted so long as reliability and adequate margins under each required design and service load condition is achieved.

For operating plants, it is expected that a majority of heavy component support redesigns may involve elimination or decrease in load rating of existing snubbers in one or more support load paths. Redesign means the necessary reanalysis of supports and associated calculation of margins (excluding the dynamic effects of postulated pipe breaks as one of the required imposed loads) together with the physical modification of support configuration and hardware. In such redesigns, the licensee must demonstrate improved overall system performance and reliability when the existing component support loads paths are compared with those proposed. Utilities undertaking heavy component support redesign should also consider the use of independent design and fabrication verification procedures to minimize the potential for design and construction errors.

Plants under construction will be treated in the same manner as operating plants. For future plants, heavy component supports would be designed under faulted condition loads to the specified allowable stress limits, with the dynamic effects of postulated large diameter pipe breaks excluded.

In the context of this issue, the term "heavy component" means the reactor pressure vessel, the steam generators, the pressurizer and the reactor coolant pumps. However, with respect to the pressurizer, the pressurizer surge line and other piping directly connected to the pressurizer are still postulated to rupture for design purposes, under the limitations of this rule.

Issue 3. The rule should be extended to relax pipe rupture requirements for containment design, emergency core cooling system performance and environmental qualification of electrical and mechanical equipment.

Commission Response: The Commission acknowledges that this rulemaking will introduce an inconsistency into the design basis by excluding only the dynamic effects of postulated double-ended pipe ruptures in PWR primary coolant loops while retaining this postulated accident for emergency core cooling systems, containments and environmental qualification. The present view is that insufficient technical information is available for applying leak-before-break technology to other aspects of facility design. Further studies must be conducted to develop suitable replacement criteria for the PWR primary coolant loop doubled-ended pipe rupture if this accident is no longer required for containment design, emergency core cooling or environmental qualification. For the present, the proposed rule allows the removal of plant hardware which it is believed negatively affects plant performance, while not affecting emergency core cooling systems, containments, and environmental qualification of mechanical and electrical equipment.

Issue 4. The supplementary information to the rule should indicate

what analyses are needed to take advantage of the relaxation of requirements associated with dynamic effects of postulated pipe ruptures in the primary coolant loops of PWRs. Also, the acceptance criteria used in evaluating these analyses should be defined, particularly with regard to what would qualify as an "extremely low probability" of pipe rupture.

Commission Response: Acceptable analytical procedures and criteria to take advantage of this rule are outlined in NUREG–1061, Volume 3, dated November 1984 and entitled "Report of the U.S. Nuclear Regulatory Commission Piping Review Committee, Evaluation of Potential for Pipe Breaks." Plant unique analyses are required to take advantage of this final rule. Licensees and applicants can rely on vendor calculated envelopes to demonstrate that their plants meet NRC requirements. Additionally, it must be shown that appropriate leakage detection devices are installed, and that any modifications as discussed in Issue 2 are clearly defined. After final publication of this rule, value/impact analyses would no longer be required as they were only necessary to justify exemptions from the original GDC–4 before this final rule is published. NRC acceptance criteria are illustrated in the Safety Evaluation Report prepared for near-term-operating-license applicants (for example, see those prepared for Vogtle or Catawba) and published in response to their exemption requests related to PWR primary coolant loop piping.

The definition of "extremely low probability" of pipe rupture is given as of the order of 10^{-6} per reactor year for PWR primary coolant loop piping when all pipe rupture locations are considered. This is consistent with past NRC decisions relating to other postulated events. This value, which includes the probability of an initiating event occurring (such as an earthquake, abnormal transient or an accident), conforms with the implicit design goal of components and structures that are engineered on a deterministic basis. Research performed at Lawrence Livermore National Laboratory confirmed that the three major U.S. vendors of pressurized water reactors meet this requirement.

Industry criteria for applying leak-before-break to piping are in the proposal stage (see ANS–58.2, "Design Basis for Protection of Light Water Nuclear Power Plants Against Effects of Postulated Pipe Rupture"). These proposed criteria have not been formally accepted by the industry nor the Commission. However, NRC staff are participating in this activity.

Issue 5. The supplementary information to the rule should state that modifications of the licensed configuration of operating plants by the removal of pipe whip restraints and jet impingement shields may or may not involve an unreviewed safety question. Also, the rule should indicate that modifications consisting of removal of pipe whip restraints and jet impingement shields may not require license amendments.

Commission Response: These comments are accepted. The discussion in the proposed rule was confusing on this matter. The guidance below should be followed in the licensing context.

Modifications of the licensed plant design of operating plants may involve an unreviewed safety question under 10 CFR 50.59. Where it is determined that an unreviewed safety question is involved, licensees of operating plants desiring to make modifications should submit a license amendment for NRC approval in accordance with revised General Design Criterion 4. The license amendment may also include provisions for an augmented leakage detection system. A simple removal of pipe whip restraints and jet impingement barriers would not involve an unreviewed safety question. However, changing support load path designs would involve an unreviewed safety question.

Applicants for operating licenses seeking to modify design features to take advantage of the rule are required to reflect the revised design in an amendment to the pending FSAR. If the design change modifies design criteria set forth in the PSAR, an amendment to the applicable construction permit may also be necessary. The amendment to the FSAR, and the application for amendment of the construction permit if necessary, may include provisions for augmented leakage detection.

Issue 6. Installed leakage detection systems at some plants may be adequate, and upgrading or improvements may not be needed.

Commission Response: This comment is accepted. The proposed rule notice stated: "The license amendment *shall* also include provisions for an augmented leakage detection system. . . ." The revised text relating to this matter is given in the Commission Response to Issue 5. Leak detection systems are discussed in Volume 3 of NUREG–1061 "Report of the U.S. Nuclear Regulatory Commission Piping Review Committee, Evaluation of Potential for Pipe Break", November 1984.

Issue 7. Leak-before-break technology depends on erroneous leak rate measurements and therefore cannot be applied to the reactor coolant system.

Commission Response: The NRC staff recognizes that the measurement or determination of leakage rates from a pressurized system involves uncertainties. For this reason, one criterion for application of leak-before-break is that postulated flaw sizes be large enough so that the leakage is about ten times the leak detection capability, and that this flaw be stable even if earthquake loads are applied to the pipe in addition to the normal operating loads. This margin of a factor of ten is more than ample to account for uncertainties in both leakage rate calculations and lead detection capabilities.

Additional sensitivity studies reported by Lawrence Livermore National Laboratory in NUREG/CR–2189, dated September 1981, entitled "Probability of Pipe Fracture in the Primary Coolant Loop of a PWR Plant" indicate that even in the absence of leak detection, the probability of pipe ruptures in PWR primary coolant loop piping is sufficiently low to warrant exclusion of these events from the design basis.

For these reasons, the Commission has determined that this issue is not sufficient basis to invalidate leak-before-break technology in PWR primary coolant loop piping.

Comment of the Advisory Committee on Reactor Safeguards (ACRS)

The ACRS orally requested an explicit definition of "primary coolant loop piping in pressurized water reactors" to clarify exactly the scope of affected piping. The term "primary coolant loop piping in pressurized water reactors" means the large diameter, thick walled piping directly connecting the reactor pressure vessel, the steam generators and the reactor coolant pumps. No branch piping from the above defined piping is considered part of the primary coolant loop piping in pressurized water reactors.

Having considered all of the above, the Commission has determined that a final rule be promulgated. The text of the final rule is identical to the text of the proposed rule. The final rule should be applied consistently with the guidance in this notice.

Availability of Documents

1. Copies of NUREG–1061, Volume 3, NUREG/CR–3660, NUREG/CR–3663 and NUREG/CR–2189 may be purchased by calling (202) 275–2060 or (202) 275–2171 or by writing to the Superintendent of

Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082, or purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

2. ANS–58.2, "Design Basis for Protection of Light Water Nuclear Power Plants Against Effects of Postulated Pipe Rupture," is available from The American Nuclear Society, 555 North Kensington Avenue, La Grange Park, Illinois 60525.

3. ACRS Letter to William J. Dircks, NRC Executive Director of Operations, dated June 14, 1983, dealing with fracture mechanics, is available in the NRC Public Document Room.

Finding of No Significant Environmental Impact: Availability

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. Although certain existing plant hardware may not be reinstalled after removal for inspection, this will not alter the environmental impact of the licensed activities. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 1717 H Street, NW, Washington, DC. Single copies of the environmental assessment and the finding of no significant impact are available from John A. O'Brien, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443–7854.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0011.

Regulatory Analysis

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from John A. O'Brien, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 443–7854.

Backfit Rule

This amendment is not subject to the analysis requirements of 10 CFR 50.109(a)(3) because it does not require any modifications of existing facilities or procedures. The rule only permits licensees to exercise an option not previously available. Information relevant to the factors found in 10 CFR 50.109(c) may nevertheless be found in the Regulatory Analysis referenced above.

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule affects only the licensing and operation of nuclear power plants. The companies that own these plants do not fall within the scope of the definitions of "small entities" set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Part 50.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 continues to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846), unless otherwise noted.

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sections 50.57(d), 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2071, 2073 (42 U.S.C. 2133, 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.10 (a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10 (b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In Appendix A, General Design Criterion 4 is revised to read as follows:

Appendix A—General Design Criteria for Nuclear Power Plants

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Criteria

I. Overall Requirements

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Criterion 4—Environmental and missile design bases. Structures, systems, and components important to safety shall be designed to accommodate the effects of and to be compatible with the environmental conditions associated with normal operation, maintenance, testing, and postulated accidents, including loss-of-coolant accidents. These structures, systems, and components shall be appropriately protected against dynamic effects, including the effects of missiles, pipe whipping, and discharging fluids, that may result from equipment failures and from events and conditions outside the nuclear power unit. However, the dynamic effects associated with postulated pipe ruptures of primary coolant loop piping in pressurized water reactors may be excluded from the design basis when analyses demonstrate the probability of rupturing such piping is extremely low under design basis conditions.

* * * * *

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

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 86–8192 Filed 4–10–86; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-ANE-11; Amdt. 39-5265]

Airworthiness Directives; Avco Lycoming ALF502L Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an initial and repetitive inspections and replacement as necessary, of the fourth stage compressor vane assemblies installed on Avco Lycoming ALF502L series turbofan engines. The AD is needed to prevent release of fourth stage compressor vane airfoils into the compressor flow path which could result in a signficant engine power loss.

DATES: Effective April 11, 1986.

Compliance Schedule—As provided in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective on April 11, 1986.

ADDRESS: The applicable Service Bulletin (SB) may be obtained from Avco Lycoming Division, 550 South Main Street, Stratford, Connecticut 06497.

A copy of the SB is contained in the Rules Docket Number 86-ANE-11, in the Office of the Regional Counsel, Room Number 311, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Jeff Blazey, Engine Certification Branch, ANE-142, Engine Certification Office, Aircraft Certification Division, Federal Aviation Adminstration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273-7090.

SUPPLEMENTARY INFORMATION: The FAA has determined that there have been 12 incidents of fourth stage compressor vane airfoil separations from the vane outer shroud on the Avco Lycoming ALF502L series turbofan engines. In one incident, each engine of a twin engine airplane was found to contain a separated fourth stage compressor vane airfoil. Release of an airfoil section into the internal flow path of each engine of a twin engine airplane could result in a significant loss of power in both engines. Since this condition is likely to exist or develop on other engines of the same type design, an AD is being issued which requires an initial and repetitive inspections, and replacement as necessary, of the fourth stage compressor vane assemblies installed on Avco Lycoming ALF502L series turbofan engines.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion:

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

1. The authority citation continues to read as follows:

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

2. By adding to § 39.13 the following new airworthiness directive (AD):

AVCO Lycoming Division: Applies to Avco Lycoming ALF502L series turbofan engines.

Compliance is required within the next 50 hours time in service after the effective date of this AD unless already accomplished within the last 50 hours time in service, and thereafter at intervals not to exceed 100 hours time in service from the last inspection.

To prevent engine power loss due to release of fourth stage compressor vane airfoils into the compressor flow path, accomplish the following:

(a) Inspect the fourth stage compressor vane assemblies, identified by Avco Lycoming Part Number (P/N) 2-100-040-27, for vane cracking at the outer shroud in accordance with Avco Lycoming Service Bulletin (SB) Number ALF502L-72-0137, dated March 27, 1986.

(b) Remove from service, prior to further flight, those fourth stage compressor vane assemblies found with vane airfoils missing, or cracked or separated at the outer shroud.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, Burlington, Massachusetts, may adjust the compliance time specified in this AD.

Avco Lycoming SB Number ALF502L-72-0137, dated March 27, 1986, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Avco Lycoming Division, 550 South Main Street, Stratford, Connecticut 06497. These documents also may be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on March 20, 1986.

Clyde M. DeHart Jr.,

Acting Director, New England Region.

[FR Doc. 86-8106 Filed 4-10-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-ANE-8; Amdt. 39-5267]

Airworthiness Directives; Pratt & Whitney (PW) JT9D-7R4G2 Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal and replacement of the JT9D-7R4G2 engine support clevis at or before 3,000 cycles. The AD is needed to prevent possible clevis attachment lug fracture.

DATES: Effective April 11, 1986.

Compliance schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective April 11, 1986.

ADDRESS: The applicable Service Bulletin (SB) JT9D–7R4–72–119, Revision 3, dated November 5, 1985, may be obtained from Pratt & Whitney, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108.

A copy of the SB is contained in Rules Docket Number 86–ANE–8, in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Diane Kirk, Engine Certification Branch, ANE–142, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7082.

SUPPLEMENTARY INFORMATION: The FAA has determined that the JT9D–7R4G2 engine support clevis, P/N 5006482–01, does not provide unlimited service life as originally predicted. Low cycle fatigue fractures of clevis attachment lugs have occurred on two development engines. Since this condition may occur on other engines of the same type design, this AD requires removal and replacement of the engine support clevis at or before 3,000 cycles on PW JT9D–7R4G2 engines. The hourly life limit is not affected by this AD. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the persons identified under the caption "FOR FURTHER INFORMATION CONTACT".

List of Subjects in 14 CFR 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulation (FAR) as follows:

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

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

2. By adding to § 39.13 the following new airworthiness directive (AD):

Pratt & Whitney: Applies to PW JT9D–7R4G2 engines.

Compliance is required as indicated unless already accomplished.

To prevent possible engine support clevis failure, accomplish the following:

(a) Remove P/N 5006482–01 engine support clevis on PW JT9D–7R4G2 at or before 3,000 cycles in accordance with PW SB JT9D–7R4–72–119, Revision 3, dated November 5, 1985, or FAA approved equivalent.

(b) Replace any engine support clevis with greater than 3,000 cycles prior to next flight.

Notes: (1) For the purpose of this AD, the number of flight cycles equals the number of flights that involve an engine operating sequence consisting of engine starting, takeoff operation, landing and engine shutdown.

(2) The hourly life limit is not affected by this AD.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

SB JT9D–7R4–72–119, Revision 3, dated November 5, 1985, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manfacturer may obtain copies upon request to Pratt & Whitney, Commercial Products Division, 400 Main Street, East Hartford, Connecticut 06108. These documents also may be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Issued in Burlington, Massachusetts, on March 21, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–8108 Filed 4–10–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 86–ANE–3; Amdt. 39–5284]

Airworthiness Directives; Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7B, –9, –9A, –11, –15, –15A, –17A, –17R, and –17AR Series Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain PW JT8D series engines by individual telegram. This AD is required because of cracked combustion chambers installed in certain JT8D engines overhauled by Aerothrust Corporation of Miami, Florida. The AD requires initial and repetitive inspections for cracking, and removal as necessary, of combustion chambers on certain JT8D series engines. The AD is needed to prevent rupture of the outer combustion case which could result in an uncontained engine failure.

DATES: Effective April 14, 1986 as to all persons except those persons to whom it was immediately effective by Telegraphic Airworthiness Directive (TAD) T86–02–52, issued January 29, 1986, which contained this amendment.

Compliance Schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective April 14, 1986.

ADDRESSES: The applicable service bulletin may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457.

A copy of the service bulletin is contained in the Rules Docket Number 86–ANE–3, in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Jones, Engine Certification Branch, Engine Certification Office, ANE–140, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7121.

SUPPLEMENTARY INFORMATION: On January 29, 1986, TAD T86–02–52 was issued and made effective immediately

as to all known U.S. owners and operators of certain PW JT8D series engines. The TAD required initial and repetitive inspection for cracking, and removal as necessary, of combustion chambers on certain JT8D series engines. Combustion chambers with unrepaired cracks in the 2–3 seam had been installed in certain JT8D engines overhauled by Aerothrust Corporation. TAD action was necessary to prevent combustion chamber fracture which could cause hot gases to impinge on the combustor case inner wall, and lead to an uncontained engine failure.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to public interest, and good cause existed to make the AD effective immediately by individual telegrams issued January 29, 1986, to all known U.S. owners and operators of certain PW JT8D series engines. These conditions still exist and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of Part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

Since issuance of TAD T86–02–52, the FAA has determined that, based on review of records, engine Serial Number 649120 may be deleted from the list of affected engines. This change, along with other editorial changes for clarification, have been incorporated into the final rule.

Conclusion

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

2. By adding to section 39.13 the following new AD:

Pratt & Whitney: Applies to Pratt & Whitney (PW) JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR model turbofan engines overhauled by Aerothrust Corporation of Miami, Florida, with the following serial numbers: 648779, 649019, 649218, 649255, 649281, 649283, 649285, 649347, 649581, 649655, 653453, 653509, 653512, 653526, 653571, 653645, 653699, 653838, 653854, 653992, 653996, 654034, 654072, 654344, 654595, 654799, 654806, 654857, 654909, 654975, 655366, 655813, 655920, 655967, 656047, 656089, 656120, 656854, 656975, 657066, 657112, 657201, 657258, 657429, 657480, 657591, 657699, 657714, 657742, 665873, 666661, 666685, 666716, 666738, 666764, 666804, 666850, 666853, 666878, 666976, 666980, 666989, 666993, 667042, 667059, 667109, 667127, 667130, 667144, 667203, 667204, 667216, 674268, 674465, 674564, 675611, 687309, 687323, 687413, 687715, 687727, 687806, 687836, 687840, 687841, 688132, 688416, 688440, 688441, 688444, 688445, 688473, 688504, 688505, 688509, 688839, 688844, 689877, 689935, 696688, 696720, 702937, 702938, 702975.

Compliance is required as indicated unless already accomplished.

To prevent fracture of the combustion chamber which could result in an uncontained engine failure, accomplish the following:

Notes: (1) For the initial inspection, time since inspection (TSI) is defined as hours or cycles since installation by Aerothrust. Thereafter, for the repetitive inspections, TSI is defined as hours or cycles since the last inspection.

(2) For the initial inspection, the cumulative crack length at the 2–3 seam weld is that present at the time of installation by Aerothrust, as determined by individual chamber x-ray film records on file at Aerothrust.

(3) Investigation is continuing and pending the results, additional engine serial numbers may be added to this AD.

(a) Remove from service within the next 100 hours or 100 cycles time in service from the effective date of this AD, whichever occurs first, chambers with greater than 8 inches but less than or equal to 12 inches cumulative crack length at installation by Aerothrust.

(b) Remove from service, prior to further flight, chambers with greater than 12 inches cumulative crack length at installation by Aerothrust.

(c) Inspect combustion chamber 2–3 seam welds in accordance with PW Service Bulletin Number 5639, dated November 15, 1985, or FAA approved equivalent, per the following schedule:

(1) Inspect chambers with 3 inches or less cumulative crack length as follows:

(i) Prior to accumulating 2,000 hours or 1,500 cycles TSI, whichever occurs first; or

(ii) For chambers with greater than 1,900 hours or 1,400 cycles TSI on the effective date of this AD, inspect within the next 100 hours or 100 cycles time in service, whichever occurs first.

(2) Inspect chambers with greater than 3 inches but less than or equal to 6 inches cumulative crack length as follows:

(i) Prior to accumulating 1,500 hours or 1,000 cycles TSI, whichever occurs first; or

(ii) For chambers with greater than 1,400 hours or 900 cycles TSI on the effective date of this AD, inspect within the next 100 hours or 100 cycles time in service, whichever occurs first.

(3) Inspect chambers with greater than 6 inches but less than or equal to 8 inches cumulative crack length as follows:

(i) Prior to accumulating 250 hours or 200 cycles TSI, whichever occurs first; or

(ii) For chambers with greater than 150 hours or 100 cycles TSI on the effective date of this AD, inspect within the next 100 hours or 100 cycles time in service, whichever occurs first.

(4) Chambers for which the cumulative crack length at installation by Aerothrust cannot be confirmed must be inspected within the next 100 hours or 100 cycles time in service, whichever occurs first.

(d) Reinspect chambers, thereafter, in accordance with the appropriate inspection interval of paragraphs (c)(1) through (c)(3), as determined by the crack length at last inspection or at installation by Aerothrust, whichever crack length is greater. Remove from service, prior to further flight, any chambers with greater than 8 inches cumulative crack length at reinspection.

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, New England Region.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

Pratt & Whitney Service Bulletin Number 5639, dated November 15, 1985, identified and described in this document is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Pratt & Whitney, East Hartford, Connecticut. This document may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, Rules Docket Number 86–ANE–3, 12 New England Executive Park, Burlington, Massachusetts 01803, weekdays,

except Federal holidays, between 8:00 and 4:30 p.m.

This amendment becomes effective April 14, 1986 as to all persons except those persons to whom it was made immediately effective by TAD T8602-52, issued January 29, 1986, which contained this amendment.

Issued in Burlington, Massachusetts, on March 19, 1986.

Clyde M. DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86-8127 Filed 4-10-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-151-AD; Amdt. 39-5288]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) applicable to all Boeing Model 747 series airplanes to require the addition of a structural cover for the opening within the empennage which provides access to the vertical fin. The FAA has determined that the vertical fin could be overpressurized to the point of structural failure in the event of failure of the aft pressure bulkhead.

DATES: Effective May 19, 1986.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. The information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM-120S; telephone (206) 431-2923. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require installation of a cover plate on the body fin deck access hole was published in the **Federal Register** on January 14, 1986 (51 FR 1514). The comment period for the proposal closed on February 28, 1986.

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

Comments were received from the National Transportation Safety Board (NTSB). They had no objection to the proposed airworthiness directive.

Comments were also received from the Air Transport Association (ATA) of America in behalf of their member operators. No members objected to the proposed modification. However, one member considered the proposed compliance time of six months as too short and requested, instead, one year for compliance in order to allow the modification to be performed during scheduled major base maintenance. The FAA does not concur with this comment as the installation of the cover does not require any special tools or equipment to accomplish.

After careful review of all available data, including all comments received, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 165 airplanes presently in service in the U.S. will require modification. The modification will require approximately 6 hours to accomplish, at a cost of $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators will be $39,600.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

PART 39—[AMENDED]

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

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

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

2. By adding the following new airworthiness directive:

BOEING Applies to all Model 747 series airplanes through line number 625, certificated in any category. To prevent structural failure of the vertical fin in the event of failure of the aft pressure bulkhead, accomplish the following within 6 months after the effective date of this AD, unless already accomplished:

A. Install the vertical fin access cover in accordance with Boeing Service Bulletin 747-53A2264, dated November 25, 1985, or later FAA-Approved revisions.

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

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

All persons affected by this proposal who have not already received the appropriate service document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective May 19, 1986.

Issued in Seattle, Washington, April 4, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-8109 Filed 4-10-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-ANE-21; Amdt. 39-5268]

Airworthiness Directives: Pratt & Whitney (PW) JT9D-3A, -7, -7H, -7A, -7AH, -7F, -7J, -20, -59A, -70A, -7Q, and -7Q3 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires replacement of the low pressure turbine (LPT) vane antirotation pins, fabricated from stainless steel, with stronger LPT antirotation pins fabricated from nickel alloy on certain PW JT9D series turbofan engines. It also requires the incorporation of additional nickel alloy antirotation pins at the 4th,

5th, and 6th stage stator locations of the turbine section on certain other PW JT9D series turbofan engines. The AD is needed to prevent uncontained engine failures in the LPT section, initiated by structural failures of the antirotation pins.

DATES: Effective May 13, 1986.

Compliance Schedule—As provided in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective May 13, 1986.

ADDRESSES: The applicable service bulletins (SBs) may be obtained from Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457. Copies of the SBs are contained in the Rules Docket Number 85–ANE–21 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803 and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE–141, Engine Certification Office, Aircraft Certification Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone (617) 273–7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring replacement of the antirotation pins in the LPT section of certain lower rated JT9D engines, and the incorporation of additional antirotation pins in the LPT section of certain other higher rated JT9D engines, was published in the **Federal Register** on October 30, 1985 (50 FR 45116). The proposal was prompted by three uncontained engine failures, initiated by antirotation pins in the LPT section on the lower rated model configuration of PW JT9D–3A, –7, –7H, –7A, –7AH, –7F, –7J, and –20 series turbofan engines which failed due to shear stresses induced by gas loads. There have been twenty-one additional such failures to date that were contained by the LPT case. Therefore, this AD requires replacement of the stainless steel (AMS 5735) antirotation pins with nickel alloy (AMS 5660/5661) antirotation pins in accordance with PWA SB 5292, Revision 3, dated June 24, 1985. The proposal was also prompted by one uncontained engine failure initiated by antirotation pins in the LPT section on the higher rated model configuration of PW JT9D–59A, –70A, –7Q, and 7Q3 series turbofan engines which failed in shear because the number of antirotation pins currently installed is inadequate to sustain existing gas loads. There have been six additional such failures to date that were contained by the LPT case. Therefore, this AD also requires the incorporation of additional antirotation pins in the 4th, 5th, and 6th stage stator location, in accordance with PWA SB 5507, Revision 3, dated December 5, 1984.

Interested persons have been afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments received. One response was received concerning the proposed rule. The one commenter conducted an industry-wide survey on the proposed rule and received four responses. One respondent to the survey stated that inclusion of PW JT9D–3A, –7, –7H, –7A, –7AH, –7F, and –20 engine models in the proposed rule is unnecessary because in the entire JT9D engine fleet, the only two failures that penetrated the case were on JT9D–7J engines. The FAA disagrees. Service experience date to date indicates a total of thirty-one antirotation pin failures with four of those failures causing turbine case penetration. The engine models with turbine case penetration were JT9D–7J, –7F, and –7Q, therefore the claim that these failures are unique to the JT9D–7J engine model is not supported by service experience. The same respondent proposed a one year extension of the compliance deadline to December 31, 1990, be considered. This extension was requested to avoid early removal of ten cases at a claimed cost of $700,000. The FAA disagrees. The current compliance was carefully chosen to maintain an adequate level of safety over the duration of the AD. Based on current service usage rates, the FAA has determined that all cases are expected to be in the maintenance facilities by the deadline chosen and the work can then be accomplished.

Another respondent to the survey stated no technical objection to the rule but requested that the words "at separation" be removed from the compliance requirements to avoid unnecessary burden on the operators. The FAA agrees and the compliance section of the proposed rule has been changed accordingly.

Another respondent to the survey stated that the actual cost to be incurred by the operators as a result of the proposed rule could be three times as much relative to that quoted in the Notice of Proposed Rulemaking. The FAA disagrees. The regulatory economic evaluation was based on figures consistent with actual expenditures for work carried out at the manufacturer's overhaul facility as well as at four other vendor facilities qualified to carry out such repairs and constitutes an accurate estimate.

The remaining respondent to the survey maintained a position that the incorporation of PW SB 5292 should be on an attrition basis, based on the respondent's experience that (1) pins have been replaced due to being loose or missing and no more than three pins at a time, in any given case, required replacement; and (2) bending or shearing of pins has not been observed at that respondent's operation. The FAA disagrees. The failure mechanism is neither easily definable nor easily controllable because it is dependent on a combination of many parameters that can exist in any operating environment. Therefore until a better understanding of the failure mechanism is achieved that might make an alternative to this rule viable, this rule will remain unchanged.

Conclusion

The FAA has determined that this regulation involves 2205 JT9D engines installed on Boeing 747 series aircraft, 75 JT9D engines installed on McDonnell Douglas DC–10 series 40 aircraft, and 60 JT9D engines installed on Airbus Industrie A300 aircraft, and the approximate total cost is $7,901,400. It is also determined that few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected since the rule affects only operators using Boeing 747, McDonnell Douglas DC–10 and Airbus Industrie aircraft in which the JT9D engines are installed, none of which are believed to be small entities. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT".**

List of Subjects in 14 CFR 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by Reference.

Adoption of The Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Pratt & Whitney Applies to Pratt & Whitney (PW) JT9D–3A, –7, –7H, –7A, –7AH, –7F, –7J, –20, –59A, –70A, –7Q, and –7Q3 series turbofan engines.

Compliance is required at the next removal of the LPT rotor from the LPT case and vane assembly but not later than December 31, 1989, unless already accomplished.

To prevent low pressure turbine (LPT) case penetration as a result of antirotation pin failures, accomplish the following:

(a) Replace all stainless steel (AMS 5735) LPT antirotation pins with nickel alloy (AMS 5660/5661) LPT antirotation pins on PW JT9D–3A, –7, –7H, –7A, –7AH, –7F, –7J, and –20 series turbofan engines in accordance with the Accomplishment Instructions contained in PW service bulletin (SB) 5292, Revision 3, dated June 24, 1985, or FAA approved equivalent.

(b) Incorporate additional LPT antirotation pins in the 4th, 5th, and 6th stage stator locations on PW JT9D–59A, –70A, –7Q, and –7Q3 series turbofan engines in accordance with the Accomplishment Instructions contained in the PW SB 5507, Revision 3, dated December 5, 1984, or FAA approved equivalent.

Upon request, the equivalent means of compliance may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Aircraft may be ferried in accordance with the provisions of FAR Parts 21.197 and 21.199 to a base where the AD can be accomplished.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

PW SB 5292, Revision 3, dated June 24, 1985, and SB 5507, Revision 3, dated December 5, 1984, are incorporated herein and made part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney, Publication Department, P.O. Box 611, Middletown, Connecticut 06457.

These documents also may be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Rules Docket Number 85–ANE–21, Room Number 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

This amendment becomes effective on May 13, 1986.

Issued in Burlington, Massachusetts, on March 21, 1986.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 86–8111 Filed 4–10–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 85–ANE–25; Amdt. 39–5273]

Airworthiness Directives; Rolls-Royce Limited RB211–535E4 Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections for cracks, and possible removal of the outer combustion case on Rolls-Royce RB211–535E4 engines. The AD is needed to prevent an uncontained burst of the outer combustion case which can result from cracks that originate in the stage 6 high compressor bleed soleplate weld.

DATES: Effective May 16, 1986.

Compliance Schedule—As prescribed in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register effective May 16, 1986.

ADDRESSES: The applicable service bulletin (SB) may be obtained from Rolls-Royce Limited, Technical Publications Department, P.O. Box 31, Derby DE2 8BJ, England. A copy of the SB is contained in Rules Docket Number 85–ANE–25 in the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803 and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Chris Gavriel, Engine Certification Branch, ANE–141, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7084.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include a new AD requiring initial and repetitive inspections of the outer combustion case for cracks on Rolls-Royce RB211–535E4 turbofan engines was published in the **Federal Register** on September 4, 1985, (50 FR 35838). The proposal was prompted by a combustion outer case failure during endurance cyclic rig testing. A crack initiated in the soleplate weld and propagated rearward along the weld. At a distance of about 9 inches, the crack reached critical length and propagated axially in both fore and aft directions to ultimate failure. Since this condition is likely to exist or develop on other engines of the same type design, the AD requires initial and repetitive inspections and possible removal of the outer combustion case as specified in Rolls-Royce SB RB.211–72–7775, dated June 28, 1985, on Rolls-Royce RB211–535E4 turbofan engines.

Interested persons have been afforded the opportunity to participate in the making of this amendment and due consideration has been given to all relevant data and comments received. One response was received concerning the proposed rule. Because the response received is in agreement with the proposed rule, no changes have been made on the proposal rule.

Conclusion

The FAA determined that this regulation involves 32 Rolls-Royce RB211–535E4 turbofan engines at an approximate total cost of 200 dollars per year per engine. Less than 11 small entities will be affected by this regulation. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT"**.

List of Subjects in 14 CFR 39

Engines, Air Transportation, Aircraft, Aviation safety, Incorporation by Reference.

PART 39—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

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

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

2. By adding to § 39.13 the following new airworthiness directive (AD):

Rolls-Royce Limited Applies to Rolls-Royce RB211-535E4 turbofan engines.

Compliance is required as indicated, unless already accomplished.

To prevent an uncontained outer combustion case burst, inspect cases in accordance with the requirements of Rolls-Royce SB RB.211-72-7775, dated June 28, 1985, or FAA approved equivalent, as follows:

(a) Inspect cases with 1,500 cycles in service or less since new on the effective date of this AD, prior to accumulating 1,550 cycles in service since new, and reinspect thereafter at intervals as specified in paragraph (c) below.

(b) Inspect cases with greater than 1,500 cycles in service on the effective date of this AD, within the next 50 cycles in service after the effective date of this AD, and reinspect thereafter at intervals as specified in paragraph (c) below.

(c) Reinspect cases previously inspected per paragraphs (a) or (b) above as follows:

(1) At intervals not to exceed 500 cycles in service if no cracks are present.

(2) At intervals not to exceed 100 cycles in service if cracks of less than or equal to 0.5 inch in length are present.

(3) At intervals not to exceed 50 cycles in service if cracks of greater than 0.5 inch but less than or equal to 1.5 inches in length are present.

(d) Remove cases from service, prior to further flight, if cracks of greater than 1.5 inches in length are present at inspection.

Note.—The crack length is defined as the length of a single crack or the cummulative length of multiple cracks, whichever is greater.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Engine Certification Office, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Engine Certification Office, New England Region, may adjust the compliance time specified in this AD.

Aircraft may be ferried in accordance with the provisions of FAR Parts 21.197 and 21.199 to a base where the AD can be accomplished.

Rolls-Royce SB RB.211-72-7775 dated June 28, 1985, is incorporated herein and make a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from the manufacturer may obtain copies upon request to Rolls-Royce Limited, P.O. Box 31, Derby DE2 8BJ, England.

This document also may be examined at the Office of the Regional Counsel, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Rules Docket Number 85-ANE-25, Room Number 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday except Federal holidays.

This amendment becomes effective on May 16, 1986.

Issued in Burlington, Massachusetts, on March 24, 1986.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86-8112 Filed 4-10-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 85-ANM-34]

Amendment of Transition Areas; Gunnison, CO; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to Final rule.

SUMMARY: This action corrects **Federal Register** Document 86-6044. It is necessary to change the name of the Gunnison, Colorado, VORTAC to Blue Mesa, Colorado, VORTAC to prevent misidentification with other navigation equipment which has been installed at the Gunnison Airport. It is, therefore, necessary to change the name of the transition areas which are defined by reference to the VORTAC.

EFFECTIVE DATE: 0901 UTC, June 5, 1986.

FOR FURTHER INFORMATION CONTACT: Ted Melland, Airspace & Procedures Specialist, ANM-533, Federal Aviation Administration, Docket No. 85-ANM-34, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2533.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 86-6044 was published on March 20, 1986, Vol. 51, No. 54, Page 9648 that provides controlled airspace for aircraft executing a new instrument approach procedure to Gunnison, Colorado, Airport.

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

List of Subjects in CFR Part 71

Transition areas, Aviation safety

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 86-6044, as published in the **Federal Register** on March 20, 1986, (51 FR 9648) is corrected as follows:

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

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

§ 71.181 [Amended]

2. By amending § 71.181 as follows:

Blue Mesa, Colorado, (Amended)

That airspace extending upward from 700 feet above the surface within 9.5 miles northwest and 6 miles southeast of the Blue Mesa VORTAC 045° and 225° radials extending from 12 miles northeast of 19 miles southwest of the VORTAC and within a 16.5 mile radius of the VORTAC clockwise between the 264° and 294° radials; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the VORTAC clockwise between the 204° and 275° radials.

Issued in Seattle, Washington, on April 3, 1986.

John P. Cuprison,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86-8114 Filed 4-10-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 86-AWA-12]

Alteration of Restricted Area R-2533 Oceanside, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action changes the controlling agency for Restricted Area

R–2533 in the state of California. This action is necessary since the El Toro Radar Air Traffic Control Facility (RATCF) has transferred its functions to Coast Terminal Radar Approach Control Facility (TRACON).

EFFECTIVE DATE: 0901 UTC, July 3, 1986.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace and Aeronautical Information Requirements Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–3656.

SUPPLEMENTARY INFORMATION:

The Rule

This amendment to Part 73 of the Federal Aviation Regulations is to designate the Coast TRACON as the controlling agency for R–2533. Previously, the controlling agency for R–2533 was the El Toro RATCF. The change in controlling agency does not alter the type activities conducted in the restricted area. Since this amendment is procedural in nature and has no affect on airspace users, and is a minor amendment in which the public would have no particular interest, notice and public procedure under 5 U.S.C. 553(b) are unnecessary. Section 73.25 of Part 73 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 73

Aviation safety, Restricted areas.

PART 73—[AMENDED]

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, as follows:

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

Authority: 49 U.S.C.1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

2. § 73.25 is amended as follows:

R–2533 Oceanside, CA [Amended]

By removing "El Toro RATCF" and substituting "Coast TRACON".

Issued in Washington, D.C., on April 7, 1986.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 86–8107 Filed 4–10–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 24960; Amdt. No. 1318]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

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

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

For Purchase—

Individual SIAP copies may be obtained from:

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

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

By Subscription—

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

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures Standards Branch (AFO–230), Air Transportation Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426–8277.

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

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

number. This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

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

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC, on April 4, 1986.

John S. Kern,

Acting Director of Flight Standards.

Adoption of the Amendment

PART 97—[AMENDED]

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

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

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

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

** * * Effective July 3, 1986*

Vernal, UT—Vernal, VOR RWY 34, Amdt. 7
Everett, WA—Snohomish County (Paine FLD), VOR RWY 34, Amdt. 3
Everett, WA—Snohomish County (Paine FLD), VOR/DME RWY 34, Orig.

** * * Effective June 5, 1986*

Cahokia/St. Louis, IL—St. Louis Downtown-Parks, NDB RWY 30L, Amdt. 15
Cahokia/St. Louis, IL—St. Louis Downtown Parks, ILS RWY 30L, Amdt. 4
Lapeer, MI—Dupont-Lapeer, VOR-A, Amdt. 12
Ely, MN—Ely Muni, VOR RWY 12, Amdt. 4
Ely, MN—Ely Muni, VOR RWY 30, Amdt. 4
Ely, MN—Ely Muni, VOR/DME RWY 12, Amdt. 2
Ely, MN—Ely Muni, VOR/DME RWY 30, Amdt. 2
Park Rapids, MN—Park Rapids Muni, VOR RWY 31, Amdt. 9
Park Rapids, MN—Park Rapids Muni, VOR/DME RWY 13, Amdt. 4
Park Rapids, MN—Park Rapids Muni, NDB RWY 31, Amdt. 1
Park Rapids, MN—Park Rapids Muni, MLS RWY 31 (Interim), Amdt. 1
Havre, MT—Havre City-County, VOR RWY 7, Amdt. 6
Havre, MT—Havre City-County, VOR RWY 25, Amdt. 8
Wilmington, OH—Airborne Airpark, VOR RWY 4, Amdt. 2
Wilmington, OH—Airborne Airpark, VOR RWY 22, Amdt. 2
Wilmington, OH—Airborne Airpark, VOR/DME RWY 22, Amdt. 2
Wilmington, OH—Airborne Airpark, NDB RWY 22, Amdt. 5
Wilmington, OH—Airborne Airpark, ILS RWY 22, Amdt. 1
Xenia, OH—Greene County, VOR-A, Amdt. 1
Watertown, WI—Watertown Muni, NDB RWY 5, Amdt. 1
Watertown, WI—Watertown Muni, NDB RWY 23, Amdt. 3
Watertown, WI—Watertown Muni, RNAV RWY 5, Orig.

** * * Effective May 8, 1986*

Cullman, AL—Folsom Field, NDB RWY 19, Amdt. 1
Hartselle, AL—Rountree Field, NDB-A, Amdt. 1
Huntsville, AL—Huntsville Airport North, VOR/DME-B, Amdt. 3
Lanett, AL—Lanett Muni, VOR/DME-A, Amdt. 1
Ozark, AL—Blackwell Field, VOR RWY 30, Amdt. 6
Jacksonville, FL—Jacksonville Intl, LOC BC RWY 31, Amdt. 5
Orlando, FL—Orlando Executive, LOC BC RWY 25, Amdt. 16
Atlanta, GA—Dekalb-Peachtree, ILS RWY 20L, Amdt. 4
Atlanta, GA—DeKalb-Peachtree, RADAR-1, Amdt. 1
Atlanta, GA—The William B. Hartsfield Atlanta Intl, VOR RWY 27L, Amdt. 4
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS RWY 27L, Amdt. 12
Hinesville, GA—Liberty County, NDB-A, Amdt. 1
LaGrange, GA—Callaway, LOC RWY 31, Orig.
Swainsboro, GA—Emanuel County, VOR-A, Amdt. 4, CANCELLED
Swainsboro, GA—Emanuel County, VOR/DME-A, Orig.
Chicago, IL—Chicago-O'Hare Intl, LOC RWY 32L, Orig.
Chicago, IL—Chicago-O'Hare Intl, NDB RWY 32L, Amdt. 20
Chicago, IL—Chicago-O'Hare Intl, ILS RWY 32L, Amdt. 22, CANCELLED
Chicago, IL—Chicago-O'Hare Intl, RADAR-1, Amdt. 37
Sheridan, IN—Sheridan, VOR/DME-A, Amdt. 4
Henderson, KY—Henderson City-County, VOR-A, Amdt. 8
Henderson, KY—Henderson City-County, NDB RWY 8, Amdt. 1
Old Town, ME—DeWitt Fld, Old Town Muni, VOR-A, Amdt. 8
Old Town, ME—DeWitt Fld, Old Town Muni, VOR/DME RWY 22, Amdt. 4
Old Town, ME—DeWitt Fld, Old Town Muni, NDB RWY 22, Amdt. 4
Nashua, NH—Boire Field, RNAV RWY 32, Amdt. 3
Gastonia, NC—Gastonia Muni, RNAV RWY 3, Amdt. 3
Lexington, NC—Lexington Muni, VOR-A, Amdt. 2
Lexington, NC—Lexington Muni, VOR/DME RWY 8, Amdt. 3
Monroe, NC—Monroe, VOR-A, Amdt. 9
Morganton, NC—Morganton-Lenoir, SDF RWY 3, Amdt. 2
Morganton, NC—Morganton-Lenoir, NDB RWY 3, Amdt. 2
Morganton, NC—Morganton-Lenoir, RNAV RWY 3, Amdt. 1
Reidsville, NC—Rockingham County NC Shiloh, VOR/DME-A, Amdt. 5
Reidsville, NC—Rockingham County NC Shiloh, SDF RWY 31, Amdt. 1
Reidsville, NC—Rockingham County NC Shiloh, NDB RWY 31, Amdt. 2
Salisbury, NC—Rowan County, NDB-B, Amdt. 8
Statesville, NC—Statesville Muni, VOR/DME RWY 10, Amdt. 5
Lima, OH—Lima Allen County, VOR RWY 27, Amdt. 13

Lima, OH—Lima Allen County, NDB RWY 9, Amdt. 1
Lima, OH—Lima Allen County, ILS RWY 27, Amdt. 1
Astoria, OR—Port of Astoria, COPTER ILS/DME 255–B, Orig.
Collegeville, PA—Perkiomen Valley, VOR RWY 9, Amdt. 3
Easton, PA—Easton, VOR–C, Amdt. 2
Marion, SC—Marion County, VOR/DME–A, Amdt. 4
Manitowoc, WI—Manitowoc County, VOR RWY 17, Amdt. 11
Manitowoc, WI—Manitowoc County, ILS RWY 17, Orig.

* * * *Effective March 21, 1986*

Sebring, OH—Tri-City, VOR RWY 17, Amdt. 3
Wadsworth, OH—Wadsworth Muni, NDB RWY 2, Amdt. 1
Wooster, OH—Wayne County, NDB RWY 27, Amdt. 4

* * * *Effective March 20, 1986*

Fremont, NE—Fremont Muni, NDB RWY 13, Amdt. 4
Lincoln, NE—Lincoln Muni, VOR RWY 17L, Amdt. 4
Lincoln, NE—Lincoln Muni, VOR RWY 17R, Amdt. 9
Lincoln, NE—Lincoln Muni, ILS RWY 17R, Amdt. 4
Omaha, NE—Eppley Airfield, VOR RWY 32L, Amdt. 8
Omaha, NE—Eppley Airfield, NDB RWY 14R, Amdt. 22
Omaha, NE—Eppley Airfield, ILS RWY 14R, Amdt. 2
Omaha, NE—Eppley Airfield, ILS RWY 17, Amdt. 1
Omaha, NE—Eppley Airfield, ILS RWY 32L, Amdt. 3
Omaha, NE—Millard, NDB RWY 12, Amdt. 8
Plattsmouth, NE—Plattsmouth Muni, NDB RWY 34, Amdt. 2
Wahoo, NE—Wahoo Muni, NDB RWY 20, Amdt. 1

[FR Doc. 86–8110 Filed 4–10–86; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 602

[T.D. 8043]

Manufacturers Excise Taxes on Sporting Goods and Firearms and Other Administrative Provisions of Special Application to Manufacturers and Retailers Excise Taxes; Reporting and Recordkeeping Requirements; Correction

AGENCY: Internal Revenue Service, Treasury.
ACTION: Corrections to final rule.

SUMMARY: This document contains a correction to the amendments to the table of Office of Management and Budget (OMB) Control Numbers for Title 26 of the Code of Federal Regulations, and a correction that will clarify the amendatory language in an instructional paragraph. The amendments that are the subject of these corrections were adopted by Treasury Decision 8043 (T.D. 8043), which revised and updated the regulations on manufacturers excise taxes on sporting goods and firearms and other administrative provisions especially applicable to manufacturers and retailers excise taxes, and were published in the **Federal Register** on Thursday, August 8, 1985 (50 FR 32012).

EFFECTIVE DATE: These corrections are effective August 8, 1985.

FOR FURTHER INFORMATION CONTACT: Ada S. Rousso of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, DC 20224 (Attn: CC:LR:T). Telephone 202–566–3287 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On August 8, 1985, the **Federal Register** published (50 FR 32012) final regulations (T.D. 8043) that revised and updated the regulations under Part 48 of Title 26 of the Code of Federal Regulations. The collection of information requirements that were contained in those amendments previously had been approved by OMB, and, in accordance with established procedure, the table of OMB Control Numbers for Title 26 was amended to reflect that approval (50 FR 32012, 32050).

Need for Correction

There is a typographical error in the amendments to the table of OMB Control Numbers producing an incorrect regulations section number. In addition, the amendatory language in one of the instructional paragraphs does not unambiguously state that the heading and text of § 48.6427–1 are being revised.

Correction of Publication

Accordingly, the publication of the final rules (T.D. 8043), that were the subject of FR Doc. 85–18444, is corrected as follows:

Paragraph 1. In § 602.101(c), on page 32050, second column, the ninth line, the language "48.5161 (a)–3 . . . 1545–0723" is removed and the language "48.4161 (a)–3 . . . 1545–0723" is added in its place.

Par. 2. On page 32046, first column, the instructional paragraph numbered "Par. 36." is revised to read as follows:

Par. 36. The heading and text of § 48.6427–1 are revised, and §§ 48.6427–0, 48.6427–2, 48.6427–3, 48.6427–4, and 48.6427–5 are added in the appropriate locations following new § 48.6424–6. The revised and added sections read as follows:

Paul A. Francis,
Acting Director, Legislation and Regulations Division.

[FR Doc. 86–8189 Filed 4–10–86; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

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

AGENCY: Department of the Navy, DOD.
ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS KISKA (AE35) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a combat stores vessel. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 31, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS KISKA (AE 35) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, section 3(a), pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a combat stores vessel. The

Secretary of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. § 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward, masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained
USS KISKA	(AE 35)							X	98.9

Dated: March 31, 1986.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 86-8139 Filed 4-10-86; 8:45 am]

BILLING CODE 3810-AE-M

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Secretary of the Navy has determined that USS VIRGINIA (CGN 38) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS without interfering with its special function as a naval cruiser. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 31, 1986.

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

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS VIRGINIA (CGN 38) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and Annex I, section 3(a), pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the vessel. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

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

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR Part 706 is amended as follows:

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

Authority: 33 U.S.C. § 1605.

§ 706.2 [Amended]

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

Vessel	Number	Forward masthead light less than the required height above hull. Annex I, sec. 2(a)(i)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, sec. 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, sec. 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, sec. 2(a)(i)	Aft masthead lights not visible over forward light 1,000 meters ahead of ship in all normal degrees of trim. Annex I, sec. 2(b)	Forward masthead light not in forward quarter of ship. Annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. Annex I, sec. (3)(a)	Percentage horizontal separation attained.
USS Virginia	CGN 38						X	X	13.9

Dated: March 31, 1986.

John Lehman,

Secretary of the Navy.

[FR Doc. 86-8138 Filed 4-10-86; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA Docket No. AM013WV—A-3-FRL-2989-1]

West Virginia State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The State of West Virginia has submitted regulations pertaining to the Prevention of Significant Air Quality Deterioration (PSD). The regulations have been determined to be equivalent to the Federal requirements contained in 40 CFR Part 51.24. On April 3, 1985, EPA published a Notice proposing approval of these regulations and established a 30 day comment period. No comments have been received. EPA approves the West Virginia PSD regulations as a revision of the West Virginia State Implementation Plan (SIP). The State submittal also meets the requirements of the Clean Air Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal or Implementation Plans).

EFFECTIVE DATE: This rule will become effective May 12, 1986.

ADDRESSES: Copies of the PSD regulations submitted by West Virginia are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Patricia Gaughan

West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311, Attn: Carl G. Beard, II

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M. Street, SW. (Waterside Mall), Washington, DC 20460

Office of the Federal Register, 1100 L. Street, NW., Rm. 8401, Washington, DC

FOR FURTHER INFORMATION CONTACT: Mike Giuranna (3AM11), PA/WV Section at the EPA, Region III address above, or telephone (215) 597-9189.

SUPPLEMENTARY INFORMATION: On June 13, 1984, the State of West Virginia submitted to the Environmental Protection Agency Regulation XIV ("Permits for the Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration") and requested that it be reviewed and processed as a revision of the West Virginia State Implementation Plan (SIP).

The West Virginia PSD regulations are, in most instances, identical to those contained in 40 CFR 51.24. However, West Virginia did not adopt separate requlations dealing with obtaining variances from maximum allowable increases in sulfur dioxide and particulate matter in Class I areas but simply incorporated EPA's regulations set forth in 40 CFR 51.24(p) (4), (5), (6) and (7) by reference. This procedure is acceptable to EPA. Also, in accordance with 40 CFR 51.4, a public hearing regarding this SIP revision was held on September 13, 1983.

This West Virigina SIP revision for PSD contains requirements for sources to do air quality modeling. On July 8, 1985, EPA revised its regulations concerning stack height credit for air quality modeling. The West Virginia Air Pollution Control Commission has committed to implement all the air quality modeling analyses consistent with the July 8, 1985 rulemaking in a letter dated December 16, 1985.

In letters of January 8 and March 1, 1985 EPA asked the West Virginia Air Pollution Control Commission to clarify several matters pertaining to their PSD regulations.

West Virginia replied, in a letter of April 3, 1985, that they agreed to the above and clarified the other matters satisfactorily. It was also mentioned, in this letter, that West Virginia is aware that they have no reclassification procedures and the EPA will not assume this function. Therefore, PSD areas in West Virginia cannot be reclassified.

On July 8, 1985, the final stack height regulation was published (50 FR 27892). On July 19, 1985, EPA sent a letter to West Virginia informing them that all future PSD permits must comply with the terms of the final stack height regulation.

Conclusion

The PSD regulations have been reviewed and have been determined to meet the requirements of the Clean Air Act and 40 CFR 51.24. They are therefore approved as a revision of the West Virginia SIP. Accordingly, 40 CFR 52.2520 (Identification of Plan) of Subpart XX (West Virginia) is amended to incoporate the West Virginia PSD regulations into the approved West Virginia SIP. At the same time, 40 CFR 52.2528 (a) and (b) are deleted and replaced by new paragraphs (a) and (b) which are given below.

Administrative Procedures

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

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 by June 10, 1986. This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxides, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Incorporation by references of the State Implementation Plan for the State of West Virginia was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: March 10, 1985.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart XX of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

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

Authority: 42 U.S.C. 7401-7462.

2. Section 52.2520 is amended by adding paragraph (c)(23) to read as follows:

§ 52.2520 Identification of Plan.

(c) * * *

(23) Regulation XIV (Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration) and a commitment letter submitted on June 13, 1984, and December 16, 1985, respectively, by the Chairman of the West Virginia Air Pollution Control Commission.

(i) Incorporation by Reference

(A) Regulation XIV (Permits for the Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration' adopted by

the State of West Virginia on June 14, 1984.

(B) Letter of December 16, 1985, in which the West Virginia Air Pollutant Control Commission committed to comply with the July 8, 1985 rulemaking notice concerning stack heights in its PSD permitting.

3. In § 52.2528 paragraphs (a) and (b) are revised to read as follows:

§ 52.2528 Significant Deterioration of Air Quality.

(a) The requirements of Sections 160 through 165 of the Clean Air Act are met since the plan includes approvable procedures for the Prevention of Significant Air Quality Deterioration.

(b) Regulations for Preventing Significant Deterioration of Air Quality, the provisions of §§ 52.21(p) (4), (5), (6), and (7) are hereby incorporated and made a part of the applicable state plan for the state of West Virginia.

[FR Doc. 86-6749 Filed 4-10-86; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 302

Civil Defense; State and Local Emergency Management Assistance Program (EMA)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This final rule makes two substantive changes and other minor changes to 44 CFR Part 302.

One change is to rename and redefine operational plans as emergency operations plans (EOP's) and to add the requirement for EOP's to conform with the requirements for plan content as contained in Civil Preparedness Guide (CPG) 1-8, "Guide for the Development of State and Local Emergency Operations Plans," and CPG 1-8A, "Guide for the Review of State and Local Emergency Operations Plans."

The second change is to permit States to submit preliminary annual submission documents in amounts not to exceed their tentative allocation amounts and for those preliminary annual submissions to be approved as final annual submissions under certain prescribed conditions.

The change in procedures will allow States to accelerate the process for receiving FEMA approval of documents of obligation for all or a portion of their annual EMA fund allocation upon appropriation by Congress and allotment of the funds.

EFFECTIVE DATE: This rule is effective May 12, 1986.

FOR FURTHER INFORMATION CONTACT: John McKay, Office of Emergency Management Programs, Federal Emergency Management Agency, Washington, D.C. 20472 (202-646-4252).

SUPPLEMENTARY INFORMATION: On July 5, 1985, FEMA published for comment in the **Federal Register** (50 FR 27627-27628), with corrections on July 17, 1985 (50 FR 28959), and July 26, 1985 (50 FR 30480), a notice of proposed rulemaking on 44 CFR 302 under the Federal Civil Defense Act of 1950, as amended.

The change in procedures will allow States to accelerate the process for receiving FEMA approval of documents of obligation for all or a portion of their annual EMA fund allocation upon appropriation by Congress and allotment of the funds. The last sentence in § 302.5b(5) "Allocations and reallocations" is being revised. Rather than "certain standards applicable to the allocation of the reserve fund" being set forth in CPG 1-3 they will be promulgated annually. This change is being made based on the premise that the amount of the EMA appropriation will likely vary from year to year (and consequently the amount of the reserve fund) as will circumstances in the various States; therefore, the Director should have the option to annually determine the basis for distribution of the reserve fund in accordance with current information as to civil defense needs.

Implementing Guidance

These regulations refer to CPG 1-3 throughout and the fact that it is available from FEMA regional offices. FEMA is continuing to distribute CPG 1-3 and amendments to all participating State and local governments. FEMA expects to publish CPG 1-3 in the **Federal Register** in the future.

Nonapplicability

The regulation is applicable to States to which the funding is made available, and thus is not subject to the requirements of the Regulatory Flexibility Act to prepare regulatory flexibility analyses. That act is concerned with small entities. It is hereby certified that the rule change will not have a significant economic impact on a substantial number of small entities. This regulation is not considered to be a major rule under the terms of Executive Order 12291 as the rule change will not have an annual effect on the economy of $100,000,000 or more, nor will it have a major effect on costs or prices. Therefore, no regulatory flexibility analysis will be prepared.

Collection of Information

Sections 302.3 and 302.5 concern documentation of eligibility. These sections of the rule contain collection of information requirements which have been approved by Office of Management and Budget under the provisions of section 3504(h) of the Paperwork Reduction Act and have been assigned OMB control numbers 3067-0123 and 0138.

Comments and Considerations

A total of 24 responses with comments were received: one each from FEMA Regions VII and VIII and 22 from State officials. The substantive comments received are paraphrased below, in order of the pertinent sections or paragraphs of the rule, along with FEMA's response.

Nonapplicability

One State and one FEMA region questioned the statement that the rule was not a major rule requiring development of a regulatory analysis under E.O. 12291. The commentators claimed that the State share of EMA funding should be included along with the Federal share and that when these funds are taken into account the total program and the total effect on the economy exceed $100,000,000.

However, the test for determining the effect on the economy is the effect which the rule changes have on the economy, not the cost of the program involved. The effect of the rule changes, to the extent these can be measured, does not exceed $100,000,000. In this respect the applicability section of the preamble to the notice of proposed rulemaking is revised, and it has been restated above.

Section 302.2(p): Nine States and one FEMA region recommended changing "Emergency Operations Plan (EOP)" to read "Emergency Management Plan." The reasons given were that the EOP definition is too narrow and does not reflect an integrated emergency management approach; it places too much emphasis on operations at the expense of other phases of emergency management, i.e., mitigation, preparedness, response and recovery. Two States and one FEMA region concurred in the proposed rule change and definition for EOP's.

An EOP focuses on *how* a jurisdiction will respond to disaster events. Other plans may be used to deal with the predisaster activities associated with

mitigation and the post-disaster activities related to long-term economic and social recovery. The title "Emergency Operations Plan" and the definition contained in paragraph 302.2(p) of the proposed rule are therefore retained as being descriptive of the plan that is required as an eligibility document for the EMA program.

Section 302.3(b)(1): Sixteen States and one FEMA region objected to the provision for the "approval" of State EOP's by FEMA.

The designated State official approves those plans for his purposes, including conformance with State laws, requirements, and criteria. FEMA approves those plans for compliance with the Federal Civil Defense Act of 1950, as amended, and with applicable FEMA regulations.

Section 205 of the act reads in part as follows:

Contributions for Personnel and Administrative Expenses

To further assist in carrying out the purposes of this Act, the Administrator is authorized to make financial contributions to the States (including interstate civil defense authorities established pursuant to section 201(g) of this Act) for necessary and essential State and local civil defense personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the national plan for civil defense approved by the Administrator) for the civil defense of the States. . . .

(a) Plans submitted under the section shall—

* * * * *

(3) provide for the development of State and local civil defense operational plans, pursuant to standards approved by the Administrator.

In the case of State EOP's, the requirement for FEMA approval has been incorporated in governing regulations since the advent of the program in Fiscal Year 1961. The current EMA regulation, 44 CFR 302, published in the Federal Register September 28, 1983, includes the same requirement. The proposed rule does not change the existing, long-standing requirements mandated by the authorizing legislation for Federal approval of State plans.

Section 302.3(b)(2): Twelve States and one FEMA region disagreed with the words "conforms with" in line two relating to local EOP's and criteria contained in various civil preparedness guides.

Those words have been changed to "conforms with the requirements for plan content as set forth in CPG 1–3, CPG 1–8 and CPG 1–8A" in the final rule. This change accommodates the objections to EOP format being specified and/or mandated by the rule.

Seven States and two FEMA regions expressed the opinion that CPG 1–8, "Guide for the Development of State and Local Emergency Operations Plans," and CPG 1–8A, "Guide for the Review of State and Local Emergency Operations Plans," should not be cited in the rule for various reasons: their contents are contrary to the statutes of two States; both CPG's are primarily oriented toward large cities and counties, not State governments; and the CPG's had not been published.

Section 2 of the Federal Civil Defense Act of 1950, as amended, declares it is the policy and intent of Congress that the responsibility for civil defense shall be vested jointly in the Federal Government and the several States and their political subdivisions. The Federal role is to provide direction, coordination, guidance, and the assistance authorized by the act.

Civil defense is defined by the act to mean activities and measures designed or undertaken to minimize the effect upon the civilian population of the United States and to deal with the immediate emergency conditions created by an attack, natural disaster, or manmade catastrophe (50 U.S.C. APP. 2252(a)).

Thus, in an effort to enhance the civil defense readiness of the Nation as a whole, we are standardizing in the rule the definition of an EOP and are prescribing the review, updating, and and exercising of existing EOP's.

Our intention with CPG 1–8 is not to mandate an EOP format or title but to specify areas of content. CPG 1–8A is the checklist for content.

It was fully expected that CPG's 1–8 and 1–8A would be published and distributed to all EMA participating State and local jurisdictions by the dates contained in the proposed rule. That process was delayed but has been accomplished.

While none of the commentators objected specifically to the reference to CPG 1–5, "Objectives for Local Civil Preparedness," it was determined to remove the requirement for local EOP's to conform with CPG 1–5 since CPG 1–8 contains more current guidance for the development of local, as well as State, EOP's.

Section 302.5(f) through (m), Allocations and reallocations. One FEMA region and one State protested the removal of the phrase in the first sentence, "based on applications received and recommendations by the Regional Directors." This phrase was inadvertently omitted during the typing of the proposed rule and has been reinserted in the final rule. There was no intention of removing the Regional Directors from this process.

One FEMA region and one State concurred with submitting annual submission documents in amounts not to exceed their tentative allocation amounts *providing that tentative allocation amounts were increased over the previous year to allow for inflation and acquiring new eligible participants.*

The EMA tentative allocations to States are calculated by applying the formula factors contained in 44 CFR 302.5(b) (1) through (4) to the amounts budgeted annually for EMA, while withholding the supplement fund (2 percent reserve less the total of the amounts used for the insular areas) and based on applications received, regional recommendations made, and adjustments to the planning figures as appropriate. The formal allocations are made based on appropriation by Congress and allotment of the funds. This allocation for each State may include an additional amount from the reserve portion of the EMA funds. There is no provision in the EMA regulation that guarantees an increase in States' tentative allocations from year to year for any purpose. The amount of each State's tentative allocation is primarily dependent on the total amount appropriated for EMA annually by Congress.

One FEMA region and one State suggested that in lieu of the term "primary annual submission" the term "preliminary annual submission" be used throughout as a grammatical change more appropriately related to the term "final annual submission." This suggestion has been adopted.

One FEMA region and one State suggested that consideration be given to adopting language that would require the final annual submission to be due January 1 of each year in order to coincide with the fiscal year and budget cycle for many local government FMA participants.

Section 205 of the Federal Civil Defense Act of 1950, as amended, entitled "Contributions for Personnel and Administrative Expenses," authorizes the EMA Program. It states that in the event a State fails to submit an approvable plan (defined in 44 CFR 302.3(c) as *annual submission*), as required in that section within sixty days after the Director (of FEMA) notifies the States of their allocations, the Director may reallocate such funds, or portions thereof, among the States in such amounts as, in his judgment, will best assure the adequate development of the civil defense capability of the

Nation. Therefore, the timing for requiring receipt of the annual submission documentation is contingent on the timing of the annual EMA appropriation by Congress and allotment of the funds.

Implementing Guidance

One State questioned the authority by which FEMA mandates the certification of receipt of CPG 1–3 by all (EMA participant) State and local governments.

Under section 205 of the Federal Civil Defense Act of 1950, as amended, the Director (FEMA) has authority to make financial contributions to the States for necessary and essential State and local civil defense expenses on the basis of approved plans and such other terms and conditions as he may deem necessary and proper. One of the methods of promulgating such other terms and conditions is to issue guidance material (e.g., CPG 1–3) which is delivered to the States and participating political subdivisions in order to inform them as to the terms of the grants. The guidance material fleshes out in detail the skeletal criteria of the regulations published in the **Federal Register** and in the Code of Federal Regulations. This method of providing guidance in furtherance of, and detailing the criteria of, the regulations has been used since the inception of the civil defense grant programs. As in the case of the regulations, the manual provisions may be amended, but revised criteria are not applied retroactively. FEMA has determined that CPG 1–3 and any subsequent changes thereto will be published in the **Federal Register**, thus providing constructive (legal) notice to the public of its contents. This action precludes the requirement for submission of individual receipt forms to FEMA when the CPG 1–3 and changes thereto are issued.

One State expressed that the amendment serves a minor purpose; that it provides States that do not utilize all of their tentative allocation with a vehicle in the form of a primary submission to adjust to any overage in allocation and merely serves as a more immediate notice to FEMA of funds available for reallocation to other States along with the reserve. There was the question as to the juncture when this reallocation of unneeded funds takes place. The question was raised also as to what vehicle is provided States with initial funding needs above the formal allocation. The statement was made that paragraph (i) is too restrictive to this process and that, accordingly, the amendment gives the Director an excessive amount of discretionary authority as to the reserve fund use.

As to the point that the amendment is a minor one, some States may consider it to be to their advantage to be able to have their primary (or preliminary) annual submission approved, upon the appropriation becoming available, as the obligating document in an appropriate amount not to exceed the State's formal allocation. This allows them to receive funding in the approved amount for use during the 60-day interim in which they have to submit their final submission (which may or may not differ from their preliminary one). States are requested to indicate they will not be using the total of their State formula distribution (planning figures) *prior to* formulation of the tentative allocations. Any excesses so indicated are redistributed to other States that have indicated additional funding needs at that time. The States may apply for a portion of the reserve fund after being notified of their tentative allocation amounts. The total amount of EMA funds appropriated annually by Congress, including the reserve fund, must be allocated when the formal allocations are issued. Of course, even after approval of its final submission, a State may file to amend it to accommodate a request for additional funds turned back by other States as surplus to their needs. As to the Director's discretionary authority over the reserve fund, subsections 205(d) and (e) of the Federal Civil Defense Act, as amended, and paragraph 302.5, Allocations and reallocations, contain the authority for the Director to determine and make the State EMA allocations based on certain factors. The allocation formula that includes the 2 percent reserve is contained in paragraph 302.5(b).

List of Subjects in 44 CFR Part 302

Civil defense, Grants programs, National defense.

Accordingly, Chapter I, Subchapter E, part 302, Code of Federal Regulations, is amended as follows:

PART 302—CIVIL DEFENSE-STATE AND LOCAL EMERGENCY MANAGEMENT ASSISTANCE PROGRAM (EMA)

1. The authority citation for Part 302 is revised to read as follows:

Authority: 50 U.S.C. App. 2251 et seq. Reorganization Plan No. 3 of 1978; E.O. 12148.

§ 302.2 [Amended]

2. In § 302.2, paragraph (n) is amended by removing the entire parenthetical phrase at the end of the paragraph and adding "(See CPG 1–32, Financial Assistance Guidelines)."

3. In § 302.2, paragraph (o) is amended by removing the entire parenthetical phrase at the end of the paragraph and adding "(See CPG 1–32, Financial Assistance Guidelines)."

4. In § 302.2, paragraph (p) is revised to read as follows:

(p) *Emergency Operations Plan (EOP).* State or local government Emergency Operations Plans identify the available personnel, equipment, facilities, supplies, and other resources in the jurisdiction and states the method or scheme for coordinated actions to be taken by individuals and government services in the event of natural, manmade and attack-related disasters.

5. In 302.2, paragraph (u) is amended by removing from the first sentence "existing operational plans" and adding "updated emergency operations plans" in place thereof.

§ 302.3 [Amended]

6. In § 302.3, the introductory paragraph is amended by removing "emergency operational plan" and adding "emergency operations plan" in place thereof.

7. In 302.3 paragraph (a)(3) is amended by removing "operational plans" and adding "emergency operations plans" in place thereof.

8. In § 302.3, paragraph (a)(15) is amended by removing, "and CPG 1–9, Non-discrimination in Federally Assisted Programs of FEMA."

9. In § 302.3, paragraph (a)(18) is amended by removing, "in accordance with Attachment P of OMB Circular A–102."

10. In § 302.3, paragraph (b) is revised to read as follows:

* * * * *

(b) Emergency Operations Plans (EOP's). (1) Each participating State shall have an EOP approved by the Regional Director and conforming with the requirements for plan content set forth in this part and in CPG 1–3, and in CPG 1–8 "Guide for the Development of State and Local Emergency Operations Plans" and in CPG 1–8A, "Guide for the Review of State and Local Emergency Operations Plans," which plan must provide for coordinated actions to be undertaken throughout the State in the event of attack and in the event of other disasters.

(2) Each subgrantee jurisdiction shall have a local EOP which conforms with the requirements for plan content as set forth in CPG 1–3 and CPG 1–8 and CPG 1–8A, and which has been approved by the local chief executive or other authorized official and accepted by the

Governor or other authorized State official as being consistent with the State's EOP.

* * * * *

§ 302.5 [Amended]

11. In § 302.5, paragraph (b)(5) is amended by revising the last sentence to read as follows: "Certain factors to be applicable to the allocation of the reserve fund will be determined and promulgated annually, based upon how such amount may best be used to increase the civil defense capability of the Nation."

12. In § 302.5, paragraphs (f) through (j) are revised and paragraphs (k) through (m) are added.

* * * * *

(f) In September of each year, based on applications received and recommendations by the Regional Directors, the Director will make a tentative allocation to the States. This will include adjustments for States that have indicated they will not be using the total of the formula distribution amount. States can then revise their earlier plans and applications to more nearly reflect the level of funding expected to become available.

(g) A State may provide to the Regional Director a preliminary annual submission in an amount not to exceed its tentative allocation.

(h) By September 30 (or as soon thereafter as feasible), the Director will make a formal allocation based on, or subject to, appropriation by Congress and allotment of the funds. This allocation for each State may include any additional amounts from the reserve portion of the EMA funds, and shall be in accordance with the regulations in this part and CPG 1–3.

(i) Upon the appropriation becoming available, and if requested by a State, the Regional Director may approve such State's preliminary annual submission (if found to meet all requirements in this part and CPG 1–3) in an appropriate amount which does not exceed the amount of the State's share of the Director's formal allocation of the Federal appropriation. An award document obligating Federal funds on the basis of the approved preliminary annual submission may be executed in accordance with the provisions of CPG 1–3.

(j) Based on and within 60 days after notification of its formal allocation, each State must provide to the Regional Director a final annual submission which meets all requirements in this part and CPG 1–3. If no changes are necessary, a State and the Regional Director may adopt in writing the State's preliminary annual submission as its final annual submission. If no award document was executed based on a State's preliminary annual submission, such document will be executed on the basis of that State's approved final annual submission.

(k) With regard to any State whose award document was executed pursuant to a preliminary annual submission covering only part of its formal allocation, upon approval (by the Regional Director) of the final annual submission (including a revised statement of work supporting the additional funding request) the Regional Director shall execute an amended award document obligating the balance of such State's formal allocation.

(l) In the event a State fails to provide an approvable final annual submission on time, the Director may reallocate that State's share of the funds or portions thereof as appropriate among the other States in such amounts as in the Director's judgment will best assure adequate development of the civil defense capability of the Nation.

(m) In addition, the Director may from time to time reallocate the amounts released by a State from its allocation as no longer being required for utilization in accordance with an approved annual submission and award document.

§ 302.8 [Amended]

13. 302.8, is amended by removing "50 U.S.C. App. 2251–2297" and adding in place thereof "50 U.S.C. App. 2251 et seq."

Dated: January 21, 1986.

Samuel W. Speck,

Associate Director, State and Local Programs and Support.

[FR Doc. 86–7962 Filed 4–10–86; 8:45 am]

BILLING CODE 6718–01–M

Proposed Rules

Federal Register
Vol. 51, No. 70
Friday, April 11, 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 51

United States Standards for Grades of Pistachio Nuts in the Shell

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes the establishment of voluntary United States Standards for Grades of Pistachio Nuts in the Shell. Industry has requested that standards be developed in order to provide a common trading language for this product. The Agricultural Marketing Service (AMS), in cooperation with industry, has the responsibility to develop and maintain current U.S. grade standards.

DATE: Comments must be received on or before May 27, 1986.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the Federal Register and will be made available for public inspection in the above office during regular business hours.

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 USDA Procedures and Executive Order 12291 and has been designated as "nonmajor." It would not result in an annual effect on the economy of $100 million or more. There would be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It would 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.

The Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

The U.S. pistachio nut industry began in California in the late 1960's and early 1970's with the planting of several thousand acres of pistachio trees. Production began in 1977 and the first true commercial harvest of 17.2 million pounds occurred in 1979. Since that time, U.S. production has increased dramatically. In 1974, Iran, Turkey, and Syria accounted for 96% of the world pistachio crop. Eight years later, the U.S. industry harvested 43.4 million pounds, a record 32% of world production. The U.S. harvest increased to 63.1 million pounds in 1984, and it is predicted to grow to 80 million or more pounds in 1990.

The U.S. industry began working toward a uniform trading language in the form of industry standards as early as 1977. In 1979, The California Pistachio Association was formed. It began as a group of growers, collectively working together to investigate and solve the unknowns the new industry faced. The Association formed a Grades and Standards Committee to work out an industry standard that would be used by all. The majority of the industry recognized that a standard would provide a way to establish product quality and value. However, everyone had their own ideas of what should be in a standard. The first standards were subject to frequent changes, were not used industry-wide, and were not recognized internationally.

In late 1981, the California Pistachio Association formally asked the U.S. Department of Agriculture (USDA) to begin work on developing U.S. Standards for Grades of Pistachio Nuts in the Shell. The Association requested that such standards be based on the California Pistachio Industry Grades of Pistachios, as developed by their Grades and Standards Committee earlier that year. Staff members of the Fruit and Vegetable Division of AMS, in cooperation with the Grades and Standards Committee, developed an informal draft of possible grade standards. It was worded with the same type language used in other USDA fresh products standards and followed the official Uniform Grade Nomenclature Policy adopted in July 1976. The draft was revised several times before it was distributed for industry-wide comment in the summer of 1982.

The final draft, or "Market survey" as it is referred to, contained U.S. Fancy and U.S. No. 1 grade requirements, tolerances, definitions of terms, and an explanation of scoring defects. The two grades had the same requirements, but different tolerances. During the comment period, USDA was requested to make a number of changes, including the addition of a third grade designated as U.S. No. 2. It was felt that a U.S. No. 2 grade would provide an outlet for pistachio nuts that could not meet the requirements of the higher grades, but still have substantial commercial value.

AMS again worked in cooperation with the Grades and Standards Committee of the California Pistachio Association to add a U.S. No. 2 grade to the market survey. In May 1985, the revised market survey, containing a U.S. No. 2 grade designation, was circulated for industry-wide comment.

The comments received suggested a number of changes, but, overall, indicated that the industry was satisfied with the revised market survey. The following changes have been made in the proposed rule and are a result of the comments AMS received on the May 1985, market survey:

(a) The tolerance for non-split shells has been increased in the U.S. No. 2 grade.

(b) The Tolerance for nuts under 26/64 inch in diameter in the "Small" size designation has been increased to five percent in all grades.

(c) The tolerance for shell pieces and blanks has been set at one percent in all grades.

(d) The tolerance for loose kernels has been set at four percent for the lot.

(e) The "Definitions" section has been reorganized to make it easier to

associate defects with the tolerance they are applied to.

(f) The section title "Qualifying Terms" has been deleted.

The following is the proposed voluntary United States Standards for Grades of Pistachio Nuts in the Shell.

List of Subjects in 7 CFR Part 51

Agricultural commodities

PART 51—[AMENDED]

It is proposed that 7 CFR Part 51 be 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. By adding a new subpart, Subpart—United States Standards for Grades of Pistachio Nuts in the Shell, as follows:

Subpart—United States Standards for Grades of Pistachio Nuts in the Shell

Sec.

Subpart—United States Standards for Grades of Pistachio Nuts in the Shell

§ 51.2540 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to pistachio nuts in the shell which may be in a natural, dyed, raw, roasted, or salted state; or in any combination thereof.

§ 51.2541 Grades.

"U.S. Fancy," "U.S. No. 1", and "U.S. No. 2" consist of pistachio nuts in the shell which meet the following requirements.

(a) Basic requirements:
(1) Free from:
(i) Foreign material;
(ii) Loose kernels;
(iii) Shell pieces;
(iv) Particles and dust; and,
(v) Blanks.
(b) Shells:
(1) Free from:
(i) Non-split shells; and
(ii) Shells not split on suture.
(2) Free from damage by:
(i) Adhering hull material;
(ii) Light stained;
(iii) Dark stained; and,
(iv) Other External (shell) defects.
(c) Kernels:
(1) Well dried, or, very well dried when specified in connection with the grade.
(2) Free from damage by:
(i) Minor mold;
(ii) Immature kernels;
(iii) Kernel spots; and,
(iv) Other Internal (kernel) defects.
(3) Free from serious damage by:
(i) Minor insect or vertebrate injury;
(ii) Insect damage;
(iii) Mold;
(iv) Rancidity;
(v) Decay; and,
(vi) Other Internal (kernel) defects.
(d) The nuts are of a size not less than $^{29}/_{64}$ inch in diameter as measured by a round hole screen.
(e) For tolerances see § 51.2542.

§ 51.2542 Tolerances.

(a) In order to allow for variations incident to proper grading and handling, the tolerances in Tables I, II, III and paragraph (b) are provided.

TABLE I

Factor—External (shell) defects (tolerances by weight)	Percent		
	U.S. Fancy	U.S. No. 1	U.S. No. 2
(a) Non-split and not split on suture	2	3	6
(1) Non-split, included in (a)	1	2	4
(b) Adhering hull material	1	1	2
(c) Light stained	7	12	20
(1) Dark stained, included in (c)	2	3	4
(d) Damage by other means	1	1	1
(e) Less than $^{29}/_{64}$ inch in diameter,			
(1) Small size	5	5	5
(2) Medium, Large, Extra large sizes	1	1	1

TABLE II

Factor—Internal (kernel) defects (tolerances by weight)	Percent		
	U.S. Fancy	U.S. No. 1	U.S. No. 2
(a) Damage	3	6	8
(b) Serious Damage	3	4	5
(1) Insect damage, included in (b)	1	2	3
Total internal defects shall not exceed	5	9	10

TABLE III

Factor—Other defects (tolerances by weight)	Percent		
	U.S. Fancy	U.S. No. 1	U.S. No. 2
(a) Shell pieces and blanks	1	1	1
(b) Foreign material (No tolerance for glass, metal or live insects)	.25	.25	.25
(c) Particles and dust	.25	.25	.25

(b) No lot shall contain more than 4 percent loose kernels, by weight.

§ 51.2543 Application of Tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample drawn from containers throughout the lot. Any container or group of containers which have nuts obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2544 Size.

Nuts may be considered as meeting a size designation specified in Table IV or a range in number of nuts per ounce, provided, the weight of 10 percent, by count, of the largest nuts in a sample does not exceed 1.70 times the weight of 10 percent, by count, of the smallest and the average number of nuts per ounce is not more than one-half nut above or below the extremes of the range specified.

TABLE IV

Size designation	Average No. of Nuts per ounce [1]
Extra Large	20 or less.
Large	21 to 25.
Medium	26 to 30.
Small	31 or more.

[1] Before roasting.

§ 51.2545 Definitions.

(a) "Well dried" means the kernel is firm and crisp.

(b) "Very well dried" means the kernel is firm and crisp and the average moisture content of the lot does not exceed 7.00 percent or is specified (See § 51.2546).

(c) "Loose kernels" means edible kernels or kernel portions which are out of the shell and which cannot be considered particles and dust.

(d) "External (Shell) Defects" means any blemish affecting the hard covering around the kernel. Such defects include, but are not limited to non-split shells, shells not split on suture, adhering hull material, light stained, or dark stained.

(1) "Damage" by external (shell) defects means any specific defect described in paragraph (d)(1) (i) through (v) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual shell or of the lot (For tolerances see § 51.2542, Table 1).

(i) "Non-split shells" when shells are not opened or are partially opened and will not allow an $^{18}/_{1000}$ (.018) inch thick by ¼ (.25) inch wide guage to freely slip into the opening.

(ii) "Not-split on suture" when shells are split other than on the suture and will allow an $^{18}/_{1000}$ (.018) inch thick by ¼ (.25) inch wide guage to freely slip into the opening.

(iii) "Adhering hull material" when an aggregate amount covers more than one-sixteenth of the total shell surface, or

when readily noticable on dyed shells.

(iv) "Light stained," on raw or roasted nuts, when an aggregate amount of yellow to light brown or light gray discoloration is noticeably contrasting with the predominate color of the shell and affects more than one-fourth of the total shell surface, or, on dyed nuts, when readily noticeable.

(v) "Dark stained," on raw or roasted nuts, when an aggregate amount of dark brown, dark gray or black discoloration affects more than one-eighth of the total shell surface, or, on dyed nuts, when readily noticeable.

(e) "Internal (Kernel) Defects" means any blemish affecting the kernel. Such defects include, but are not limited to evidence of insects, immature kernels, rancid kernels, mold, or decay.

(1) "Damage" by internal (kernel) defects means any specific defect described in paragraphs (e)(1) (i) through (iii) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot (For tolerances see § 51.2542, TABLE II).

(i) "Minor white or gray mold" when not readily noticeable on the kernel and which can be easily rubbed off with the fingers.

(ii) "Immature kernels" when they are excessively thin or when a kernel fills less than three-fourths, but not less than one-half the shell cavity.

(iii) "Kernel spots" when dark brown or dark gray and aggregating more than one-eight of the surface of the kernel.

(2) "Serious damage" by internal (kernel) defects means any specific defect described in paragraph (e)(2) Ii) through (v) of this section or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or the marketing quality of the individual kernel or of the lot. (For tolerances see § 51.2542, TABLE II).

(i) "Minor insect or vertebrate injury" when the kernel shows conspicuous evidence of feeding.

(ii) "Insect damage" when an insect, insect fragment, web or frass is attached to the kernel. No live insects shall be permitted.

(iii) "Mold" when any type is readily visible on the shell or kernel

(iv) "Rancidity" means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(v) "Decay" when any portion of the kernel is decomposed.

(f) "Other defects" means defects which cannot be considered internal defects or external defects. Such defects include, but are not limited to shell pieces, blanks, foreign material or particles and dust. The following shall be considered other defects. (For tolerances see § 51.2542. TABLE III).

(1,) "Shell pieces" means half shells or pieces of shell which are loose in the sample.

(2) "Blank" means a split or a non-split shell not containing a kernel or containing a kernel that fills less than one-half the shell cavity.

(3) "Foreign material" means leaves, sticks, loose hulls or hull pieces, dirt, rocks insects or insect fragments not attached to nuts, or any substance other than pistachio shells or kernels. There shall be no tolerrance for glass, metal or live insects.

(4) "Particles and dust" means pieces of nut kernels which will pass through a $\frac{5}{64}$ inch round opening.

§ 51.2546 Average moisture content determination.

(a) Determining average moisture content of the lot is not a requirement of the grades, except when nuts are specified as "very well dried." It may be carried out upon request in connection with grade analysis or as a separate determination.

(b) Nuts shall be obtained from a randomly drawn composite sample and only kernels shall be used for analysis. Shells and all non-kernel material shall be removed immediately before analysis. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not offically approved may be reported and shall include a description of the method or device and the owner of any equipment used.

Done in Washington, DC, on April 7, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-8042 Filed 4-10-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 86-ANM-6]

Proposed Alternation of Malmstrom Air Force Base (AFB) Control Zone, Great Falls, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to redefine the Malmstrom AFB Control Zone, Great Falls, Montana. The current description contains a reference to the Sand Coulee VOR which has been decommissioned. In reviewing the description, it has been determined that it requires redefining not only due to the Sand Coulee VOR decommissioning but to ensure protection of instrument approaches from the southwest.

DATES: Comments must be received on or before June 9, 1986.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 86-ANM-6, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Regional Counsel's office at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Katherine G. Paul, ANM-535, Federal Aviation Administration, Docket No. 86-ANM-6, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ANM-6". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule.

The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for

examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to redefine the Malmstrom AFB Control Zone to delete reference to the Sand Coulee VOR and to ensure protection of instrument approaches from the southwest.

Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6B dated January 2, 1986.

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

List of Subjects in 14 CFR Part 71

Control zones, Aviation safety

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

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

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

§ 71.171 [Amended]

2. By amending § 71.171 as follows:

Great Falls, Malmstrom AFB Control Zone

Within a 5-mile radius of the Malmstrom AFB airport (lat. 47°30'21.18" N, long. 111°11'02.47" W); within 3 miles each side of the 043° bearing from the airport extending from the 5-mile radius are to 7-miles northeast of the airport; within 2-miles each side of the Malmstrom TACAN (lat. 47°30'15.16" N, long. 111°10'52.18" W) 037° radial extending from the 5-mile radius area to 10-miles northeast of the TACAN; within 5-miles each side of the TACAN 228° radial extending from 17.5 miles southwest of the TACAN to the 7.5-miles southwest of the TACAN and 2-miles each side of the TACAN 228° radial extending from 7.5-miles southwest of the TACAN to the 5-mile radius area; and excluding those portions within the Great Falls International Airport control zone.

Issued in Seattle, Washington, on April 3, 1986.

John P. Cuprisin,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 86–8113 Filed 4–10–86; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 917

National Sea Grant Program Funding Regulations; Identification of Updated National Needs

AGENCY: Office of Sea Grant and Extramural Programs, National Oceanic and Atmospheric Administration (Commerce).

ACTION: Proposed rule; Preliminary Update to National Needs.

SUMMARY: The Sea Grant Improvement Act of 1976 (Pub. L. 94–461) specifies that the Secretary of Commerce shall identify national needs and problems with respect to ocean and coastal resources. This responsibility has been delegated to the Administrator of the National Oceanic and Atmospheric Administration by the Secretary. In accordance with that requirement, a list was published in the **Federal Register** in August 1978. Since then, priorities have changed, and an updating of the original list has become necessary. The statements below represent the current national needs with respect to ocean and coastal resources. There is no priority significance intended by their numerical sequence. The ordering of the statements was based on a thematic grouping of related concepts, not relative importance.

DATES: Comments must be submitted in writing and received on or before May 7, 1986. Following the end of the comment period, Sea Grant will review all comments received and make a decision on whether to make any changes to this list. A notice will be placd in the **Federal Register** announcing the determination.

ADDRESS: Comments should be sent to the National Sea Grant College Program, R/SE, 6010 Executive Boulevard, Room 812, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Dr. Ned A. Ostenso, Director, (301) 443–8923.

SUPPLEMENTARY INFORMATION:

List of Subjects in 15 CFR Part 917

Coastal zone, Grant Programs, Natural resources, Marine resources.

PART 917—[AMENDED]

1. The authority for 15 CFR Part 917 continues to read as follows:

Authority: Pub. L. 94–461, 90 stat. 1961, 1965; 33 U.S.C. 1121 et seq.

2. Section 917.21 is amended in paragraph (c) by removing paragraphs (c)(1) through (15) and adding new paragraphs (c)(1) through (32).

§ 917.21 National needs and problems.

* * * * *

(c) * * *

(1) Improve the prediction of extreme natural events and their effects in coastal and continental shelf locations.

(2) Improve the predictability of global sea-level change and determine the impact of this change on coastal areas.

(3) Define the processes that determine ocean variability on the time scale of a few weeks to a few years, and the relationship to fluctuations in global and regional climate, primary productivity, and fisheries production.

(4) Improve understanding of the flow fields and mixing processes on the continental shelves of the United States.

(5) Develop an increased understanding of the arctic and antarctic environment and a capability to predict the special hazards posed to transportation and resource development.

(6) Develop an increased capability to characterize the engineering properties of ocean bottom sediments.

(7) Reduce the recurring economic loss due to corrosion of structures, vessels, and other devices in the marine environment.

(8) Gain a fundamental understanding of the processes by which biological fouling and associated corrosion are initiated upon material surfaces exposed to seawater.

(9) Investigate methods to improve man's underwater capability to conduct undersea research and perform useful work.

(10) Investigate the wider application of remotely operated and artificial intelligence techniques for vehicles for undersea activities.

(11) Expand/improve ocean remote sensing technologies.

(12) Advance knowledge of acoustics in the ocean and ocean bottom in order to exploit the burgeoning acoustics technologies.

(13) Develop cost-effective, real-time, in-situ monitoring techniques.

(14) Improve the position of the U.S. seafood industry in world seafood markets.

(15) Design more efficient mechanisms to allocate U.S. fish resources in ways which minimize industry dislocations.

(16) Gain a fundamental understanding of the biological productivity of estuarine and coastal waters.

(17) Conduct research leading to the restoration and/or enhancement of heavily exploited fishery stocks.

(18) Improve the capability for predicting yields, age-class strength, and long-term population status of important fisheries.

(19) Conduct research to increase the economic potential of low-value, high-volume fish products.

(20) Develop productive and profitable aquaculture industries in the United States and technology that can be exported to other regions of the world with different climate, cultural, and economic constraints.

(21) Explore marine biochemicals as sources of chemical feedstocks, enzymes, pharmacological substances, and other bioactive agents such as pesticides.

(22) Apply modern biotechnology to exploiting marine plants, animals, and microorganisms for goods and services.

(23) Develop rapid, efficient, and specific methods for assaying the potential of marine organisms to communicate disease to humans.

(24) Develop innovations that would promote safe, nondestructive, recreational access to and use of marine and Great Lakes water.

(25) Re-examine the ocean as an appropriate place for the disposal of wastes from land-based society.

(26) Conduct research for realizing the economic potential of the resources of the U.S. 200-mile Exclusive Economic Zone.

(27) Investigate the effect of seafloor hydrothermal systems in the seafloor, oceans, and atmosphere.

(28) Develop a better understanding of the value the marine sector contributes to the U.S. economy and culture.

(29) Improve the competitive position of American ports in the face of rapid technological and social change.

(30) Improve the capability of developing nations to address their marine resource needs.

(31) Develop educational programs to increase application of marine sector research.

(32) Develop syntheses of and better access to existing multidisciplinary marine information.

Dated: March 26, 1986.

Joseph O. Fletcher,

Assistant Administrator for Oceanic and Atmospheric Research National Oceanic and Atmospheric Administration, NOAA.

[FR Doc. 86-7245 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-12-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-041]

Health and Safety Standards; Occupational Exposure to 1,3-Butadiene

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

ACTION: Notice; Response to the Environmental Protection Agency (EPA) under Section 9(a) of the Toxic Substances Control Act (TSCA).

SUMMARY: This notice was prepared in response to the EPA notice of October 10, 1985, (50 FR 41393) which announced that EPA was referring 1,3-Butadiene (BD) to OSHA under section 9(a) of TSCA. In its referral report, EPA concluded that the manufacture of BD and its processing into polymers present an unreasonable risk of injury to the health of exposed workers.

OSHA reviewed the available information including EPA's findings and all submissions received in response to OSHA's request for comments of December 27, 1985, (50 FR 52952) on EPA's referral report.

On the basis of this information, OSHA has preliminarily concluded that BD poses risk to the occupationally exposed population at the current OSHA permissible exposure limit (PEL), and that that risk can be reduced or prevented through the promulgation of a revised standard under the authority of section 6(b) of the OSH Act. Further, OSHA believes, on the basis of preliminary evaluation of a data, that reducing PEL for workers' exposure to BD is economically and technologically feasible.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3641, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I. Background

1. Chemical and Physical Characteristics

The chemical 1,3-Butadiene (BD); Chemical Abstracts Service Registry Number 106-99-0; is a colorless, noncorrosive, flammable gas at standard ambient temperature and pressure with a mild aromatic odor. It has a molecular weight of 54.1, boiling point of −4.7 °C at 760 mm Hg and a Lower Explosive Limit (LEL) of 2% and Upper Explosive Limit (UEL) of 11.5%. It is highly reactive, dimerizes to 4-vinylcychlohexane, and polymerizes easily. Because of its low odor threshold, high flammability and explosiveness, BD has been handled with extreme care in industry.

BD is a major commodity product of the petrochemical industry. Total U.S. consumption of BD in 1981 was 3.5 billion pounds. About 70% is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobiles and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

2. History of the Standard

The present OSHA standard for BD requires employers to assure that employee exposure does not exceed 1,000 parts per million parts of air (ppm) determined as an 8-hour time-weighted average (TWA) (29 CFR 1910.1000, Table Z-1). This standard was adopted by OSHA in 1971 pursuant to Section 6(a)

of the OSH Act, 29 U.S.C. 655. The source of this standard was the Threshold Limit Value (TLV) for BD developed in 1968 by the American Conference of Governmental Industrial Hygienists (ACGIH). This TLV was developed to prevent irritation and narcosis effects.

In 1983, the National Toxicology Programs (NTP) released the results of an animal study indicating that BD causes cancer in rodents (Ex. 23–1). Based on the strength of these animal studies, ACGIH in 1983 classified BD as an animal carcinogen, and in 1984 recommended a new TLV of 10 ppm. On the same basis, the National Institute for Occupational Safety and Health (NIOSH) published on February 9, 1984, a Current Intelligence Bulletin (CIB) recommending that BD be regarded as a potential occupational carcinogen, teratogen and a possible reproductive hazard. On January 5, 1984, OSHA published a Request for Information (RFI) jointly with EPA (490 FR 844). Comments were to be submitted to OSHA by March 5, 1985. The comment period, on April 4, 1984, was extended until further notice (49 FR 13389). EPA published concurrently with OSHA's RFI, a notice announcing the initiation of a 180 day review under the authority of section 4(f) of TSCA (49 FR 845).

Petitions for an Emergency Temporary Standard (ETS) of 1 ppm or less for workers' exposure to BD were submitted to OSHA on January 23, 1984, by the United Rubber, Cork, Linoleum and Plastic Workers of America (URW), the Oil, Chemical and Atomic Workers (OCAW), the International Chemical Workers Union (ICWU), and American Federation of Labor and Congress of Industrial Organizations (AFL–CIO). OSHA on March 7, 1984, denied the petitions on the ground that the agency was still in the process of evaluating the health data to determine whether regulatory action was appropriate.

On May 15, 1984, EPA published an Advance Notice of Proposed Rulemaking (ANPR) (49 FR 20524). Information received in response to this ANPR was used by EPA in developing risk assessments. Subsequently, EPA identified BD as a probable human carcinogen (Group B2), and concluded that current exposures during the manufacturing of BD and its processing into polymers presented an unreasonable risk of injury to human health. Additionally, EPA determined that the risks associated with exposue to BD may be reduced to a sufficient extent by action taken under the OSH Act.

Following these findings, EPA, in accordance with section 9(a) of TSCA (15 U.S.C. 2608), on October 10, 1985, referred BD to OSHA to give this agency an opportunity to regulate under the OSH Act. EPA requested OSHA to determine if the risks described in the EPA report may be prevented or reduced to a sufficient extent by action taken under the OSH Act. If such a determination is made, then OSHA was requested to issue an order declaring whether the manufacture and use described in the report present the risk therein described. EPA requested OSHA to respond within 180 days, by April 8, 1986 (50 FR 41393).

On December 27, 1985, OSHA published a notice (50 FR 52952) soliciting public comments on EPA's referral report.

In this notice, OSHA is responding to the EPA referral by making a preliminary determination that an OSHA standard limiting occupational exposure to BD could sufficiently prevent or reduce the risk of exposure, and that such risk has been accurately described by EPA in the report.

II. Summary of OSHA's Evaluation, Analyses and Findings

1. Health Effects Associated With Exposure to BD

In assessing the potential health hazards to workers exposed to this chemical, OSHA evaluated the carcinogenicity evidence in both animal and human studies. The summary of OSHA's preliminary evaluation is shown below.

A. Animal Studies

BD was found to be a cancer causing agent in two animal species. Two independent chronic inhalation studies sponsored by the National Toxicological Programs (NTP) and the International Institute of Synthetic Rubber Producers (IISRP) were completed in 1983 (Exs. 23–1; 2–31).

In the NTP study (Ex. 23–1), groups of 50 B6C3F1 mice of each sex were exposed to 0 ppm, 625 ppm and 1250 ppm for six hours a day, five days a week for 60 weeks. The carcinogenicity of BD in male and female B6C3F1 mice was shown by a statistically significant increase of incidences and early induction of hemangiosarcomas of the heart, and malignant lymphomas.

Among the other increased incidences of tumors were alveolar/bronchiolar adenomas and carcinomas, and papillomas of the stomach in males and females; and of acinar cell carcinomas of the mammary gland, granulosa cell tumors of the ovary, and hepatocellular adenomas and adenomas or carcinomas (combined) in females. Additionally, BD was associated with non-neoplastic lesions in the respiratory epithelium, liver necrosis, and testicular or ovarian atrophy.

In the ISSRP study (Ex. 2–31), groups of 100 Sprague-Dawley rats of each sex were exposed to BD at concentrations of 0 ppm, 1,000 ppm, and 4,000 ppm for 6 hours per day, 5 days per week for 105–111 weeks. Significantly increased incidences of mammany gland tumors, zymbal gland carcinomas, follicular cell tumors of the thyroid gland, and uterine stormal carcinomas in females and increased incidences of Leydig cell tumors and pancreatic exocrine tumors in males were observed.

The above studies were reviewed by EPA's scientists and the NTP's Board of Scientific Counselors. They determined that the data is valid and concluded that BD is a potent carcinogen in B6C3F1 mice as shown in the NTP study, and a weak carcinogen to Sprague-Dawley rats as shown in the IISRP study.

However, several commentators (Exs. 17–23; 17–25) expressed concerns regarding the conclusiveness of the reported carcinogenicity findings in the NTP study (Ex. 23–1), due to some deviations from good laboratory practices or inconsistencies in the study protocol. Since OSHA is primarily relying on the NTP study in assessing the cancer hazard posed to BD workers, OSHA analyzed this animal study and its associated audit reports.

OSHA's review indicates that the NTP study (Ex. 23–1) was not published until after NTP conducted a detailed evaluation of the discrepancies indicated in its audit report (Ex. 17–23). The NTP Board of Scientific Counselors concluded that "no data discrepancies were found that influenced the final interpretations of these experiments" (Ex. 23–1). In addition to the above, and as a result of a specific audit performed by the Chemical Manufacturers Association (CMA) (Ex. 17–25), NTP responded to CMA's concerns and reaffirmed on December 17, 1985, its previous conclusion regarding the validity of the study (Ex. 22–3). Furthermore, an independent review by EPA of the NTP study concluded that the NTP study is valid (Ex. 17–26). OSHA's preliminary evaluation of the studies and their audit reports has lead OSHA to agree with the NTP's and EPA's conclusions.

Furthermore, OSHA has determined that, despite some deviations from good laboratory practices, the magnitude of the carcinogenicity evidence in the NTP animal studies warrants regulatory action. OSHA realizes the importance of good laboratory practices in studies that

form the basis for Agency regulations. Even though good laboratory practices were not precisely followed in this NTP study, the agency does not believe the study is critically flawed. The carcinogencity evidence, especially the rare tumors such as hemangiosarcomas of the heart, cannot be disregarded.

Carcinogenic effects of BD have also been confirmed in a subsequent study conducted by the Chemical Industry Institute of Toxicology (CIIT), using B6C3F1 mice exposed through inhalation to 1250 ppm of BD for 6 hours per day (Ex. 22–7). Although this study was not designed to quantify tumor incidences, preliminary data have confirmed that murine thymic lymphoma to be the primary cause of death following chronic exposure to BD in male B6C3F1 mice.

Therefore, OSHA's preliminary conclusion is consistent wiht the conclusions of both the EPA and NTP's Board of Scientific Counselors, which determined that there were no discrepancies in the data of sufficient magnitude to warrant the invalidation of the NTP results. Even though the study may be regarded as "less than perfect," the results clearly show that BD is an animal carcinogen. These findings certainly heighten concerns that the current OSHA's PEL is inadequate.

B. Epidemiologic Studies

Six epidemiologic studies were reviewed by EPA to assess the human carcinogenicity of BD (Ex. 17–27). Four studies are of rubber workers (Exs. 23–3; 23–4; 23–5; 23–6), and two studies are of styrene-butadiene workers (Exs. 2–26; 2–27). Four studies reported increases in mortality from cancer of the lymphopoietic system and three studies reported increases in mortality from leukemia. Two studies indicated significantly elevated mortality from stomach neoplasms. The different findings between studies may be due to confounding exposures. Sicne the epidemiologic studies do not separate the contribution of BD exposure from the contributions of other occupational exposures, and because they lack historical exposure data, EPA concluded that the studies were inadequate, and neither the existence nor the absence of a link between BD and human cancer could be established. OSHA's preliminary conclusion is consistent with that reached by EPA.

2. Occupational Exposures and Control Measures

EPA estimates that the exposed population in the monomer and polymer industries are 480–740 and 4800–7500 workers, respectively (Ex. 17–3). OSHA emphasizes that, especially for the polymer industry, these figures are only estimates. EPA is currently gathering additional exposure information on the polymer and end use industrial sectors, which will permit a more accurate exposure profile to be developed.

With regard to prevailing exposure levels, CMA's survey of fourteen monomer procedures indicated that 91% of workers were exposed to less than 10 ppm (Ex. 2–21). IISRP obtained data from eight North American polymer plants during the period from 1978 to 1984. Almost 95% of the samples were less than 10 ppm although 1 out of 1,672 samples (0.06%) was in the 500 to 1,000 ppm range (Ex. 3–21).

OSHA's preliminary evaluation of available information indicates that exposures can be controlled by instituting engineering controls, imporving work practices or requiring employees to use personal protective equipment. The use of engineering controls; such as dual mechanical seals to prevent BD leaks from pumps and compressors, closed loop sampling techniques, and basic industrial ventilation designs, would contribute significantly to the reduction of exposure levels in the workplace. The use of work practice controls; such as establishing defined schedules for leak testing packing glands and seals, decontaminating equipment before work is performed, purging sampling containers to outside atmosphere, testing confined areas before entering or performing work, using personal protective equipment such as respirators, and subsituting the chemical if feasible, would further reduce worker exposure.

3. The Assessment of Risk

EPA conducted two risk assessments (OTS, Ex. 17–5 and CAG, Ex. 17–21). EPA estimated that workers exposed to BD in both the monomer and polymer industries face lifetime individual risks ranging from 1:10,000 to 1:1, depending on the level of exposure. EPA further estimated that, there are 22 to 80 and 148 to 838 extra lifetime cancer cases expected in the monomer and polymer industries, respectively (Ex. 17–3). These ranges of extra lifetime cancer cases depend on worker's exposure levels and represent the upper limit risk.

OSHA is currently conducting its own risk assessment. Although this risk assessment has yet to be completed, OSHA believes that the magnitude of risk shown in EPA's risk assessments are suggestive that exposures at the current OSHA PEL pose risk to exposed workers, and that that risk may be significant. OSHA's record reflects agreement that reduction of the current PEL may reduce that risk (Dow Chemical, Ex. 22–4; Chemical Manufactures Association, Ex. 22–7; Amoco Corp., Ex. 24–1; the AFL–CIO (Oil Chemical and Atomic Workers (OCAW) and United Rubber Workers (UAW), Ex. 24–3); and IISRP, Ex. 24–4).

4. Technological Feasibility and Economic Analysis

EPA prepared a Regulatory Impact Analysis that assessed the cost of installing engineering equipment to control BD exposures and concluded that "the imposition of engineering controls should not materially effect the market for butadiene" (Ex. 17–30). Several companies have also submitted cost data (Exs. 22–1; 24–4). OSHA's preliminary evaluation of the available information suggests that it would be technologically and economically feasible to implement engineering controls and other protective measures which may be necessary in order to reduce occupational exposures. OSHA intends to develop a more detailed assessment prior to publishing a proposed standard.

5. The Reduction of Risk to a Sufficient Extent by Action Taken Under the OSH Act

Exposure to BD appears to occur primarily in the workplace. The OSH Act is the primary statute for protecting the health and safety of workers and allows OSHA to regulate exposures to chemicals in the workplace. OSHA can effectively reduce potential exposure through the reduction of the current permissible exposure limit. Further, in addition to engineering controls and work practices, exposure reductions can be achieved through the use of personal protective equipment, labeling, worker exposure monitoring, medical surveillance, and other industrial hygiene practices.

III. Determination and Order

After careful considerations of 1) the EPA report (Ex. 17–3); 2) the relevant materials regarding occupational exposure to BD in both the EPA and OSHA dockets: 3) the EPA Regulatory Impact Analysis of 1,3-Butadiene (Ex. 17–30) and 4) EPA's risk assessments by OTS (Ex. 17–5) and CAG (Ex. 17–21), OSHA hereby makes the following Determination and Order:

"Occupational exposure to BD poses a risk to workers that can be prevented or reduced to a sufficient extent by a workplace standard promulgated and enforced by OSHA."

The above Determination and Order is issued pursuant to section 9(a) of TSCA and is based on all of the information available to OSHA at this time. However, the rulemaking authority found in section 6 of the OSH Act provides the procedures and requirements for promulgating occupational safety and health standards. These procedures and requirements allow for the development of a complete rulemaking record with full participation by interested parties. Nothing in this document shall serve to diminish any right, requirement, or procedure established by the OSH Act, including the right to a hearing and the obligation to base a standard on substantial evidence in the record considered as a whole.

IV. Authority

This Notice was prepared under the direction of Patrick R. Tyson, Acting Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210.

It is issued pursuant to section 9(a) of the Toxic Substances Control Act (TSCA) (90 Stat 2030 (15 U.S.C. 2608); and Secretary of Labor's Order No. 9–83 (48 FR 35736)).

Signed at Washington, DC, this 8th day of April, 1986.

Patrick R. Tyson,

Acting Assistant Secretary of Labor.

[FR Doc. 86–8200 Filed 4–9–86; 10:06 am]

BILLING CODE 7600–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM–166V; Notice No. 86–2]

Hazardous Materials; Uranium Hexafluoride

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

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA is proposing an amendment to the Hazardous Materials Regulations (HMR) to clearly specify certain safety control measures that must be employed before uranium hexafluoride (UF_6) is offered for transportation. RSPA believes this action is necessary to further increase safety in the transportation of UF_6 because of its potential chemical hazard in addition to its limited radiological hazard.

DATE: Comments must be received on or before July 1, 1986.

ADDRESS: Address comments to: Dockets Branch, Office of Hazardous Materials Transportation, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and notice number and be submitted, if possible, in 5 copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh St., SW., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: A. Wendell Carriker, Technical Division, Office of Hazardous Materials Transportation, 400 Seventh St. SW., Washington, D.C. 20590, (202) 426–2313.

SUPPLEMENTARY INFORMATION:

Background

On January 4, 1986 there was a non-transportation accident involving uranium hexafluoride (UF_6) at the Kerr-McGee plant near Gore, Oklahoma. Based on preliminary information about the accident, which was investigated by the Nuclear Regulatory Commission (NRC), RSPA convened a review group to consider the chemical hazards of UF_6, which is classed as a radioactive material, and to examine the adequacy of the HMR in addressing the hazard potential of this material.

UF_6 is offered for transportation either as a fissile material (containing more than 1% of U–235) or a low specific activity (LSA) material. In either case, the potential chemical hazard of the material is the same and is likely to be much more significantly than its radiological hazard in the event of a breach of containment resulting from a transportation accident.

A complete copy of the Review Group's report and correspondence between the NRC and RSPA are on file in the public docket. The report includes a detailed discussion of UF_6 including the larger packagings presently employed for its transportation, the risks associated with exposure to fire, recommendations relative to changes in the regulations, and modification of Guide 66 in the Emergency Response Guidebook (ERG) which is devoted to UF_6 incidents. RSPA agrees with the recommendations of the Review Group and this NRPM constitutes, in part, action in response to their recommendations. Changes to Guide 66 of the ERG will be forthcoming in the 1987 edition.

Discussion of proposal

Present regulations are more specific for fissile UF_6 than for LSA UF_6. Implementation of detailed requirements for fissile UF_6 is via incorporation by reference of U.S. Department of Energy Report No. ORO–651 and American National Standards Institute (ANSI) Standard N14.1–1982. While there is no indication that any shipments (LSA or Fissile) have been offered for transportation in nonconformance with one or both of these standards, RSPA believes that certain safety control measures should be specifically stated by rule for both categories of UF_6 since they are essential to the continued safe transportation of UF_6.

It is proposed to add a new § 173.420 to address packaging requirements for both fissile UF_6 and LSA UF_6. The new section would specifically reference ANSI N14.1–1982 with regard to the construction, cleaning, repairs, periodic inspections and tests of packagings used for UF_6. Filing requirements would be specified to (1) require that UF_6 be in solid form prior to being offered for transportation, (2) limit the volume of solid UF_6 at 70 °F. to a maximum of 61% of the volumetric capacity of the packaging in which it is shipped and (3) require that pressure in the filled packaging be less than 14.7 psia at 70 °F. The entries of UF_6 in the § 172.101 Hazardous Materials Table would be amended to reference § 173.420 for specific packaging requirements, in addition to § 172.417 for fissile material and § 173.425 for LSA material.

Copies of ANSI N14.1–1982 may be obtained from the American National Standards Institute, Inc. 1430 Broadway, New York, N.Y. 10018.

Administrative Notices

The RSPA has determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (40 U.S.C. 4321 et seq.) A regulatory evaluation is available for review in the docket. Based on limited information concerning the size and nature of entities likely affected, I certify that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Hazardous materials table.

49 CFR Part 173

Hazardous materials transportation, Packaging, Radioactive materials.

In consideration of the foregoing, 49 CFR Parts 172 and 173 would be amended to read as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. The authority citation for Part 172 would continue to read as follows:

Authority: 49 U.S.C. 1803, 1804, 1805, 1808; 49 CFR Part 1, unless otherwise noted.

§ 172.101 [Amended]

2. In the § 172.101 Hazardous Materials Table:

a. For the entry "Uranium hexafluoride, fissile *(containing more than 1% U-235)*", the column (5) (b) section reference would be revised to read "173.417, 173.420".

b. For the entry "Uranium hexafluoride, low specific activity", the column (5)(b) section reference would be revised to read "173.420, 173.425".

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. The authority citation for Part 173 would continue to read as follows:

Authority: 49 U.S.C. 1803, 1084, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

4. A new § 173.420 would be added to read as follows:

§ 173.420 Uranium hexafluoride (fissile and low specific activity).

(a) In addition to any applicable requirements in § 173.417, § 173.421 and § 173.425, uranium hexafluoride, fissile or low specific activity, shall be packaged in conformance with the following requirements:

(1) Before filling, packagings shall be cleaned in accordance with Appendix A of American National Standard N14.1–1982;

(2) Packagings must be designed, fabricated, inspected and tested in accordance with American National Standard N14.1–1982;

(3) Uranium hexafluoride must be in solid form when offered for transportation;

(4) The volume of the solid uranium hexafluoride at 70 °F must not exceed 61% of the volumetric capacity of the packaging; and,

(5) The pressure in the package at 70 °F must be less than 14.7 psia.

(b) Packagings of uranium hexafluoride must be periodically inspected and tested in accordance with American National Standard N14.1–1982.

(c) Each repair to a packaging for uranium hexafluoride shall be performed in conformance with American National standard N14.1–1982.

Issued in Washington, D.C. on April 8, 1986 under authority delegated in 49 CFR Part 106, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 86–8123 Filed 4–10–86; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1042

[Ex Parte No. MC–65 (Sub-6)]

Passenger Motor Carrier Superhighway and Deviation Rules; Request for Comments

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental request for comments to notice of petition for rulemaking.

SUMMARY: In response to a petition filed by Trailways, Inc., a notice was published in the **Federal Register**, of February 1, 1979 (at 44 FR 6580), seeking comments on a proposal to amend the Superhighway Rules—Motor Common Carriers of Passengers at 49 CFR 1042.1, and the Deviation Rules—Motor Carriers of Passengers at 49 CFR 1042.2. The proposed changes would liberalize the circumstances under which regular-route motor carriers of passengers could conduct operations over superhighways and alternate routes. Comments were filed by several motor carriers as well as by Federal and State agencies. No action was taken, partially in light of the expectation of passage of passenger carrier reform legislation. Liberalized entry standards were promulgated under the Bus Regulatory Reform Act of 1982, Pub. L. 97–261, 96 Stat. 1102, September 20, 1982. However, under the Bus Act, passenger motor carriers are able to obtain new operating authority under highly-relaxed and expedited procedures. These authorities would include operations similar to those that would be available under the proposal. Because of this fact and the staleness of the record, we are now inquiring whether any interest exists in continuing to pursue the matters raised in the petition and seeking comments on whether to continue the proceeding.

DATE: Comments are due May 12, 1986.

ADDRESSES: The original and, if possible, 10 copies of comments should be sent to: Ex Parte No. MC–65 (Sub-No. 6), Case Control Branch, Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Richard R., Hartley, (202) 275–7786.

or

Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: In 1979, we noticed a proposal by Trailways, Inc., to amend the Superhighway Rules—Motor Common Carriers of Passengers at 49 CFR 1042.1 and the Deviation Rules—Motor Carriers of Passengers at 49 CFR 1042.2. The proposed changes would liberalize the circumstances under which regular-route motor carriers of passengers could conduct operations over superhighways and alternate routes. We invited comments on that proposal and they were filed by Trailways, Transport of New Jersey, Greyhound Lines, Inc., the United States Departments of Justice and Transportation, the United States Office of Consumer Affairs, the Alabama Public Service Commission, and jointly by Hudson Transit Lines, Inc., and Lakeland Bus Lines, Inc.; Capital Motor Lines, Inc., Carolina Coach Company and Seashore Transportation Company; and Maplewood Equipment Company, Real Transit Co., Inc., Evergreen Equipment Company and West Hunterdon Transit Co.

No action had been taken in this proceeding prior to enactment of the Bus Regulatory Reform Act of 1982. Pub. L. 97–261, 96 Stat. 1102 (1982) (Bus Act). The Bus Act did not address the issue of Superhighway and Deviation Rules. However, under the Bus Act, passenger motor carriers are able to obtain new operating authority under highly-relaxed and expedited procedures. These authorities would include operations similar to those that would be available under the proposal. Because of this fact and the staleness of the record, we are now inquiring whether any interest exists in continuing to pursue the matters raised in the petition.

Accordingly, we solicit comments on whether to continue this proceeding.

Any party that originally filed comments in this proceeding may file additional comments.

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

Regulatory Flexibility Analysis

The Commission certifies that adoption of the proposed modification will not have a significant economic impact on a substantial number of small entities because carriers are now able to obtain expeditiously through the application procedures the same type of authority that would be permitted under the proposed amendment.

It is ordered:

This proceeding is renoticed to determine whether petitioner, Trailways, Inc., or any other party who previously filed comments in this proceeding, desires that the proceeding be continued.

List of Subjects in 49 CFR Part 1042

Buses.

This notice is taken under the authority of 49 U.S.C. 10101, 10321, and 10922, and 5 U.S.C. 553.

Decided: April 4, 1986.

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

James H. Bayne,

Secretary.

[FR Doc. 86-8125 Filed 4-10-86; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 683

Western Pacific Bottomfish and Seamount Groundfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Western Pacific Fishery Management Council (Council) has submitted the Fishery Management Plan for the Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP) for review by the Secretary of Commerce (Secretary), and is requesting comments from the public on the FMP and its environmental assessment (EA). Copies of the FMP may be obtained from the Council at the address below.

DATE: Comments on the plan should be submitted on or before June 20, 1986.

ADDRESS: Send comments to E.C. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731. Copies of the FMP and its EA are available upon request from the Council at 1164 Bishop Street, Suite 1405, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds (Executive Director, Western Pacific Fishery Management Council), 808-523-1368.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary for review and approval or disapproval. This Act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or amendment.

The measures proposed by the FMP will: (1) Establish a framework process by which annual or inseason adjustments to regulatory measures can be implemented quickly; (2) establish a permit requirement for fishing in the fishery conservation zone (FCZ) of the Northwestern Hawaiian Islands; (3) prohibit the use of bottom trawls, bottom set nets, poisons, or explosives to harvest bottomfish; (4) establish a system for issuing experimental fishing permits to allow fishing which might otherwise be prohibited by regulations; and (5) establish a six-year moratorium on fishing for seamount groundfish at the Hancock Seamount. This FMP will also regulate fishing in the FCZ of American Samoa, Guam, and Hawaii.

Dated: April 8, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-8129 Filed 4-8-86; 2:32 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 70
Friday, April 11, 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

Rural Electrification Administration

Sho-Me Power Corporation; Finding of No Significant Impact

AGENCY: Rural Electrification Administration.

ACTION: Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, as amended, the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and REA Environmental Policy and Procedures (7 CFR Part 1794), has made a Finding of No Significant Impact (FONSI) with respect to construction of a 161 kV transmission line in Howell and Oregon Counties, Missouri, by the Sho-Me Power Corporation (Sho-Me).

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and Sho-Me's Borrower's Environmental Report (BER) may be reviewed at the office of the Chief, Distribution and Transmission Engineering Branch, Southwest Area-Electric, Room 0009, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, Telephone (202) 382–1915, or at the office of Sho-Me Power Corporation (John K. Davis, General Manager), P.O. Box D, Marshfield, Missouri, 65706, Telephone (417) 468–2615, during regular business hours.

Copies of the EA and FONSI can be obtained from either of the contacts listed above. Any comments or questions should be directed to the REA contact.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for approval from Sho-Me, has reviewed the BER submitted by Sho-Me and has determined that it represents an accurate assessment of the environmental impact of the proposed project. Sho-Me's project consists of constructing 43.28 km (26.9 mi) of 161 kV transmission line within a 45.7 meter (150 ft) right-of-way between the West Plains Substantion in Howell County and the Thayer Substation which is located in Oregon County.

REA determined that the proposed project will have no effect on cultural resources, important farmland, floodplains, wetlands, prime forestland or rangeland or threatened and endangered species. Although no known archeological sites exist within the preferred corridor, a survey will be performed along approximately 50 percent of the route. If previously unrecorded archeological resources are disclosed by the survey, REA shall consult with the State Historic Preservation Officer prior to any construction that may affect such resources.

Alternatives examined for the proposed transmission line included no action and two alternative routes. REA determined that constructing the proposed project along the preferred route is an environmentally acceptable alternative to meet Sho-Me's needs.

Based upon the BER, REA prepared an EA concerning the proposed project and its impacts. REA has independently evaluated the proposed project and has concluded that project approval would not constitute a major Federal action significantly affecting the quality of the human environment. Consequently, no environmental impact statement is required.

In accordance with REA Environmental Policies and Procedures (7 CFR Part 1794), Sho-Me advertised and requested comments on the environmental aspects of the proposed project in local newspapers. There were no comments.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.850. For the reasons set forth in the final rule related Notice to 7 CFR 3015 Subpart V in 50 FR 47034, November 14, 1985, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Dated: April 4, 1986.
Harold V. Hunter,
Administrator.
[FR Doc. 86–8041 Filed 4–10–86; 8:45 am]
BILLING CODE 3410–15–M

Food and Nutrition Service

Special Supplemental Food Program for Women, Infants and Children; Poverty Income Guidelines

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: The Department announces adjusted poverty income guidelines to be used by State agencies in determining the income eligibility of persons applying to participate in the Special Supplemental Food Program for Women, Infants and Children (WIC Program). These poverty income guidelines are to be used in conjunction with the WIC Regulations, 7 CFR Part 246.

EFFECTIVE DATE: July 1, 1986.

FOR FURTHER INFORMATION CONTACT: Barbara Hallman, Branch Chief, Policy and Program Development Branch, Supplemental Food Programs Division, FNS, USDA, Park Office Center, Alexandria, Virginia 22302, (703) 756–3730.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291, and has been determined to be *not major*. The Department does not anticipate that this notice will have an annual effect on the economy of $100 million or more. This action will not result in a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. Nor will this action have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The action has been reviewed in accordance with the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to that review, the Administrator of the Food and Nutrition Service has determined that the action will not have a significant economic

impact on a substantial number of small entities. This notice does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.577 and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials (7 CFR Part 3015, Subpart V, 48 FR 29112).

Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) requires the Secretary to establish income criteria to be used with nutritional risk criteria in detemining a person's eligibility for participation in the WIC Program. The law provides that persons will be eligible for the WIC Program only if they are members of families that satisfy the income standard prescribed for reduced-price school meals under section 9 of the National School Lunch Act (42 U.S.C. 1758). Under section 9, the income limit for reduced-price school meals is 185 percent of the Federal poverty income guidelines, as adjusted.

Section 9 also requires that these guidelines be revised annually to reflect changes in the Consumer Price Index. The annual revision for 1986 was published by the Department of Health and Human Services (DHHS) in the **Federal Register** for February 11, 1986 at 51 FR 5105. The guidelines published by DHHS are referred to as the poverty income guidelines.

The Department published final WIC regulations on February 13, 1985, at 50 FR 6108. Section 246.7(c) specifies that State agencies may prescribe income guidelines either equaling the income guidelines established under section 9 of the National School Lunch Act for reduced-price school meals or identical to State or local guidelines for free or reduced-price health care. However, in conforming WIC income guidelines to State or local health care guidelines, the State cannot establish WIC guidelines which exceed the guidelines established under section 9 of the National School Lunch Act for reduced-price school meals, or are less than 100 percent of the Federal poverty income guidelines.

Consistent with the method used to compute eligibility guidelines for reduced-price meals under the National School Lunch Program, the poverty income guidelines were multiplied by 1.85 and the results rounded upward to the next whole dollar.

At this time the Department is publishing the maximum and minimum WIC poverty income limits by household size for the period July 1, 1986, to June 30, 1987. The first table of this notice contains the income limits by household size for the 48 contiguous States, the District of Columbia, and all Territories, including Guam. Because the poverty income guidelines for Alaska and Hawaii are higher than for the 48 contiguous States, separate tables for Alaska and Hawaii have been included for the convenience of the State agencies.

EFFECTIVE JULY 1, 1986—JUNE 30,1987

Family size	Annual poverty income guidelines (PIG)	Annual FNS income guidelines for reduced-price lunches (185 pct. of PIG)
48 States, District of Columbia, Puerto Rico, Virgin Islands, and Territories, including Guam:		
1	$5,360	$9,916
2	7,240	13,394
3	9,120	16,872
4	11,000	20,350
5	12,880	23,828
6	14,760	27,306
7	16,640	30,784
8	18,520	34,262
For each additional family member add	1,880	3,478
Alaska:		
1	6,700	12,395
2	9,050	16,743
3	11,400	21,090
4	13,750	25,438
5	16,100	29,785
6	18,450	34,133
7	20,800	38,480
8	23,150	42,828
For each additional family member add	2,350	4,348
Hawaii:		
1	6,170	11,415
2	8,330	15,411
3	10,490	19,407
4	12,650	23,403
5	14,810	27,399
6	16,970	31,395
7	19,130	35,391
8	21,290	39,387
For each additional family member add	2,160	3,996

Authority: (42 U.S.C. 1786).

Dated: April 4, 1986.

Sonia F. Crow,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 86-8158 Filed 4-10-86; 8:45 am]

BILLING CODE 3410-30-M

CIVIL RIGHTS COMMISSION

Colorado Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will convene at 1:30 p.m. and adjourn at 4:00 p.m., on April 28, 1986, at the Small Business Administration Offices, Conference Room, 22nd Floor, Executive Tower Building, 1405 Curtis Street, Denver, Colorado. The purpose of the meeting is to review information received on Hispanic dropout problems and discuss current civil rights issues.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Maxine Kurtz, or William Muldrow, Acting Director of the Rocky Mountain Regional Office at (303) 844-2211, (TDD 303/844-3031). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five(5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 4, 1986.

Ann Goode,

Program Specialist for Regional Programs.

[FR Doc. 86-8090 Filed 4-10-86; 8:45 am]

BILLING CODE 6335-01-M

Tennessee Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 6:30 p.m. and adjourn at 9:30 p.m. on May 5, 1986, at Vanderbilt Plaza Hotel, Chancellor Board Room, 2100 West End Avenue, Nashville, Tennessee. The purpose of the meeting is to hold a briefing meeting for the community forum on desegregation in higher education in the the Tennessee University system.

Persons desiring addtional information, or planning a presentation to the Committee, should contact Committee Chairperson, James Blumstein or Bobby Doctor, Acting Director of the Southern Regional Office at (404) 221-4391, (TDD 404/221-4391). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five(5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 4, 1986.

Anne E. Goode,

Program Specialist For Regional Programs.

[FR Doc. 86-8089 Filed 4-10-86; 8:45 am]

BILLING CODE 6335-01-M

Tennessee Advisory Committee; Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 8:00 a.m. and adjourn at 5:00 p.m. on May 6, 1986, at the Vanderbilt Plaza Hotel, Delle Mead Room, 2100 West End Avenue, Nashville, Tennessee. The purpose of the meeting is to hold a community forum on desegregation in higher education in the Tennessee University system.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, James Blumstein or Bobby Doctor, Acting Director of the Southern Regional Office at (404)221–4391, (TDD 404.221–4391). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 4, 1986.

Ann E. Goode,

Program Specialist for Regional Programs.

[FR Doc. 86–8088 4–10–86; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

Short Supply Review on Certain Stainless Steel Sheet; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to certain cold rolled stainless steel sheet under 0.1875 inch in thickness and over 54 inches in width.

EFFECTIVE DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Nicholas C. Tolerico, Acting Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230, Room 3099, (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provies that if the U.S. "... determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product. ..."

We have received a short supply request for certain cold rolled stainless steel sheet (grades 304, 304L, 316, 316L, and 321) under 0.1875 inch in thickness and over 54 inches in width.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request. Commerce will maintain this request and all comments in a public file. Any one submitting business proprietary information should clearly so label the business proprietary portion of the submission and also provide a non-proprietary submission, which can be placed in the public file. The public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B–099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

April 3, 1986.

[FR Doc. 86–8177 Filed 4–10–86; 8:45 am]

BILLING CODE 3510–DS–M

Arizona State University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made 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). Related records can be viewed 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.: 85–295. Applicant: Arizona State University, Tempe, AZ 85287. Instrument: Automated X-ray Powder Diffractometer, Model D/MAX–IIB. Manufacturer: Rigaku Corporation, Japan. Intended Use: See notice at 50 FR 41381.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a thin film attachment for examining the structures and textures of compositionally modulated thin films. The National Bureau of Standards advises in its memorandum dated November 22, 1985 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–8166 Filed 4–10–86; 8:45 am]

BILLING CODE 3510–DS–M

Brigham Young University; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made 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). Related records can be viewed 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.: 86–001. Applicant: Brigham Young University, Provo, UT 84620. Instrument: Nitric Acid Annular Diffusion Denuder with Accessories. Manufacturer: Flow General Company, Italy. Intended Use: See notice at 50 FR 45647.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is

intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument can separate and collect gas-phase nitric acid with high efficiency and operates at flow rates up to 20 liters per minute. This capability is pertinent to the applicant's intended purpose. We know of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8167 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

Columbia University; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: 85-230. Applicant: Columbia University, New York, NY 10027. Instrument: ASID 10 Scanning Image Observation Device and TV Camera System. Manufacturer: JEOL, Inc., Japan. Intended Use: See notice at 50 FR 30217

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: This is a compatible accessory for an instrument previously imported for the use of the applicant. The instrument and accessory were made by the same manufacturer. The National Institutes of Health advises in its memorandum dated February 28, 1986 that the accessory is pertinent to the intended uses and that it knows of no comparable domestic accessory.

We know of no domestic accessory which can be readily adapted to the instrument.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8168 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

The Institute for Orgonomic Science; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket No.: Applicant: The Institute for Orgonomic Science, Gwynedd Valley, PA 19427. Instrument: Light Microscope with Camera Attachments and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended Use: See notice at 50 FR 34538.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides (1) highest numerical aperture values with magnification to 5000X and (2) specialized condenser lenses and photoflash features for high-speed photography. The National Institute of Health advises in its memorandum dated February 28, 1986 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8169 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

Loma Linda University, et al.; Notice of Consolidated Decision on Applications For Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed 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.: 86-050. Applicant: Loma Linda Univerity, Loma Linda, CA 92530. Instrument: Electron Microscope, Model CM 10. Manufacturer: N.V. Philips, The Netherlands. Intended Use: See notice at 50 FR 52821. Instrument Ordered: September 11, 1985.

Docket No.: 86-052 Applicant: Beckman Research Institute of the City of Hope Medical Center, Duarte, CA 91010. Instrument: Electron Microscope, Model CM 10 and Accessories. Intended Use: See notice at 51 FR 237. Instrument Ordered: August 16, 1985.

Docket No.: 86-053. Applicant: The University of Tennessee Center for the Health Sciences, Memphis, TN 38163. Instrument: Electron Microscope (Side Entry Goniometer), Model JEM-1200 EX with Accessories. Manufacturer: JOEL, Japan. Intended Use: See notice at 50 FR 52821. Instrument Ordered: September 5, 1985.

Docket No.: 86-064. Applicant: Carleton College, Northfield, MN 55057. Instrument: Electron Microscope, Model JEM-100CX and Accessories. Manufacturer: JOEL, Japan. Intended Use: See notice at 51 FR 5752. Instrument Ordered: October 14, 1985.

Docket No.: 86-066. Applicant: Harvard University, Cambridge, MA 02138. Instrument: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss Inc., West Germany. Intended Use: See notice at 51 FR 5752. Instrument Ordered: August 15, 1985.

Docket No.: 86-067. Applicant: Case Western Reserve University, Cleveland, OH 44106. Instrument: Electron Microscope, Model JEM-4000 EX/THG with Accessories. Manufacturer: JOEL, Japan. Intended Use: See notice at 51 FR 6156. Instrument Ordered: June 27, 1985.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microsope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Fee Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8170 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

Marine Biological Laborator; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed 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.: 85-218 Applicant: Marine Biological Laboratory, Woods Hole, MA 02543. Instrument: Imaging Photon Detector. Manufacturer: Instrument Technology, Ltd., United Kingdom. Intended Use: See notice at 50 FR 28000.

Comments: None recieved.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reason: The foreign instrument provides a photon-counting image intensifier with an ultra-low light sensitivity of 100 photons per second. The National Institutes of Health advises in its memorandum dated February 28, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8171 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

NASA Lewis Research Center; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed 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.: 86-044. Applicant: NASA Lewis Research Center, Cleveland, OH 44135. Instrument: Acoustical Scanning Microscope, Model ASM100 with Accessories. Manufacturer: VG Semicon Ltd., United Kingdom. Intended use: See notice at 50 FR 52820.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument is capable of examining interfaces by transmittance through specimen of 1.0 mm minimum thickness. The National Bureau of Standards advises in its memorandum dated March 3, 1986 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86-8172 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting and Public Hearing

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene separately a public meeting and a public hearing at the Sheraton Tara, Danvers, MA, as follows:

Public Meeting: April 22, 1986, convene 10 a.m.; adjourn April 23, at approximately noon, to discuss reports of the groundfish, surf clam/ocean quahog, large pelagics, lobster, and enforcement committees, as well as to discuss other fishery management and administrative matters.

Public Hearing: April 22, convene at 2 p.m. and adjourn at approximately 5 p.m., to discuss recent developments relating to the scallop regulations and discuss future Council action regarding scallops. For further information contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route One), Saugus, MA 01906; telephone: (617) 231-0422.

Dated: April 8, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-8161 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-22-M

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Plan Team for the Gulf of Alaskan Groundfish Fishery Management Plan will convene a public meeting, April 29-May 1, 1986, at the Northwest and Alaska Fisheries Center, National Marine Fisheries Service, 7600 Sand Point Way, Building 4, Room 2143, Seattle, WA. The meeting will convene at 9 a.m., on April 29 and may extend through May 2, if necessary, to continue development of a frameworked groundfish plan. For further information contact Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.

Dated: April 8, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-8160 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council's Crustaceans Plan Development Team will reconvene a public meeting, April 16, 1986, at 2:30 p.m. at the Council's Office, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, to continue discussion of agenda items from its April 2, 1986 meeting as follows:

(1) Review recommendation of tail width site and language for clearly defining this site for slipper lobsters; (2) review progress of research for defining minimum tail width for slipper lobsters; the need for management measures for slipper lobsters; (3) review progress of escape vent research; (4) finish revision of permit application and data submission forms presently in use and,

(5) finish the agenda for the April 29, 1986 public information meeting on lobster management, and possible restructuring of the Lobster FMP into a "framework" document.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, at the above address; telephone (808) 523–1368 or FTS: (808) 546–8923.

Dated: April 8, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86–8159 Filed 4–10–86; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Levels for Certain Cotton, Wool, and Man-Made Fiber Textile Products Produced or Manufactured in India Effective on January 1, 1986; Correction

April 4, 1986.

In paragraph 2 of the letter to the Commissioner of Customs, dated December 23, 1985, (50 FR 52985), the T.S.U.S.A. number identified in Category 465 should be corrected to read as follows:

(only T.S.U.S.A. numbers 360.0600, 360.1015, 360.1200, 361.4200, and 361.4500).

Leonard A. Mobley,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–8178 Filed 4–10–86; 8:45 am]

BILLING CODE 3510-DR-M

Request for Public Comment on Bilateral Textile Consulations With the Government of the People's Republic of China Concerning Category 310/318 (Cotton Yarn-dyed Fabric)

April 8, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority containd in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on April 14, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212.

Background

On March 21, 1986, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of cotton textile products in Category 310/318, produced or manufactured in China and exported to the United States.

A summary market statement conderning this category follows this notice.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

Anyone wishing to comment or provide data or information regarding the treatment of Category 310/318 under the agreement with the People's Republic of China, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC, and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of cotton textile products in Category 310/318 during the ninety-day period which began on March 21, 1986 and extends through June 18, 1986 at 1,511,793 square yards.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period (June 19, 1986–June 18, 1987) to 4,649,800 square yards.

The United States Government has decided, pending a mutually satisfactory solution, to control imports of textile products in Category 310/318 exported during the ninety-day period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register.**

In the event the limit established for Category 310/318 for the ninety-day period is exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the level defined in the agreement for the subsequent twelve-month period.

SUPPLEMENTARY INFORMATION: On December 30, 1985 a letter to the Commissioner of Customs was published in the **Federal Register** (50 FR 53182) from the Chairman of the Committee for the Implementation of Textile Agreements which established restraint limits for certain categories of cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during 1986. The notice which preceded that letter referred to the consultation mechanism which applies to categories of textile products under the bilateral agreement, such as Category 310/318, which are not subject to specific ceilings and for which levels may be established during the year. In the letter to the Commissioner of Customs which follows this notice, a ninety-day level is established for this category.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

China—Market Statement

Categories 310/318—Yarn-Dyed Fabric

February 1986

Summary and Conclusions

United States imports of cotton yarn-dyed fabric—Category 310/318—from China were 4.0 million square yards for the year ending December 1985. This compares with 3.6 million for the same period one year earlier. China was the fifth largest supplier, accounting for 8.1 percent of the 1985 imports.

The market for Category 310/318 is being disrupted by low-valued imports and imports from China contributed to the market disruption. Continuation of the growth of imports from China would further the disruption.

Production and Market Share

U.S. production of cotton and cotton/polyester yarn-dyed fabrics fell sharply during the third quarter of 1984 and has continued at the depressed level. First half 1985 production was 68.6 million square yards, down 26 percent from the first half of 1984. Production in 1984, largely due to the drop during the last half of the year, was 152.0 million square yards, down 17 percent from 1983.

The domestic producers share of the market for domestically produced and imported fabric declined drastically from 86 percent in 1983 to 70 percent in 1984. In addition, the domestic producers experienced a declining market for fabric since imports of yarn-dyed apparel rapidly increased in 1984.

Imports and Import Penetration

U.S. imports of Category 310/318 from all sources were a record level of 50.0 million square yards in 1985. Imports in 1984 were 49.6 million square yards, up 68 percent from 1983.

The ratio of imports to domestic production doubled from 16.1 percent in 1983 to 32.6 percent in 1984. The ratio continued to rise in 1985, reaching 37.3 percent in the first half compared with 26.7 percent in the first half of 1984.

Import Values

China ships a wide variety of fabrics in both Categories 310 and 318. Shipments from China include 100 percent cotton and blended fabrics such as 55 percent cotton/45 polyster. China's products also cover a wide range of yarn counts, from ten to the forties. Most of the shipments from China are of ten and thirty yarn counts. The duty-paid landed values are below those of comparable U.S. produced fabrics.

Committee for the Implementation of Textile Agreements

April 8, 1986

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on April 14, 1986, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 310/318, produced or manufactured in the People's Republic of China and exported during the ninety-day period which began on March 21, 1986 and extends through June 18, 1986, in excess of 1,511,793 square yards.[1]

Textile products in Category 310/318 which have been exported to the United States prior to March 21, 1986 shall not be subject to this directive.

Textile products in Category 310/318 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 29, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the TARIFF SCHEDULES OF THE UNITED STATES ANNOTATED (1986).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action fails within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86-8179 Filed 4-10-86; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for any imports exported after March 20, 1986.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1986; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1986 commodities to be produced by workshops for the blind or other severely handicapped.

Comments must be received on or before May 14, 1986.

ADDRESS: Committee for Purchase form the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1986, October 15, 1985 (50 FR 41809):

Cushion, Seat, Vehicular: 2540-01-074-6363

Clamp, Loop: 5340-00-254-5025, 5340-00-104-5060

Coveralls, Disposable: 8415-01-092-7529, 8415-01-092-7530, 8415-01-092-7531, 8415-01-092-7532, 8415-01-092-7533

C.W. Fletcher,

Executive Director.

[FR Doc. 86-8131 Filed 4-10-86; 8:45 am]

BILLING CODE 6820-33-M

Procurement List Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1986 commodities to be produced by and a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: April 11, 1986.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Addition to the Procurement List of the commodities and service listed below was published in the Federal Register on August 30, September 27, December 13, and December 27, 1985 (50 FR 35287, 50 FR 39160, 50 FR 50936, and 50 FR 52991) and February 7, 1986 (51 FR 4785). One comment was received in response to the notice proposing the addition to the Procurement List of Kit Bag, Flyer's. The commentor, the current contractor, objected to the addition of this kit bag on the basis that the firm is a small business located in a high unemployment area and the contract provides employment for 14 people. The contract for this kit bag represents about 3.6% of the current contractor's annual sales. The Committee considered the comment received and determined that the addition of the kit bag to the Procurement List would not cause severe economic impact on the current contractor.

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 31 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodities and service listed.

c. The action will result in authorizing small entities to produce the commodities and service procured by the Government.

Accordingly, the following commodities and service are hereby added to Procurement List 1986:

Commodities

Grown, Operating, Surgical: 6532–01–058–2518, 6532–01–058–2522, 6532–01–058–2524, 6532–01–058–2521, 6532–01–058–2525

Paper, Teletypewriter Roll: 7530–00–272–9611, 7530–00–285–3054, 7530–00–285–5030, 7530–00–286–7766, 7530–00–019–7837, 7530–00–019–7849, 7530–00–019–7850, 7530–00–019–8608, 7530–00–019–8810, 7530–00–142–9038

Coin Bags: 8105–00–NSH–0005, 8105–00–NSH–0006, 8105–00–NSH–0008, 8105–00–NSH–0009, 8105–00–NSH–0010, 8105–00–NSH–0011, 8105–00–NSH–0012

(Portion of Government requirement not on Procurement List)

Kit Bag, Flyer's: 8460–00–883–8673

Service

Operation of the Postal Service Center Barksdale Air Force Base, Louisiana

C.W. Fletcher,

Executive Director.

[FR Doc. 86–8132 Filed 4–10–86; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange, Inc.; Proposed Rule Amendments Relating to a Linkage Agreement With the Sydney Futures Exchange, Ltd.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Commodity Exchange, Inc. ("Comex") and the Comex Clearing Association, Inc. ("CCA") have submitted to the Commodity Futures Trading Commission ("Commission") for its approval certain amendments to their rules and other materials which will permit Comex to establish linked trading with the Sydney Futures Exchange, Ltd. ("SFE"). This linked trading is intended to involve, for linked contracts, a trading day that begins in Sydney, Australia and ends in New York, and a single clearing association, CCA, for all such trades. Because of this link, a position established on one exchange could be liquidated on the linked exchange. The Commission has determined that this proposal is of major economic significance and that, accordingly, publication of notice of the availability for inspection of the proposed rule changes and related materials is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act ("Act").

DATE: Comments must be received on or before May 12, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581.

FOR FURTHER INFORMATION CONTACT: Thomas M. McGivern, Attorney-Advisor, Division of Trading and Markets, at the above address. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Comex and CCA have submitted for Commission approval pursuant to section 5a(12) of the Act, 7 U.S.C. 7a(12) (1982), certain amendments to their rules which would permit linked trading between Comex and SFE. Under the Comex-SFE proposal, trading in linked contracts (which would have identical specifications) would begin with trading at the SFE and end with the close of trading at Comex on the same business day. Initially, linked trading is contemplated in a gold bullion futures contract. All trade executed in linked contracts would be cleared by a single clearing entity, CCA, following the close of trading on Comex using Comex settlement prices. SFE members who want to clear linked trades must become members of CCA, but such SFE members may become limited members of CCA and, as such, would be permitted to clear only linked transactions on CCA. The linkage would permit the establishment or liquidation of a position initially established at one exchange by executing a trade on the other exchange by virtue of central clearing through a single clearing association located in the United States.

Section 5a(12) of the Act provides that, at least thirty days prior to approving any contract market rules of major economic significance, as determined by the Commission, the Commission shall publish notice of such rules in the **Federal Register**. The Commission has determined that the proposed Comex and CCA rules which would permit the operation of linked trading are of major economic significance.

In addition to publishing this notice and making available for inspection the proposed rule changes and other related material, the Commission requests comment on issues related to the potential impact of the linkage on the financial integrity of CCA and its members. Because, in effect, the length of the trading day for linked contracts will increase, and because trades will not be cleared until the end of the business day in New York and will involve a single clearing entity (as opposed to a mutual offset system), the Commission specifically requests comment on the following: (1) Whether customer funds for linked and non-link transactions should be segregated separately by CCA members; (2) what schedule of information submission to CCA would be necessary for CCA to be able to determine its exposure in a timely manner; (3) whether assets of members of SFE who elect to become limited members of CCA to clear linked transactions, other than margin at CCA, should be required to be located in the United States and, if not, to what extent would this pose a threat to the financial integrity of CCA; (4) to what extent could the financial integrity of such

SFE/CCA members be impacted by their other trading activity on SFE; and (5) whether the proposed use of an agent for SFE–CCA members who elect to clear linked transactions only is sufficient for purposes of clearing linked transactions.

The Comex and CCA submissions containing the proposed rule amendments and other information relevant to the linkage will be available for inspection at the Office of the Secretariat and the regional offices of the Commission in New York and Chicago. Copies also may be obtained through the Office of the Secretariat at the address set forth at the beginning of this Notice or by telephoning (202) 254–6314.

Issued in Washington, DC, on April 8, 1986 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86–8133 Filed 4–10–86; 8:45 am]

BILLING CODE 6351–01–M

Chicago Mercantile Exchange; Canadian Dollar

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures option contract.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in the Canadian Dollar. The Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 10, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CME Canadian Dollar futures option contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7227.

Copies of the terms and conditions of the proposed CME Canadian Dollar futures option contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures option contract, or with respect to other materials submitted by CME in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by June 10, 1986.

Issued in Washington, DC, on April 7, 1986.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 86–8097 Filed 4–10–86; 8:45 am]

BILLING CODE 6351–01–M

New York Futures Exchange; NYSE Beta Index

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The New York Futures Exchange ("NYFE") has applied for designation as a contract market in the NYSE Beta Index. The Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission"), acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposal for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before June 10, 1986.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the NYSE Beta Index futures contract.

FOR FURTHER INFORMATION CONTACT: Naomi Jaffe, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254–7227.

Copies of the terms and conditions of the proposed NYSE Beta Index futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by NYFE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by NYFE in support of its application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by June 10, 1986.

Issued in Washington, DC, on April 7, 1986.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 86–8096 Filed 4–10–86; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices

(AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Thursday, 15 May 1986.

ADDRESS: The meeting will be held at the Naval Postgraduate School, Stanagel Hall, Room 101A, Monterey, CA 93940.

FOR FURTHER INFORMATION CONTACT: Harold Summer, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

April 8, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense

[FR Doc.86–8102 Filed 4–10–86; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Wednesday, 14 May 1986.

ADDRESS: The meeting will be held at Palisades Institute for Research Svc, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA. 22202.

FOR FURTHER INFORMATION CONTACT: David Slater, AGED Secretariat, 201 Varick Street, New York, 10014.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Department propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will includes programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense program throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

April 8, 1986.

[FR Doc. 86–8103 Filed 4–10–86; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

SUMMARY: Working Group B (Microelectronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATE: The meeting will be held at 0900, Friday, 16 May 1986.

ADDRESS: The meeting will be held at Palisades Institute for Research Svc, Inc., 2011 Crystal Drive, Suite 307, Arlington, VA. 22202.

FOR FURTHER INFORMATION CONTACT: Becky Terry, AGED Secretariat, 2011 Crystal Drive, Suite 307, Arlington, VA. 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The Microelectronics area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II 10(d) (1982)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly, this meeting will be closed to the public.

April 8, 1986.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 86–8104 Filed 4–10–86; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on Soviet Submarine Threat will meet on April 28–29, 1986 at the Pentagon, Room 5B725, Washington, DC. The meeting will commence at 9:00 A.M. and terminate at 4:00 P.M. on April 28, and commence at 8:30 A.M. and terminate at 3:00 P.M. on April 29. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to assess the potential of U.S. defensive systems now in the pipeline to meet the Soviet submarine threat, as well as from an overall system approach, determine the major elements required to match the threat and recommend modifications, if required, to current Navy programs in order to maintain technological superiority. The agenda of the meeting will consist of technical briefings addressing the Soviet submarine threat. These briefings will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of the Chief of Naval Research (Code OONR), 800 North Quincy Street, Arlington, VA 22217–5000, Telephone number (202) 696–4870.

Dated: April 7, 1986.

William F. Roos, Jr.,

Lieutenant, JAGC, U.S. Naval Reserve Federal Register Liaison Officer.

[FR Doc. 86–8137 Filed 4–10–86; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Handicapped Research and Demonstration Projects; Grant Availability

AGENCY: Department of Education.

ACTION: Application notice for transmittal of applications for new research and demonstration projects and knowledge dissemination and utilization projects under the National Institute of Handicapped Research for fiscal year 1986.

Programmatic and Fiscal Information

The Secretary invites applications for new Research and Demonstration projects and Knowledge Dissemination and Utilization projects for Fiscal Year 1986 under the National Institute of Handicapped Research. The National Institute of Handicapped Research (NIHR) is authorized to support research and related activites under several program authorities, including a program of Research and Demonstration projects involving research, demonstration, development, or related activities pertinent to rehabilitation of disabled individuals, and a program of Knowledge Dissemination and Utilization projects intended to increase the exchange of information and the utilization of new knowledge resulting from research or practice.

NIHR intends to make awards under these programs through grants or cooperative agreements. If at the time of negotiation of the award NIHR decides that substantial Federal involvement is warranted due to the scope or nature of the work proposed, a cooperative agreement will be negotiated with the successful applicant.

NIHR expects to fund seven Research and Demonstration projects and two Knowledge Dissemination and Utilization projects in the priority areas which are contained in the Notice of Final Funding Priorities published in this issue of the **Federal Register**. Prospective applicants should consult the detailed description of each priority published elsewhere in this issue and should develop their applications in response to the specific requirements of these priorities.

NIHR expects to make approximately $1,000,000 available to fund nine awards under these two programs. However, these estimates do not bind the U.S. Department of Education to any specific number of awards or to the amount of any award unless that amount is otherwise specified by statute or regulation.

NIHR expects to fund one Research and Demonstration project in each of these priority areas:

- Transition from School to Work for Deaf Youth—in an amount up to $150,000 per year for three years.
- Neuromuscular Impairment as a Late Effect of Poliomyelitis—in an amount up to $75,000 per year for three years.
- Etiology and Secondary Complications of Late Effects of Poliomyelitis—in an amount up to $75,000 per year for three years.
- Financing Home Care for Seriously Disabled and Chronically Ill Children—in an amount up to $140,000 for one year.
- Improved Functioning in Families with Learning Disabled Children—in an amount up to $100,000 per year for three years.
- Technology for Sensory Devices—in an amount up to $150,000 per year for two years.
- Housing Adaptations to Promote Less Restrictive Environments—in an amount up to $150,000 per year for three years.

NIHR expects to fund one Knowledge Dissemination and Utilization project in each of the following areas:

- Regional Diffusion Networks—in an amount up to $200,000 per year for three years.
- Policy Research Utilization Center—in an amount up to $150,000 per year for three years.

Closing Date For Transmittal of Applications

Applications for new awards must be mailed or hand-delivered on or before June 11, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.133B for Research and Demonstration projects and 84.133D for Knowledge Dissemination and Utilization Projects), 400 Maryland Avenue SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-deliverd must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) The regulations governing the National Institute of Handicapped Research in 34 CFR Parts 350, 351, and 355.

(b) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78.

Application Forms

Application forms and further information are expected to be available on April 18, 1986. These may be obtained by writing to or calling the National Institute of Handicapped Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Office Building, Mailstop 3070–2305, Washington, DC 20202, (Attention: Peer Review Unit), Telephone (202) 732–1207. Deaf and hearing impaired individuals may call (202) 732–1198 for TTY services. Requests should refer to applications for 84.113B/D.

Further Information

For further information contact Betty Jo Berland, National Institute of Handicapped Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Office Building, Room 3070, Washington, DC 20202, Telephone (202) 732–1139; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

Program Authority: (29 U.S.C. 762).

(Catalog of Federal Domestic Assistance No. 133, National Institute of Handicapped Research)

Dated: April 7, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–8152 Filed 4–10–86; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Women's Educational Equity Act Program; Grant Availability

AGENCY: Department of Education.

ACTION: Application notice for new awards under the Women's Educational Equity Act Program for fiscal year 1986.

Programmatic and Fiscal Information

Applications are invited for new projects under the Women's Educational Equity Act (WEEA) Program. This program issues awards to public agencies and to nonprofit private agencies, organizations, institutions, and individuals. The purpose of the awards is to develop educational materials and model programs to provide educational equity for women and girls. The materials and programs are developed for replication throughout the United States.

Awards are made in two categories of grants: general grants for projects which are of national or statewide significance; and challenge grants for projects which focus on innovative approaches to achieving the purposes of the WEEA Program.

Each year the Secretary selects one or more of the program's five priorities for funding and estimates an allocation of funds for each selected priority. For fiscal year 1986, the Secretary has selected the priority for model projects on Title IX compliance and plans to allocate funds for both general grants and challenge grants as follows:

Section 745.23—*Priority for model projects on Title IX compliance:* 30%. The Secretary will support the development of model programs and educational materials that enable local educational agencies, institutions of higher education, and other educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972.

Section 745.22—*Other authorized activities:* 70%. The Secretary will support projects that carry out other activities authorized by § 745.20.

Applicants may submit applications under either of these categories. If an applicant submits an application under the priority for Title IX projects, it may not also submit that same application for review with those applications that compete for funds allocated to "Other authorized activities." The project period for these grants is 12 months.

The Secretary particularly invites applications that propose to develop model projects to reduce secondary school dropouts among women and girls. The Secretary notes that a substantial number of women and girls are economically disadvantaged. Many of them have diminished their opportunities for employment and personal success by terminating their education before completing high school. Increasing the number of economically disadvantaged women and girls who succeed in school will help to reverse the trend that has been described as "the feminization of poverty." To promote this goal, the Secretary particularly invites applications that propose to create educational programs designed for economically disadvantaged girls and women who are enrolled in secondary schools, or who have discontinued their education, to encourage them to complete their high school education. An application that responds to this invitational priority does not receive any competitive preference over other applications.

Available Funds

In fiscal year 1986, $5,742,000 is available for carrying out WEEA. (This amount reflects a reduction of $258,000 from the fiscal year 1986 appropriations, pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, Pub. L. 99-177.) From this amount, it is estimated that $3,870,000 will be available for approximately 60 general grants and $372,000 will be available for approximately 12 challenge grants. All fiscal year 1986 grant awards will be for new projects. The Secretary anticipates that the approximately $1,500,000 remaining will be used for contracts that foster the purposes of the Act.

These estimates do not bind the U.S. Department of Education to a specific number of grants or contracts or to the amount of any grant or contract, unless that amount is otherwise specified by statute or regulations.

Applicants should be aware that the President has proposed budget rescissions to the Congress that may eliminate funds for this program. The deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification.

Closing Date for Transmittal of Applications

Applications for new awards must be mailed or hand-delivered on or before May 27, 1986.

Applications sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: (CFDA No. 84.083), 400 Maryland Avenue, SW., Washington, DC 20202.

Each late applicant will be notified that its application will not be considered.

Applications that are hand-delivered must be taken to the U.S. Department of Education, Application Control Center, Room 3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC.

The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Washington, DC, time) daily, except Saturdays, Sundays, and Federal holidays.

Applicable Regulations

Regulations applicable to this program include the following:

(a) Regulations governing the WEEA Program in 34 CFR Part 745.

(b) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 78, and 79.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are governmental entities, including local educational agencies, must contact the appropriate State single point of contract to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A list containing the single point of contact for each State is included in the application package for this program.

In States that have not established a process or chosen this program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, areawide, regional, and local entities must be mailed or hand-delivered by July 28, 1986 to the following address:

The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.083) 400 Maryland Avenue SW., Washington, DC 20202.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Application Forms

Application forms and program information packages are expected to be available by April 25, 1986. These may be obtained by writing to the Women's Educational Equity Act Program, U.S. Department of Education, 400 Maryland Avenue SW., Room 2017, FOB–6, Washington, DC 20202.

FURTHER INFORMATION: For further information contact Ms. Janice Williams-Madison, Women's Educational Equity Act Program, U.S. Department of Education, 400 Maryland Avenue SW., Room 2017, FOB–6, Washington, DC 20202. Telephone: (202) 245–2465.

Program Authority: 20 U.S.C. 3341–3348.

(Catalog of Federal Domestic Assistance Number 84.083, Women's Educational Equity Act Program)

Dated: April 7, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–8153 Filed 4–10–86; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER86–76–001, et al.]

Electric Rate Corporate Regulation filings Commonwealth Edison Co. et al.

Take notice that the following filings have been made with the Commission:

1. Commonwealth Edison Company

[Docket Nos. *ER86–76–001* and *ER86–230–001*]

April 7, 1986.

Take notice that Commonwealth Edison Company on March 31, 1986 tendered for filing Rate 81 and related Rider 9.

Rate 81 and related Rider 9 provides for service and use of the facilities necessary to enable the City of Rock Falls, Illinois to take delivery of electricity from electric utility suppliers other than Commonwealth Edison and are filed in compliance with an Order of the Federal Energy Regulatory Commission enterred on February 28, 1986 in Docket Nos. ER86–76–001 and ER86–230–000.

Copies of the rate schedule were served upon the Illinois Commerce Commission, Springfield, Illinois, the Cities of Rock Falls, Geneva; Batavia and Naperville, Illinois and the Illinois Municipal Electric Agency.

Comment date: April 18, 1986, in accordance with Standard Paragraph H at the end of this document.

2. Iowa-Illinois Gas and Electric Company

[Docket No. ER86–389–000]

April 7, 1986.

Take notice that Iowa-Illinois Gas and Electric Company, Davenport, Iowa (Iowa-Illinois) on April 2, 1986, tendered by filing an Interchange Agreement (Agreement) with the Illinois Municipal Electric Agency (IMEA), Deerfield, Illinois, dated November 22, 1985, which includes schedules reflecting: Facilities and points of connection; metering; schedules concerning facilities services, transmission services, and participation power transactions (to each of which separate transactions may be appended); and providing for emergency energy and short term firm power exchanges.

Iowa-Illinois states the Agreement is proposed to become effective July 1, 1986. Included as an addendum to the participation power transaction schedule is Participation Power Transaction No. 1 (Transaction No. 1), also dated November 22, 1985, proposed to become effective on the scheduling thereunder by IMEA of first delivery, if such scheduling occurs by July 1, 1987. Transaction No. 1 is stated to be for an initial term of five years from the initial service date (for which waiver of the notice requirements is sought), unless and to the extent an earlier termination date would be indicated through acquisition by IMEA of an ownership share in base participation units. Transaction No. 1 provides rates for base participation unit power and energy up to specified quantities, base participation unit economic dispatch replacement energy, and peaking participation turbine power and energy up to a specified quantity.

Iowa-Illinois also states a complete copy of the filing has been mailed to IMEA, the Illinois Commerce Commission, and the Iowa State Commerce Commission.

Comment date: April 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power & Light Company

[Docket No. ER86–383–000]

April 7, 1986.

Take notice that, on March 31, 1986, Florida Power & Light Company (FPL) submitted for filing the following supplements and revisions to its FERC Electric Tariff and to service agreements pursuant to which FPL provides wholesale sales and transmission services to Seminole Electric Cooperative, Inc. ("SEC").

Sheet No. 24, Revision No. 1, FPL's FERC Electric Tariff;

Amendment Number One to Aggregate Billing Partial Requirements Service Agreement Between Florida Power & Light Company And Seminole Electric Cooperative, Inc. with Attachments and Exhibits;

Amendment Number One to Agreement For Full Requirements Electric Service By Florida Power & Light Company To Seminole Electric Cooperative, Inc. with Attachments;

First Revised Attachment D to Second Revised Amendment Number One to Amended Agreement to Provide Specified Transmission Service Between Florida Power & Light Company And Seminole Electric Cooperative, Inc.; and

Amendment Number One to Supplementary Agreement Number One to Contract For Interchange Service Between Florida Power & Light Company And Seminole Electric Cooperative, Inc.

FPL states that this filing is necessary to permit FPL to provide the sales and delvery services to SEC as a result of SEC's notice of conversion of certain delivery points from FPL's full requirements service to service under the Aggregate Billing Partial Requirements Service Agreement. FPL proposes that its filing become effective, after a one day suspension, on April 29, 1986.

FPL states that copies of the filing were served upon SEC, SEC's legal counsel, and upon the Florida Service Commission.

Comment date: April 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

4. Southern California Edison Company

[Docket No. ER86–384–000]

April 4, 1986.

Take notice that on March 31, 1986 Southern California Edison Company ("Edison") tendered for filing a notice of change of rates for transmission service as embodied in Edison's agreements with the following entities:

	Rate schedules FERC No.
City of Los Angeles	102, 116, 140, 141, and 163.
Pacific Gas and Electric Company	117, 147.
Western Area Power Administration	120.
Arizona Power Pooling Association	93.
Arizona Electric Power Cooperative	131, 161.
California Department of Water Resources.	38, 112, 11a, and 181
City of Burbank	166.

	Rate schedules FERC No.
City of Glendale	143.
M-S-R Public Power Company	153.
City of Pasadena	158.
San Diego Gas & Electric Company	151.

Edison requests waiver of the Commission's prior notice requirement and an effective date of January 1, 1986, for these rate changes.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: April 17, 1986, in accordance with Standard Paragraph E at the end of this notice.

5. Utah Power & Light Company

[Docket No. ER86-365-000]

April 7, 1986.

Take notice that Utah Power & Light Company (Utah Power) on April 2, 1986, tendered for filing Notices of Cancellation of the agreements with Soda Springs, Idaho (Soda Springs) and Deseret Generation & Transmission Cooperative (DG&T) for the purchase of wholesale power and energy. The Company requests that the Soda Springs cancellation be made effective at midnight, April 30, 1986, which is the date requested by the customer's Notice of Termination. The DG&T Agreement is requested to be cancelled as of March 25, 1985, the date on which the agreement expired by its own terms.

Utah Power requests that the Commission's notice requirements in 18 CFR 35.3 be waived, as provided for in 18 CFR 35.11, in order to allow the cancellations to be made effective on the dates requested.

Comment date: April 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

6. Western Massachusetts Electric Company

[Docket No. ER86-378-000]

April 2, 1986.

Take notice that on March 28, 1986, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed rate schedule with respect to a Distribution Line Agreement dated February 4, 1985 between (1) WMECO and (2) Chicopee Hydroelectric Limited Partnership (CHLP) (Distribution Agreement).

WMECO States that the Distribution Agreement provides for services to CHLP for the wheeling of the energy from their hydroelectric project located in Chicopee, Massachusetts (the Facility) during the period from February 4, 1985 to August 31, 2013.

The charge is an annual fee based on a cost-of-service rate. This rate is based upon all taxes and operation and maintenance expenses incurred by WMECO for the Dedicated Line. Such amount shall be determined by application of the Maintenance Expense Rate as calculated pursuant to Appendix A of the Agreement.

WMECO requests that the Commission waive its standard notice period and permit the Distribution Agreement to become effective on February 4, 1985.

WMECO states that copies of this rate schedule have been mailed or delivered to CHLP (Boston, Massachusetts).

WMECO further states that the filing is in accordance with Section 35 of the Commission's Regulations.

Comment date: April 15, 1986, in accordance with Standard Paragraph E at the end of this notice.

7. Wisconsin Electric Power Co.

[Docket No. ER86-387-000]

April 7, 1986.

Take notice that Wisconsin Electric Power Company on April 2, 1986, tendered for filing an executed Supplement to the Service Agreement for Transmission Service between the Company and Wisconsin Public Power, Inc. System (the WPPI System). The Supplement sets forth nonfirm transmission transactions under which Wisconsin Electric will provide electric service to the WPPI System. Supplement No. 7 has an effective date of December 31, 1985.

Wisconsin Electric requests waiver of the Commission's sixty-day notice requirement in order to allow the effective date of December 31, 1985 for Supplement No. 7.

Copies of the filing have been served on the WPPI System, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: April 18, 1986, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

H. Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before the comment date. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8162 Filed 4-10-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RM85-1-157and SA86-7-001]

Regulation of Natural Gas Pipelines After Partial Wellhead Decontrol (Lone Star Gas Company, a Division of ENSERCH Corporation); Order Denying Request for Clarification and Rehearing

Issued: April 7, 1986.

Before Commissoners: Anthony G. Sousa, Acting Chairman; Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Lone Star Gas Company, a Division of ENSERCH Corporation has filed a timely request for clarification or, in the alternative, for rehearing of the Commission's order issued on February 6, 1986, in Docket No. RM85-1-000, *et al.*, 34 FERC ¶61,181. We will deny Lone Star's request.

In the February 6, 1986 order, we denied Lone Star's request for waiver of the transitional provisions of section 284.105 of Order No. 436.[1] Lone Star requested waiver so that an exchange service could commence between its intrastate facilities and the interstate facilities of United Gas Pipe Line Company under section 311 of the Natural Gas Policy Act of 1978 (NGPA). We denied Lone Star's request because it was a transporter and did not meet the standard adopted in *Judel Glassware Co., Inc.*, 33 FERC ¶61,386 (1985). *See also Exxon Gas System, Inc.*, 34 FERC ¶61,032 (January 21, 1986).

Lone Star requests that we apprise it of the effect of exchanging gas with United under the privisions of our February 6 order. Specifically, Lone Star seeks to clarify whether

[1] 33 FERC ¶61,007 (1985). FERC Statutes & Regulations ¶30,665 (1985).

the implementation of [the] straight gas-for-gas exchange between Lone Star's intrastate facilities and United's interstate system will obligate Lone Star to provide non-discriminatory open access only on the intrastate transmission portion of its system for mutually beneficial . . . gas exchanges with other pipelines which provide for no fee for either pipeline and which are conditioned upon available pipeline capacity and sufficient gas supply for existing customers, and not for other types of transportation.

Lone Star requests rehearing of our order if we decline to grant clarification.

Section 284.1 of the Commission's Regulations states that transportation includes exchanges. Under Order No. 436, exchanges are not exempt from the non-discriminatory access provisions. FERC Statues and Regulations ¶30,665 at p. 31,506 (1985). Order no. 436 also states that "the same non-discriminatory access condition . . . appl[ies] to all transportation in interstate commerce, whether by an entity subject to [Commission] jurisdiction under the [Natural Gas Act] or to other entities allowed by the Commission under the NGPA to engage in such interstate commerce . . . " *Id.* at p. 31,502.

In addition, we note that Order No. 436 distinguishes between firm and interruptible service by intrastate pipelines. *Id.* Sections 284.8 and 284.9 of the final rule promulgated by Order No. 436 provide that, if an intrastate pipeline does offer firm or interruptible service, it must offer each service on a non-discriminatory basis. Thus, if Lone Star takes part in an exchange with United on a firm or interruptible basis, it must offer non-discriminatory transportation services on a firm or interruptible basis, respectively. An exchange performed by an intrastate pipeline on a firm or interruptible basis under the self-implementing provisions of Part 284 obligates the intrastate pipeline to provide firm or interruptible transportation, as the case may be, for other customers under the non-discriminatory conditions of Order No. 436.

We underscore again, as we did in the original order, that Lone Star may request a limited jurisdiction certificate under section 7(c) of the Natural Gas Act. Jurisdiction under such a certificate "extends only to the specific service authorized, and the intrastate remains non-jurisdictional with respect to its remaining operations." FERC Statutes and Regulations ¶30,675 at p. 31,651 (1985).

Finally, we find no error in our February 6 order and none is advanced by Lone Star. Accordingly, Lone Star's request, construed as a request for rehearing, is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 86-8163 Filed 4-10-86; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF86-652-000, et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc; Phelps Dodge Refining Corp., et al.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Phelps Dodge Refining Corp.

[Docket No. QF86-652-000]

April 4, 1986.

On March 25, 1986, Phelps Dodge Refining Corporation of P.O. Box 20001, El Paso, Texas 79998, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at 7001 North Loop Road at Trowbridge in El Paso, Texas 79998. The facility will consist of two combustion turbine generators, and two supplementally fired heat recovery steam generators (HRSG's). The entire steam from the HRSG's is used on-site for process purposes at the refinery. The net electric power production capacity of the facility's 3,080 kW. The primary energy source will be natural gas. The installation of the facility commenced on August 11, 1985.

2. Oxbow Geothermal Corp.

[Docket No. QF84-256-001 et al.]

On March 21, 1986, Oxbow Geothermal Corporation (Applicant), of 333 Elm Street, Dedham, Massachusetts 02026, submitted for filing three applications for recertification of facilities as qualifying small power production facilities pursuant to § 292.207 of the Commission's regulations. No determination has been made that any of the submittals constitute a complete filing.

Each of the small power production facilities is located in Churchill County, Nevada and will consist of a flash steam turbine or a binary cycle or both. The primary source of energy will be a liquid dominated geothermal source. Additional data for each facility are attached.

Docket No.	Project name	Electric power production capacity (mega watts)
QF84-256-001 ...	Dixie Valley Geothermal Production Project.	50
QF84-462-002 ...	Spring Creek Geothermal Production Project.	24
QF84-463-002 ...	Dixie Central Geothermal Production Project.	24

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in 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. 86-8164 Filed 4-10-86; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[(A-2-FRL-3000-7)]

Prevention of Significant Deterioration of Air Quality (PSD); Final Determinations

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of Final Action.

SUMMARY: The purpose of this notice is to announce that between November 1, 1985, and January 31, 1986, the New York State Department of Environmental Conservation (NYSDEC) issued four final determinations and the New Jersey Department of Environmental Protection (NJDEP) issued two final determinations pursuant to the Prevention of Significant Deterioration of Air Quality (PSD) regulations codified at 40 CFR 52.21.

DATES: The effective dates for the above determinations are delineated in the following chart (See **SUPPLEMENTARY INFORMATION**).

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Eng, Chief, Air and Environmental Applications Section, Permits Administration Branch, Office of Policy and Management, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, Room 432, New York, New York 10278, (212) 264-4711.

SUPPLEMENTARY INFORMATION: Pursuant to the PSD regulations, the NYSDEC and the NJDEP have made final determinations relative to the sources listed below:

Name of applicant	Location	Project proposal	Reviewing agency	Final action	Date of final action
Pfizer, Inc.	Parsippany, NJ	Construction of a cogeneration facility	NJDEP	PSD Non-applicability determination	Nov. 8, 1985.
Georiga Gulf Corp.	Boundbrook, NJ	Construction of two natural gas-fired industrial boilers	NJDEP	PSD Non-applicability determination	Nov. 15, 1985.
Ogden Martin System, Inc	West Babylon, NY	Construction of a resource recovery facility consisting of two 375 tons per day mass burners.	NYSDEC	PSD permit approval	Dec. 1, 1985.
Adirondack Resource Recovery Associates.	Hudson Falls, NY	Construction of a resource recovery facility	NYSDEC	PSD applicability determination	Dec. 11, 1985.
IBM Corp.	Owego, NY	Increased burning of No. 6 fuel oil fired at the IBM-Owego power house by an additional 250,000 gallons per year.	NYSDEC	PSD Non-applicability determination	Dec. 25, 1985.
Dunlop Tire Corp.	Tonawanda, NY	Construction of a new process/exhaust/ventilation system.	NYSDEC	PSD Non-applicability determination	Jan. 15 1986.

This notice lists only the sources that have received final PSD determinations. Copies of these determinations and related materials may be available for public inspection at the following offices:

NYSDEC Actions

New York State Department of Environmental Conservation, Division of Air Resources, Source Review and Regional Support Section, 50 Wolf Road, Albany, New York 12233-0001

NJDEP Actions

New Jersey Department of Environmental Protection, Division of Environmental Quality, Bureau of Engineering and Technology, John Fitch Plaza, CN 027, Trenton, New Jersey 08625

If available pursuant to the Consolidated Permit Regulations (40 CFR 124), judicial review of these determinations under Section 307(b)(1) of the Clean Air Act (the Act) may be sought *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days from the date on which these determinations are published in the **Federal Register.** Under section 307(b)(2) of the Act, these determinations shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: March 31, 1986.

Christopher J. Daggett,

Regional Administrator.

[FR Doc. 86-8145 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3000-8]

Environmental Impact Statements: Availability; Weekly Receipts

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements filed March 31, 1986 Through April 04, 1986 Pursuant to 40 CFR 1506.9.

EIS No. 860125, FSuppl, COE, NB, Papillion Creek and Tributaries Lakes, Flood Control Plan and Recreational Improvements, Papillion Creek Basin, Washington, Douglas and Sarpy Cos., Due: May 12, 1986, Contact: Arvid Thomsen (402) 221-4575

EIS No. 860126, Final, BLM, AK, Central Yukon Planning Area, Land and Resource Management Plan, Northwest Resource Area, Due: May 12, 1986, Contact: Keith Woodworth (907) 356-5358

EIS No. 860127, Final, COE, WA, Quillayute River Navigation Project, Long-Range Operations and Maintenance, Clallam County, Due: May 12, 1986, Contact: Jean McManus (206) 764-3624

EIS No. 860128, Draft, FHW, WV, Chelyan Bridge and Approach Roads Replacement, US 60 to WV-61, Kanawha River, Kanawha County, Due: May 30, 1986, Contact: Billy Higginbotham (304) 348-3093

EIS No. 860129, Final, FHW, WA, US 101/Palix River Bridge Replacement and Approach and County Road Connections Realignment, Pacific County, Due: May 12, 1986, Contact: P.C. Gregson (206) 753-2120

EIS No. 860130, Final, AFS, AR, OK, Ouachita National Forest, Land and Resource Management Plan, Due: May 12, 1986, Contact: E.J. Wenner (501) 321-5202

EIS No. 860131, Draft, COE, CO, Parachute Creek, Shale Oil Program, Phase II, Expansion, Garfield County, Due: May 27, 1986, Contact: Tom Coe (916) 551-2270

EIS No. 860132, Draft, BLM, UT, Warm Springs Resource Area, Resource Management Plan, Millard County, Due: July 11, 1986, Contact: Wayne Kammerer (801) 896-8221

EIS No. 860133, FSuppl. APH, PRO, 1986 Rangeland Grasshopper Cooperative Management Program, Updated Information, Due: May 12, 1986, Contact: Charles Bare (301) 436-8295

EIS No. 860134, Draft, COE, OK, Kingfisher and Uncle John's Creeks Local Flood Protection Project, Kingfisher County, Due: May 27, 1986, Contact: John Carroll (918) 581-7857

EIS No. 860135, Draft, USAF, CA, White Point Single Family Housing Units Project, Construction and Operation, Air Force Space Division, Los Angeles Air Force Base, Los Angeles County, Due May 27 1986, Contact: Robert Mason (213) 643-0933

EIS No. 860136, Final, CDB, MN, Duluth Paper Mill Project, Construction and Operation, St. Louis County, Due: May 12, 1986, Contact: David Sebok (218) 723-3556

EIS No. 860138, Final, JUS, NJ, Fairfield Federal Correctional Institution, Construction and Operation, Cumberland County, Due: May 12, 1986, Contact: Loy Hayes (202) 272-6535

EIS No. 860139, Draft, DOE, WA, Hanford Site, Defense High-Level, Transuranic and Tank Wastes Disposal Project, Construction, Operation and Decommissioning of Waste Treatment Facilities, Richland County, Due: August 9, 1986, Contact: Steven Leroy (509) 376-7378

EIS No. 860140, DSuppl, COE, CA, Corte Madera Creek Flood Control Project, Unit No. 4, Updated Modifications, Marin County, Due: May 27, 1986, Contact: Richard Meredith (916) 551–1855

EIS No. 860141, Report, COE, PA, Grays Landing Lock and Dam Navigation Improvements, Modifications, Monogahela River, Greene and Fayette Cos., Contact: James Purdy (412) 644–6844.

Amended Notices:

EIS No. 860004, Draft, AFS, CA, Tahoe National Forest, Land and Resource Management Plan, Due: June 2, 1986, Published FR 1–17–86—Review period extended

EIS No. 860049, Draft, CDB, MI, Oakland Technology Park Development, CDBG, Oakland County, Due: May 19, 1986, Published FR 2–21–86—Review period extended to accommodate review of Air Quality Analysis

EIS No. 860106, Draft, NRC, TX, South Texas Nuclear Plant, Units 1 and 2, Operating Licenses, Colorado River, Matagorda County, Due: May 19, 1986, Published FR 3–28–86—Review period reestablished

EIS No. 860108, Draft, AFS, OR, ID, Wallowa-Whitman National Forest, Land and Resource Management Plan, Due: July 15, 1986, Published FR 3–28–86—Review period extended

EIS No. 860109, FSuppl, COE, OH, Geneva-on-the-Lake Small Boat Harbor Construction, Revised Plan and Additional Wetland Mitigation Construction, Ashtabula County, Due: April 30, 1986, Published FR 3–28–86—Review period extended

EIS No. 860118, Draft, OSM, WA, Black Diamond Petition Area, Designation of Lands Unsuitable for Surface Coal Mining Operations, King County, Due: May 28, 1986, Published FR 4–4–86—Review period extended.

Dated: April 8, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86-8113 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3900-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 24, 1986 through March 28, 1986 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382–5075/76. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated February 7, 1986 (51 FR 4808).

Drafts EISs

ERP No. D–AFS–B65003–00, Rating LO, Green, Mtn. Nat'l Forest, Land and Resource Mgmt. Plan, VT and NY. Summary: EPA has no objection to the proposed Plan and DEIS. EPA recommends strengthening the monitoring and enforcement provisions of the Plan and suggests management practices for ski area expansion, mineral exploration and development, buffer zones, chemical use, water supplies and water quality monitoring.

ERP No. DS–COE–32009–00, Rating 3, Newark Bay and Kill Van Kull Navigation Channel Improvements, Aquatic Population, Sediment Quality, Hydraulic Impacts and Disposal Alternatives Update, NJ and NY. Summary: EPA finds that the draft supplemental EIS is not adequate because it does not address the potential for dioxin contamination in the sediments of the project area. Accordingly, EPA requests that the document be revised to include additional date and analyses of the potential dioxin contamination.

ERP No. DS–SFW–L64031–AK, Rating EC2. Tetlin Nat'l Wildlife Refuge Comprehensive Conservation Plan and Wilderness Review, Oil and Gas Exploration and Leasing, Alaska. Summary: EPA remains concerned with potential water quality degradation and the lack of analyses of how activities could be modified to correct such degradation. The supplement is unresponsive to these concerns. Therefore, EPA's original concerns and rating remain unchanged by the addition of the supplement.

Final EISs

ERP No. F–AFS–C65001–PR, Caribbean Nat'l Forest and Luquillo Experimental Forest, Land and Resource Mgmt. Plan, PR. Summary: EPA finds the final EIS unresponsive to previous environmental concerns regarding water quality. Accordingly, EPA requests that the Record of Decision for this project incorporate commitments to develop and implement a water quality monitoring plan and that EPA have the opportunity to review it.

ERP No. F–APH–A99167–00, Western United States Mammalian Predator Damage Mgmt. for Livestock Protection, Animal Damage Control (ADC) Program, U.S. Summary: EPA has serious concerns with APHIS plan to adopt FWS 1979 animal damage control final EIS. The concerns stem from the inadequacies of the original document and from important developments since the original final EIS was prepared. We do not believe this adoption action satisfies APHIS' NEPA responsibilities, and recommend that APHIS either supplement the final EIS or prepare a new one.

ERP No. FS–COE–F32023–00, Mississippi and Illinois Rivers, Pools 24, 25, and 26, Operation and Maintenance, Shortline Mgmt. Plan for Fleeting on Pool 26, Permit, MO and IL. Summary: EPA requested that one potential fleeting location be reclassified as unsuitable because of a mussel bed at the site, and another fleeting area adjacent to a national wildlife refuge also be reclassified as unsuitable to avoid impacts to waterfowl. EPA also requested that sediment samples be analyzed prior to the issuance of fleeting permits.

ERP No. F–DOE–K08012–00, Mead-Phoenix 500 kV Direct Current Transmission Line, Construction, Operation and Maintenance, AZ and NV. Summary: EPA finds that the final EIS adequately assessed the project's environmental impacts. However, EPA continues to have concernes about air quality impacts.

ERP No. F–FHW–L40136–AK, Raspberry Rd. Reconstruction, Jewel Rd. to Minnesota Drive, 404 Permit, AK. Summary: The proposed noise mitigation has adequately addressed our previous comment on noise impacts. Because wetland involvement has increased from one to over three acres, additional mitigation might be required during the 404 permit process.

Amended Notices

The following reviews should have appeared in the FR Notices published on February 28, 1986 and April 4, 1986, respectively.

ERP No. D–FHW–D40214–PA, Rating EC2, PA–23/New Holland Avenue/LR–1124 Relocation, US 30 to Walnut and Chestnut Streets, Right-of-Way Acquisition, 404 Permit, PA. Summary: EPA is concerned over the lack of adequate mitigation and requested that the final EIS include a more detailed discussion of mitigation to reduce floodplain, erosion, noise and river sedimentation impacts.

ERP No. D–SFW–L64014–AK, Rating EC2, Kodiak Nat'l Wildlife Refuge Comprehensive Conservation Plan and Wilderness Designation, Gulf of Alaska. Summary: EPA is concerned with potential adverse impacts on biological resources due to noise from ships andf helicopters and accidental spills of fuel or crude oil, and recommends that these impacts be evaluated in the final EIS.

The following review appeared in the FR Notice published on April 4, 1986 and the last two words of the summary were omitted. It should have read as follows:

ERP No. R-DOI-A20022-00, 43 CFR Part II, Assessment of Natural Resources Damaged by Oil Discharge or Hazardous Substance Release (50 FR 52126). Summary: To improve the regulation, EPA suggests that: (1) the regulations provide specific guidance to establish restoration costs and identified categories of costs which would be acceptable in the restoration methodology for each phase at the damage asessment; (2) the requirement to meet all four acceptance criteria for determining injury to biological resources may be excessively rigorous; (3) the willingness-to-pay measures be used rather than the willingness-to-accept measures; and (4) the preamble clarify how the assessment process will comply with NEPA requirements.

Dated: April 8, 1986.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 86-8194 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[PF 441; FRL-2986-9]

Pesticide Tolerance Petitions; Mobay Chemical Corp.

Correction

In FR Doc. 86-5882, appearing on page 9513, in the issue of Wednesday, March 19, 1986, make the following correction.

In the second column, paragraph 3, sixth line, "*S'*—," should read "*S, S'*—", and in the eighth line, "(*S, S'*—" should read "*S*—".

BILLING CODE 1505-01-M

[OPTS-51617; FRL-2997-6]

Certain Chemicals Premanufacture Notices; E.I. du Pont de Nemours and Co., Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of one hundred eleven PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-703, 86-704, 86-705, 86-706, 86-707, 86-708, 86-709, 86-710, 86-711, 86-712, 86-713 and 86-714—June 18, 1986.

P 86-715 and 86-716—June 21, 1986.

P 86-717, 86-718, 86-719, 86-720, 86-721, 86-722, 86-723, 86-724, 86-725 and 86-726—June 22, 1986.

P 86-727, 86-728, 86-729, 86-730, 86-731, 86-732, 86-733, 86-734, 86-735, 86-736, 86-737, 86-738, 86-739, 86-740, 86-741, 86-742, 86-743, 86-744, 86-745, 86-746, 86-747, 86-748, 86-749, 86-750, 86-751, 86-752, 86-753, 86-754, 86-755, 86-756, 86-757, 86-758, 86-759, 86-760, 86-761, 86-762, 86-763, 86-764, 86-765, 86-766, 86-767, 86-768, 86-769, 86-770, 86-771, 86-772, 86-773, 86-774, 86-775, 86-776, 86-777, 86-778, 86-779, 86-780, 86-781, 86-782, 86-783, 86-784, 86-785, 86-786, 86-787, 86-788, 86-789, 86-790, 86-791, 86-792, 86-793, 86-794, 86-795, 86-796, 86-797, 86-798, 86-799, 86-800, 86-801, 86-802, 86-803, 86-804, 86-805, 86-806, 86-807, 86-808, 86-809, 86-910, 86-811 and 86-812—June 23, 1986.

P 86-813—June 24, 1986.

Written comments by:

P 86-703, 86-704, 86-705, 86-706, 86-707, 86-708, 86-709, 86-710, 86-711, 86-712, 86-713 and 86-714—May 19, 1986.

P 86-715 and 86-716—May 21, 1986.

P 86-717, 86-718, 86-719, 86-720, 86-721, 86-722, 86-723, 86-724, 86-725 and 86-726—May 23, 1986.

P 86-727, 86-728, 86-729, 86-730, 86-731, 86-732, 86-733, 86-734, 86-735, 86-736, 86-737, 86-738, 86-739, 86-740, 86-741, 86-742, 86-743, 86-744, 86-745, 86-746, 86-747, 86-748, 86-749, 86-750, 86-751, 86-752, 86-753, 86-754, 86-755, 86-756, 86-757, 86-758, 86-759, 86-760, 86-761, 86-762, 86-763, 86-764, 86-765, 86-766, 86-767, 86-768, 86-769, 86-770, 86-771, 86-772, 86-773, 86-774, 86-775, 86-776, 86-777, 86-778, 86-779, 86-780, 86-781, 86-782, 86-783, 86-784, 86-785, 86-786, 86-787, 86-788, 86-789, 86-790, 86-791, 86-792, 86-793, 86-794, 86-795, 86-796, 86-797, 86-798, 86-799, 86-800, 86-801, 86-802, 86-803, 86-804, 86-805, 86-806, 86-807, 86-808, 86-809, 86-910, 86-811 and 86-12—May 24, 1986.

P 86-813—May 25, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51617]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-703

Importer. E. I. du Pont de Nemours and Company, Inc.

Chemical. (G) Epoxy acrylic copolymer.

Use/Import. (G) Open, non-dispersive use. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing: Dermal, a total of 6 workers.

Environmental Release/Disposal. Release to land. Disposal by incineration and approved landfill.

P 86-704

Manufacturer. Confidential.

Chemical. (S) Oleyl dimethyl ethyl ammonium ethyl sulfate N,N-dimethyl-n-ethyl-n-9-octadecenyl ammonium ethyl sulfate.

Use/Production. (S) Industrial internal and external antistatic agent for urethane foams and other plastics industrial synthetic fiber processing aid. Prod. range: 10,000-50,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing: dermal, a total of 10 workers, up to 3 hrs/da, up to 6 da/yr.

Environmental Release/Disposal. 4 to 40 kg released to air. Disposal by publicly owned treatment works (POTW).

P 86-705

Manufacturer. Confidential.

Chemical. (G) Aromatic sulfonate of substituted heteropolycycle.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by navigable waterway.

P 86-706

Importer. Confidential.
Chemical. (G) Alkyd resin (short oil).
Use/Import. (S) Water reducible resin for use in the manufacture of paint enamels. Import range: Confidential.
Toxicity Data. Acute oral: 5,000 mg/kg; Ames test: Nonmutagenic.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-707

Manufacturer. Spencer Kellogg Products/NL Chemicals.
Chemical. (G) Alkyd resin solution.
Use/Production. (G) Polyester resin to be used in an open, nondispersive manner. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-708

Manufacturer. Spencer Kellogg Products/NL Chemicals.
Chemical. (G) Alkyd resin solution.
Use/Production. (G) An alkyd resin to be used in an open, nondispersive manner. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

P 86-709

Manufacturer. The Dow Chemical Company.
Chemical. (G) Partial metal complex of aminomethylene phosphonic acid.
Use/Production. (G) Industrial and commercial scale and corrosion inhibitor. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by navigable waterway.

P 86-710

Manufacturer. The Dow Chemical Company.
Chemical. (G) Partial salt of aminomethylene phosphonic acid.
Use/Production. (G) Consumer and commercial scale inhibitor. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. Release to water. Disposal by navigable waterway.

P 86-711

Manufacturer. Confidential.
Chemical. (G) Heteropolycycle compound, with organic acid salt.
Use/Production. (G) Amine catalyst. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-712

Manufacturer. Confidential.
Chemical. (G) Cycloalkenyl alkanoate.
Use/Production. (S) Site-limited intermediate that is useful in creating compounds that will be ultimately useful in augmenting or enhancing aroma and perfumed articles or helping to impart fragrance to perfumable. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufature: dermal, a total of 6 workers, up to 8 hrs/da, up to 30 da/yr.
Environmental Release/Disposal. 0.5 kg released to air with 191 kg to water. Disposal by incineration and on-site pretreatment plant.

P 86-713

Manufacturer. Confidential.
Chemical. (G) Alkyl cycloalkenyl alkanedioate.
Use/Production. (S) Fragrance material for soaps, detergents, functional products and fine fragrance. Prod. range: Confidential.
Toxicity Data. No data on the PMN substance submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 8 hrs/da, up to 16 da/yr.
Environmental Release/Disposal. 0.5 to 1.0 kg/batch released to air. Disposal by incineration and on-site pretreatment plant.

P 86-714

Importer. DeVoe-Holbein Inc.
Chemical. (G) Hydroxyalkyl metallic oxide.
Use/Import. (G) Component in wastewater treatment systems-contained use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-715

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Alkene/substituted alkene/substituted alkoxyalkene copolymer.
Use/Production. (G) Seals and molded parts. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-716

Manufacturer. Lonza Inc.
Chemical. (G) Trialkyl amine methyl sulfate quaternary.
Use/Production. (G) Antistat. Prod. range: Confidential.
Toxicity Data. Acute oral: <5 gm/kg; Irritation: Eye-Extreme; Biological corrosivity: Corrosive.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1.5 hrs/da, up to 18 da/yr.
Environmental Release/Disposal. 0.10 to 0.20 kg/day released to water with 0.05 to 0.15 kg/day to land. Disposal according to all regulations.

P 86-717

Manufacturer. Confidential.
Chemical. (G) Polyfunctional acrylate of polyisocyanate adduct of alkoxylated polyol.
Use/Production. (S) Graphic arts printing plate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-718

Manufacturer. Confidential.
Chemical. (G) Vinyl copolymer.
Use/Production. (S) Component of magnetic tape coating formulations. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential. Disposal by waste treatment facility.

P 86-719

Importer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Polyester.
Use/Import. (G) Open, non-dispersive use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 2 workers.
Environmental Release/Disposal. No data submitted.

P 86-720

Importer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Epoxy acrylic polymer.
Use/Import. (G) Open, non-dispersive use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 2 workers.
Environmental Release/Disposal. Release to land.

P 86-721

Importer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Polyester polymer.
Use/Import. (G) Open, non-dispersive use. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 2 workers.
Environmental Release/Disposal. Release to land.

P 86-722

Importer. Confidential.
Chemical. (G) Polyesteramide.
Use/Import. (S) Industrial and commercial thixotropic agent for resin to be used to formulate a coating for wood. Import range: 1,584-6,336 kg/yr.
Toxicity Data. No data submitted.
Exposure. Processing: dermal, a total of 20 workers.
Environmental Release/Disposal. None expected.

P 86-723

Manufacturer. Kay-Fries, Inc.
Chemical. (G) Triethoxysilyl modified poly(1,2-butadiene).
Use/Production. (S) Industrial polymeric coupling agent. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 5 workers, up to ½ hr/da, up to 25 da/yr.
Environmental Release/Disposal. No data submitted.

P 86-724

Importer. Confidential.
Chemical. (G) Polymer of styrene, acrylonitrile,and mixed acrylates.
Use/Import. (S) Industrial binder for nonwovens. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. Small amounts released.

P 86-725

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) Resin used as a pigment dispenser in making paint. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-726

Manufacturer. Confidential.
Chemical. (G)Acrylic resin.
Use/Production. (S) Used as a primer for auto-refinishing system. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential
Environmental Release/Disposal. Confidential.

P 86-727

Importer. The Dow Chemical Company.
Chemical. (G) Polymer of styrene, acrylonitrile, ethylene, propylene and difunctional monomer.
Use/Import. (S) Site-limited, industrial and consumer compounding with other polymers to make plastic molding compositions. Industrial and consumer injection molding and extrusion to produce plastic articles. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing.
Environmental Release/Disposal. Release to air and land.

P 86-728

Importer. The Dow Chemical Company.
Chemical. (G) Crosslinked acrylate copolymer.
Use/Import. (S) Site-limited, intermediate in polymer manufacturing. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal.
Environmental Release/Disposal. Release to air and water. Disposal by navigable waterway.

P 86-729

Importer. The Dow Chemical Company.
Chemical. (G) Weak acid ion exchange resin.
Use/Import. (S) Industrial and commercial water softening. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing. dermal.
Environmental Release/Disposal. Release to water. Disposal by navigable waterway and on-site waste treatment plant.

P 86-730

Importer. The Dow Chemical Company.
Chemical. (G) Crosslinked sodium acrylate copolymer.
Use/Import. (S) Intermediate for polymer manufacturing. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing: dermal.
Environmental Release/Disposal. Release to air and water. Disposal by incineration, navigable waterway and on-site waste treatment plant.

P 86-731

Manufacturer. Confidential.
Chemical. (G) Functionalized ethene copolymer.
Use/Production. (S) Industrial and commercial plastic additive. Prod. range: 80,000-730,000 kg/yr.
Toxicity Data. No data submitted
Exposure. Manufacture: dermal, a total of 13 workers, up to 1 hr/da, up to 333 da/yr.
Environmental Release/Disposal. 32 kg/day released to land. Disposal by incineration or approved landfill.

P 86-732

Manufacturer. Confidential.
Chemical. (G) Monosubstituted alkane.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal.
Environmental Release/Disposal. 78 kg/batch released to water. 1 to 23 kg incinerated.

P 86-733

Manufacturer. Confidential.
Chemical. (G) Polymeric dithiocarbamate, alkali metal salt.
Use/Production. (G) Consumptive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-734

Manufacturer. E.I. du Pont de Nemours and Company, Inc.
Chemical. (G) Amino hydroxy ester.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 4 workers.
Environmental Release/Disposal. Disposal by EPA approved incineration.

P 86-735

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-736

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–737

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–738

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–739

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–740

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–741

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–742

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–743

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–744

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–745

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–746

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–747

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–748

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–749

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–750

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–751

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–752

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–753

Manufacture. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–754

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–755

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.

Environmental Release/Disposal. No release.

P 86–756

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–757

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–758

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–759

Manufacture. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–760

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–761

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–762

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–763

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–764

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–765

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–766

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–767

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No release.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–768

Manufacturer. Confidential.
Chemical. (G) Phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No release.

P 86–769

Manufacturer. Confidential.
Chemical. (G) Rosin, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86–770

Manufacturer. Confidential.
Chemical. (G) Ester gum, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86–771

Manufacturer. Confidential.
Chemical. (G) Rosin, maleated, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated
Environmental Release/Disposal. No data submitted.

P86–772

Manufacturer. Confidential.
Chemical. (G) Rosin, polymerized, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86–773

Manufacturer. Confidential.
Chemical. (G) Rosin, fumarated, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86-774

Manufacturer. Confidential.
Chemical. (G) Dimerized fatty acid, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86-775

Manufacturer. Confidential.
Chemical. (G) Zincated phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P86-776

Manufacturer. Confidential.
Chemical. (G) Zincated phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P86-777

Manufacturer. Confidential.
Chemical. (G) Zincated phenolic modified rosin ester, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-778

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-779

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-780

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-781

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-782

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-783

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-784

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-785

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-786

Manufacturer. Confidential.
Chemical. (G) Alkyd resin, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-787

Manufacturer. Confidential.
Chemical. (G) Maleated linseed oil, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-788

Manufacturer. Confidential.
Chemical. (G) Bodied linseed oil, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-789

Manufacturer. Confidential.
Chemical. (G) Ester gum, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-790

Manufacturer. Confidential.
Chemical. (G) Dicyclopentadiene-tall oil rosin-maleic anhydride polymer, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-791

Manufacturer. Confidential.
Chemical. (G) Alkyd resin, amino alcohol salt.
Use/Production. (G) Varnishes for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-792

Manufacturer. Confidential.
Chemical. (G) Maleated linseed oil, amino alcohol.

Use/Production. (G) Varnishes for printing ink. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-793

Manufacturer. Confidential.
Chemical. (G) Bodied linseed oil, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing ink. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-794

Manufacturer. Confidential.
Chemical. (G) Ester gum, amino alcohol salt urethane.
Use/Production. (G) Varnishes for printing ink. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-795

Manufacturer. Confidential.
Chemical. (G) Dicyclopentadiene-tall oil rosin-maleic anhydride polymer, amino alcohol imide urethane.
Use/Production. (G) Varnishes for printing ink. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

P 86-796

Manufacturer. Confidential.
Chemical. (G) Rosin, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-797

Manufacturer. Confidential.
Chemical. Ester gum, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P 86-798

Manufacturer. Confidential.
Chemical. (G) Rosin, maleated amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P86-799

Manufacturer. Confidential.
Chemical. (G) Rosin, polymerized amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P86-800

Manufacturer. Confidential.
Chemical. (G) Rosin, fumarated, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P86-801

Manufacturer. Confidential.
Chemical. (G) Dimerized fatty acid, amino alcohol salt urethane.
Use/Production. (G) Varnish for printing inks. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted.

P86-802

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86-803

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86-804

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermedate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. Confidential.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P86-805

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-806

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-807

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-808

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-809

Manufacturer. Confidential.
Chemical. (G) Metal resinate, amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-810

Manufacturer. Confidential.

Chemical. (G) Zincated phenolic modified rosin ester amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-811

Manufacturer. Confidential.
Chemical. (G) Zincated phenolic modified rosin ester amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-812

Manufacturer. Confidential.
Chemical. (G) Zincated phenolic modified rosin ester amino alcohol salt.
Use/Production. (G) Intermediate for printing ink varnishes. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No exposure anticipated.
Environmental Release/Disposal. No data submitted.

P 86-813

Manufacturer. Confidential.
Chemical. (G) Anhydride glycol adduct.
Use/Production. (G) Industrial crosslinking agent for epoxy resins used for potting and encapsulation applications. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, up to 6 hrs/da, up to 12 da/yr.
Environmental Release/Disposal. Trace with 4 kg/batch released to air.

Dated: March 31, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-7633 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59759; (FRL-2997-7)]

Certain Chemicals Premanufacture Notices; Kay-Fries, Inc., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of four such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-110, April 13, 1986.
Y 86-111, April 14, 1986.
Y 86-112 and 86-113, April 15, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460 (202) 382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-110

Manufacturer. Confidential.
Chemical. (G) Alkyd resin.
Use/Production. (S) An insulation resin used to impregnate fiberglass cloth for use in fractional horsepower motors. Prod. range: 24,500-49,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture: dermal, a total of 6 workers, up to 13 hrs/da, up to 8 da/yr.
Environmental Release/Disposal. Less than ¼ to 16 kg/batch released to air. Disposal by future scrubber.

Y 86-111

Manufacturer. Kay-Fries, Inc.
Chemical. (G) Triethoxysilyl modified poly(1,2-butadiene).
Use/Production. (S) Polymeric coupling agent. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: a total of 5 workers, up to ½ hr/da, up to 25 da/yr.
Environmental Release/Disposal. No release.

Y 86-112

Importer. Atochem Inc.
Chemical. (G) Polyamide—polyether amide copolymer.
Use/Import. (S) Textile adhesive. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-113

Importer. Atochem Inc.
Chemical. (G) Polyamide terpolymer.
Use/Import. (S) Textile adhesive. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: March 31, 1986.

Denise Devoe,

Acting Director, Informaiton Management Division.

[FR Doc. 86-7632 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59216; (FRL-2997-8)]

Test Marketing Exemption Applications; Westvaco Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722. This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemption, provides a summary, and requests comments on the appropriateness of granting each exemption.

DATE: Written comments by: April 28, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59216]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management

Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street SW., Washington, DC 20460 (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-33

Close of Review Period. May 9, 1986.
Manufacturer. Confidential.
Chemical. (G) Substituted benzenesulfonyl chloride.
Use Production. (G) Site-limited intermediate. Prod. range: 1,750 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: minimal.
Environmental Release/Disposal. Disposal by publicly owned treatment works (POTW).

T 86-34

Close of Review Period. May 9, 1986.
Manufacturer. Confidential.
Chemical. (G) Substituted penzenesulfonamide.
Use production. (G) A component of a vehicle used in printing ink. Prod. range: 1,360 until December 13, 1986.
Toxicity Data. Acute dermal: >2,000 mg/kg; Inhalation: 180:33 mg/1 of air; Ames test: Negative.
Exposure. Manufacture and processing: minimal.
Environmental Release/Disposal. Disposal by POTW.

T 86-35

Close of Review Period. May 12, 1986.
Manufacturer. Westvaco Corporation.
Chemical. (G) Carboxyethylated complex tall oil polyalkylene polyamine.
Use/Production. (G) Asphalt emulsifier. Prod. range: Confidential.
Toxicity Data. Acute oral: 200 mg/kg; Irritation: Skin—Possible irritant, Eye—Possible irritant.
Exposure. Confidential.
Environmental Release/Disposal. No data submitted. Disposal by secondary waste water treatment plant.

Date: March 31, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-7631 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51618; FRL-3001-2]

Certain Chemicals Premanufacture Notices; Modified Monocyclic Polyester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-five PMNs and provides a summary of each.

DATES: Close of Review Period:

P 86-814 and 86-815—June 25, 1986;
P 86-816, 86-817, 86-818, 86-819, and 86-820—June 28, 1986;
P 86-821, 86-822, 86-823, 86-824, 86-825, 86-826, 86-827, 86-828, 86-829, and 86-830—June 29, 1986;
P 86-831, 86-832, 86-833 and 86-834—June 30, 1986;
P 86-835, 86-836, 86-837 and 86-838—July 1, 1986.

Written comments by:

P 86-814 and 86-815—May 26, 1986;
P 86-816, 86-817, 86-818, 86-819 and 86-820—May 29, 1986;
P 86-821, 86-822, 86-823, 86-824, 86-825, 86-826, 86-827, 86-828, 86-829 and 86-830—May 30, 1986;
P 86-831, 86-832, 86-833 and 86-834—May 31, 1986;
P 86-835, 86-836, 86-837 and 86-838—June 1, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-51618]" and the specific PMN number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M Street, SW, Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW, Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNS received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 86-814

Manufacturer. Confidential.
Chemical. (G) Modified monocyclic polyester.
Use/Production. (G) Component of a coating formulation. Prod. range: 20,000-31,500 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 30 workers, up to 5 hrs/da, up to 16 da/yr.
Environmental Release/Disposal. 2 to 41 kg/batch released to land. Disposal by incineration and approved landfill.

P 86-815

Manufacturer. Confidential.
Chemical. (G) Salt of a heterocyclic alkenyl, substituted (phenylpyrazole).
Use/Production. (G) Contained use in an article. Prod. range: 2,500-5,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal, a total of 31 workers, up to 0.7 hr/da, up to 15 da/yr.
Environmental Release/Disposal. No release. 3 to 5 kg/batch disposed by biological treatment system with less than 2 kg/batch incinerated.

P 86-816

Importer. Nuodex Inc.
Chemical. (G) Copolyamide from dicarbonic acid, diamine and lactams.
Use/Import. (S) Industrial hot-melt adhesive. Import range: 10,000-30,000 kg/yr.
Toxicity Data. Acute oral: >10,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-mutagenic.
Exposure. Processing and use: dermal and inhalation.
Environmental Release/Disposal. No data submitted.

P 86-817

Importer. Nuodex Inc.
Chemical. (G) Copolyamide from dicarbonic acid, diamine and lactams.

Use/Import. (S) Industrial hot-melt adhesive. Import range: 10,000–30,000 kg/yr.

Toxicity Data. Acute oral: >10,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Ames test: Non-mutagenic.

Exposure. Processing and use: dermal and inhalation.

Environmental Release/Disposal. No data submitted.

P 86–818

Manufacturer. Confidential.

Chemical. (G) Alkyd resin.

Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: dermal, a total of 5 workers, up to 1 hr/da, up to 50 da/yr.

Environmental Release/Disposal. 1 to 10 kg/batch released to land. Disposal by dumpsite.

P 86–819

Manufacturer. Confidential.

Chemical. (S) Methyl methacrylate, 2-ethyl hexyl acrylate acrylic acid, acrylamide.

Use/Production. (G) An open use. Prod. range: 30,000–100,000 kg/yr.

Toxicity Data. COD: 2,140,000 ug/g0; BOD: 21,900 ug/g0.

Exposure. Manufacture: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Minimal release to air. Disposal by biological treatment lagoons and licensed landfill.

P 86–820

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Aromatic modified polyterpene resin.

Use/Production. (S) Industrial tackifier adhesives. Prod. range: Confindential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 3 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. 3 kg/batch released to air with 13.7 kg/batch to land.

P 86–821

Manufacturer. Reichhold Chemicals, inc.

Chemical. (G) Modified hydrocarbon resin.

Use/Production. (S) Industrial tackifier component in production of various adhesives systems. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to 4 hrs/da, up to 57 da/yr.

Environmental Release/Disposal. 15 kg/day released to water with 6 to 200 kg/day to land. Disposal by approved landfill.

P 86–822

Importer. Wacker Chemicals (USA), Inc.

Chemical. (S) (E)/(Z)-2,6-heptadienal, 2,4-dimethyl-.

Use/Import. (S) 100% fragrance for industrial, commercial and consumer use. Import range: 1,000 kg/yr.

Toxicity Data. Acute oral: 4.2 ml/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Phototoxic effect: No irritation; Photosensitizing effect: No irritation; Skin sensitization: No irritation.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

P 86–823

Manufacturer. Confidential.

Chemical. (G) Functional acrylate type polymer.

Use/Production. (G) Industrial paint ingredient. Prod. range: 125,000–163,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 20 workers, up to 8 hrs/da, up to 55 da/yr.

Environmental Release/Disposal. 2 to 48 kg/batch released to land. Disposal by incineration and landfill.

P 86–824

Manufacturer. Confidential.

Chemical. (G) Polymer of acrylic acid esters with an aliphatic acid monomer and an aromatic vinyl monomer, and an aliphatic nitrile monomer.

Use/Production. (G) Water dilutable foil and paper adhesive. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 5 workers, up to 4 hrs/da, up to 49 da/yr.

Environmental Release/Disposal. 1 to 108 kg released to water. Disposal by publicly owned treatment works (POTW).

P 86–825

Manufacturer. Confidential.

Chemical. (G) Ester copolymer.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 30 workers, up to 4 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Release to air or land. Disposal by POTW, landfill and in-plant treatment.

P 86–826

Manufacturer. Confidential.

Chemical. (G) Styrene-acrylic latex.

Use/Production. (G) Paint, open non-dispersive use. Prod. range: Under 1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 7 workers, up to 4 hrs/da, up to 90 da/yr.

Environmental Release/Disposal. 5 to 10 kg/batch released to land. Disposal by controlled landfill.

P 86–827

Manufacturer. Confidential.

Chemical. (G) Modified monocyclic urethane isocyanate.

Use/Production. (S) Site-limited isolated intermediate. Prod. range: 14,000–20,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 15 workers, up to 2 hrs/da, up to 11 da/yr.

Environmental Release/Disposal. 12 to 25 kg/batch released to land. Disposal by incineration and landfill.

P 86–828

Manufacturer. Confidential.

Chemical. (G) Aliphatic alicyclic polyester polyurethane.

Use/Production. (G) Resin used in industrial coating. Prod. range: 50,000–300,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 37 workers, up to 8 hrs/da, up to 65 da/yr.

Environmental Release/Disposal. 3 to 225 kg/batch released to land. Disposal by incineration and landfill.

P 86–829

Manufacturer. Ano-coil Corporation.

Chemical. (G) Diazonium resin.

Use/Production. (S) Photosensitive coating for lithographic plate. Prod. range: 10–20 kg/yr.

Toxicity Data. No data submitted

Exposure. Manufacture: dermal, a total of 4 workers, up to 4 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. 0.01 to 0.25 kg/batch incinerated.

P 86–830

Manufacturer. Ano-coil Corporation.

Chemical. (G) Diazonium resin.

Use/Production. (S) Industrial and commercial photosensitive coating for lithographic plate. Prod. range: 10–20 kg/yr.

Toxicity Data. No data submitted

Exposure. Manufacture: dermal, a total of 4 workers, up to 1 hr/da, up to 200 da/yr.

Environmental Release/Disposal. 0.05 to 0.15 kg/batch incinerated.

P 86-831

Manufacturer. Dow Chemical Company.

Chemical. (G) Alkyl substituted pyridine.

Use/Production. (S) Industrial corrosion inhibitor intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral: > 1,000 mg/kg; Irritation: Skin—Corrosive.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to water. Disposal by navigable waterway and on-site waste treatment plant.

P 86-832

Manufacturer. The Dow Chemical Company.

Chemical. (G) Reaction product of hydroxyethyl acrylate and methyl oxirane.

Use/Production. (S) Industrial and commercial monomer for acrylic type coatings in automobile topcoats, reactant in manufacture of product to be used in adhesive, ultraviolet, electron beam coating and ink application, comonomer in latexes used for paper coating. Prod. range: Confidential.

Toxicity Data. Acute oral: > 2.0 mg/kg; Irritation: Skin—Slight, Eye—Irritant; Inhalation: Negative.

Exposure. Manufacture: dermal.

Environmental Release/Disposal. Release to air and water. Disposal by navigable waterway and on-site waste treatment plant.

P 86-833

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polyurethane resin.

Use/Production. (S) Thermoplastic resin for industrial, transportation, agriculture recreation, and leisure time. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 14 workers.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and sanitary landfill.

P 86-834

Manufacturer. Epolin Incorporated.

Chemical. (S) (d),1-camphorquinone.

Use/Production. (S) Industrial use as a photoinitiator in curing mixtures containing acrylate esters and other materials and resins. Prod. range: 230-880 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 8 hrs/da, up to 80 da/yr.

Environmental Release/Disposal. 0.1 kg/yr released to water. Disposal by POTW and extraction of solution with toluene.

P 86-835

Manufacturer. Mapei Canada Inc.

Chemical. (G) Acrylic (copolymer).

Use/Production. (S) Adhesive. Prod. range: 600,000-1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 2 workers, up to 8 hrs/da, up to 125 da/yr.

Environmental Release/Disposal. No release.

P 86-836

Manufacturer. Confidential.

Chemical. (G) Poly(substituted carbomonocyclic alkylene) phosphate.

Use/Production. (G) Industrial specialty polymer. Prod. range: 10,000-30,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 21 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. .01 to 40 kg/batch released to land. Disposal by incineration and landfill.

P 86-837

Manufacturer. Ashland Chemical Company.

Chemical. (G) Styrene-acrylonitrile graft terpolymer.

Use/Production. (G) Additive for polymer blends. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 8 workers.

Environmental Release/Disposal. 1 to 4 kg/day released to land.

P 86-838

Manufacturer. The Dow Chemical Company.

Chemical. (G) Substituted pyridine.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: 1,121 mg/kg; Acute dermal: 1,606 mg/kg; Irritation: Skin—Non-irritant; Eye—Slight; Ames test: Not mutagenic; Skin sensitization: Non-sensitizer; LC_{50} 96 hr (Rainbow trout): 6.8 mg/l; LC_{50} 96 hr (Shrimp): 4.6 mg/l; CHO test: Negative; BOD—5 day test: Not biodegradable; TOC test: Not biodegradable; COD test: Not biodegradable.

Exposure. Confidential.

Environmental Release/Disposal. Release to air and water. Disposal by incineration and navigable waterway.

Dated: April 4, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-8143 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59760; FRL-3001-3)

Certain Chemicals Premanufacture Notices; Polyester Polyol, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984 (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such PMNs and provides a summary of each.

DATES: Close of Review Period:

Y 86-115—April 20, 1986.

Y 86-116—April 21, 1986.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemptions received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 86-115

Manufacturer. Confidential.

Chemical. (G) Polyester polyol.

Use/Production. (S) Thermoset plastic molding resin. Prod. range: 681,000-1,600,000 kg/yr.

Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Y 86-116

Manufacturer. Reichhold Chemicals, Inc.
Chemical. (G) Terpene modified hydrocarbon copolymer.
Use/Production. (S) Industrial tackifier component in production of various adhesive systems resin components in coating systems. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. No data submitted.
Environmental Release/Disposal. No data submitted.

Dated: April 4, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-8142 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59217; FRL-3001-5]

Nitrogen Heterocycle; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption

DATE: Written comments by April 28, 1986.

ADDRESS: Written comments, identified by the document control number "[OPTS-59217]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Room E-201, 401 M Street SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794). Office of Toxic Substances, Environmental Protection Agency, Room E-611, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 86-36

Close of Review Period. May 15, 1986.
Manufacturer. Confidential.
Chemical. (G) Nitrogen heterocycle.
Use Production. (G) Corrosion inhibitor, in gas wells for site-limited, industrial and commercial use. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Confidential.

Dated: April 4, 1986.

Denise Devoe,

Acting Director, Information Management Division.

[FR Doc. 86-8140 Filed 4-10-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Proposed Statement of Policy Special Purpose Finance Subsidiaries

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Request for Comments.

SUMMARY: Special purpose finance subsidiaries are used by banks as a mechanism for obtaining funds at favorable borrowing rates. If appropriately utilized, finance subsidiaries may enhance a bank's efforts to restructure its assets, access cheaper and more widely available funding sources, and improve overall profit performance. However, the improper use of finance subsidiaries may result in unsafe and unsound practices that threaten the financial condition of the parent bank. In order to minimize the potential for inappropriate uses of finance subsidiaries, the Board of Directors of the Federal Deposit Insurance Corporation has proposed to adopt the attached Statement of Policy on Special Purpose Finance Subsidiaries and has also decided to request comments on the policy statement proposal.

DATE: Comments on the proposal must be received by may 27, 1986.

ADDRESS: Send comments to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand delivered to Room 6108 on business days between 8:30 a.m. and 5:00 p.m. and should reference the date and page number of this issue of the **Federal Register.** Comments may also be inspected in Room 6108 between 8:30 a.m. and 5:00 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Stephen G. Pfeifer, Examination Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429, telephone (202) 898-6894.

SUPPLEMENTARY INFORMATION: The Statement of Policy, as proposed, would apply to finance subsidiaries that are established by state nonmember banks and insured savings banks. These subsidiaries are established for the purpose of issuing to outside investors debt or equity securities, the proceeds of which are transferred to the parent bank for use in its normal banking activities. In conjunction with the finance subsidiary's issuance of securities, the parent bank transfers certain assets to the subsidiary. These assets are used by the finance subsidiary to collateralize or otherwise support the securities issued to the outside investors.

Finance subsidiaries, if appropriately utilized, may enhance a bank's efforts to restructure its assets, access cheaper and more widely available funding sources, and improve overall profit performance. However, the improper use of finance subsidiaries may result in unsafe and unsound practices that threaten the financial condition of the parent bank.

In order to minimize the potential for inappropriate uses of finance subsidiaries, the proposed policy statement would set forth the following policy quidelines:

(1) The finance subsidiaries should be 100 percent owned by the parent bank.

(2) The aggregate amount of assets transferred by a parent bank to its finance subsidiaries should not exceed 10 percent of the parent bank's total assets.

(3) The entire amount of proceeds raised by the finance subsidiary's issuance of securities, net of

underwriting fees and related expenses, should be immediately transferred to the parent bank.

(4) The market value of the assets transferred to a finance subsidiary as collateral or support for the subsidiary's issuance of equity or debt securities should not exceed 200 percent of the gross proceeds raised from issuing the securities, or such lower percent as is customary or necessary for the nature and type of securities issued.

(5) For purposes of Reports of Income and Condition filed with the FDIC, state nonmember banks and insured savings banks should consolidate all finance subsidiaries with the parent bank.

(6) A prior written notification should be submitted to the bank's appropriate FDIC Regional Director indicating the bank's intent to establish a finance subsidiary or change the nature of an existing finance subsidiary. Prior notification should also be submitted to the appropriate FDIC Regional Director of any intended changes in the nature and type of assets acquired or retained through reinvestment of the proceeds received by the parent bank from the subsidiary.

(7) "After the fact" confirmation from the bank to the appropriate FDIC Regional Director should be submitted for any transaction involving the transfer of assets by the parent bank to a finance subsidiary of the issuance of securities by the subsidiary to outside investors.

State nonmember banks and insured savings banks would be encouraged to consider the policy statement guidelines when evaluating plans to establish finance subsidiaries. The statement of policy, as proposed, would set forth minimum guidelines applicable to sound, well-run banks wishing to establish finance subsidiaries. However, adherence to the policy guidelines would not necessarily ensure that the subsidiary's financing transaction has been structured and implemented in a safe and sound manner. Bank management would still need to carefully consider the impact of such a transaction on the bank's overall financial position, including the transaction's effect on capital, asset quality earnings, liquidity, and interest rate sensitivity. The policy statement would also indicate that the FDIC will seek appropriate supervisory remedies for any subsidiary transactions conducted in an unsafe or unsound manner.

The attached policy statement, as proposed, would attempt to address the safety and soundness considerations associated with finance subsidiaries through the adoption of the above mentioned policy guidelines. The intent of the proposed policy statement is to facilitate the prudent use of finance subsidiaries that are economically advantageous to state nonmember banks and insured savings banks while minimizing the potential for abusive or unsafe and unsound transactions. In an attempt to achieve these dual objectives, the policy statement would encourage banks to provide timely information to FDIC Regional Directors as to the nature and extent of finance subsidiary transactions. The policy statement would also provide bankers with more definitive guidance as to appropriate methods for structuring and reporting these financing transactions.

Since the policy statement would encourage additional reporting requirements by banks, submission of the policy statement to the Office of Management and Budget (OMB) for their review pursuant to the Paperwork Reduction Act would be necessary. In view of this time requirement, and due to the potential benefits of additional input on the various policy issues relating to finance subsidiaries, the FDIC has decided that the policy statement should be distributed as a proposal for public comment.

Background

Finance subsidiaries are established in order to provide funds to the parent bank at favorable borrowing rates. Two basic types of subsidiaries exist—those that issue preferred stock and those that issue collateralized mortgage obligations (CMOs) or other forms of debt securities. The preferred stock is normally short-term (usually 45 days) and is rolled over at maturity through an auction bidding process among an organized group of existing and/or potential investors. The CMOs or other debt instruments are generally long-term, fixed-rate obligations, although some recent interest has been expressed regarding the issuance of short-term commercial paper through such subsidiaries.

The parent bank transfers a sufficient amount of its assets to the finance subsidiary to collateralize or otherwise support the preferred stock or debt issue. Although the collateral required for CMOs usually is less than 110 percent of the amount received from the CMO issuance, the support required for preferred stock issues usually is 150 percent or more. The above percentages are based on the market value of the underlying collateral rather than the collateral's book value.

Proponents of special purpose finance subsidiaries believe that the establishment of these finance subsidiaries will lead to more funding sources, cheaper borrowing rates, more opportunities to restructure assets without loss recognition, additional tax savings, greater recognition of tax loss carryforward benefits, more competitive equity with FSLIC-insured savings and loan associations, and long-term benefits for the Federal deposit insurance fund.

Opponents of special purpose finance subsidiaries express reservations against the explicit encouragement of finance subsidiaries by the FDIC. For example, they contend that the funds raised by the subsidiaries could be subject to the same types of abuses that have arisen from certain "brokered deposit" transactions. In addition to more leverage and pledging of bank assets, a weaker liquidity position and a riskier asset portfolio could also result if the high quality assets transferred to the subsidiary are replaced by the parent bank with less liquid assets acquired with the proceeds of the subsidiary's preferred stock or debt issue.

From a public viewpoint, a question arises as to whether the FDIC wishes to encourage, through the establishment of such subsidiaries, a class of creditors that, in substance, woud be in a senior position relative to bank depositors and nondeposit creditors in the event of the parent bank's failure. Some opponents of finance subsidiaries also question whether the FDIC, in its present position as bank supervisor, should encourage the establishment of finance subsidiaries, and the related transfer of parent bank assets to the subsidiary, when such encouragement could potentially conflict with the FDIC's responsibility as a receiver of a failed bank to gather all assets and maximize collections. Opponents therefore believe that, due to the above mentioned reasons, the possibility exists that finance subsidiaries may pose more rather than less risk to the insurance fund.

In view of the arguments for and against the establishment of finance subsidiaries, the FDIC has developed a policy statement proposal which attempts to facilitate the prudent use of special purpose finance subsidiaries while minimizing the potential for unsafe and unsound transactions.

Policy Issues

In developing the proposed policy statement, the FDIC placed primary emphasis on resolving the following policy issues:

Type of Supervisory Guidance. Section 337.4 of the FDIC Rules and Regulations sets forth a number of

provisions affecting the establishment of subsidiaries engaged in securities underwriting and related activities. In addition, the FDIC has proposed to amend Part 332 in order to establish similar provisions for subsidiaries that are engaged in real estate development or insurance underwriting. Thus, one supervisory alternative with respect to finance subsidiaries would be to amend either Part 332 or 337 in order to also cover the activities of finance subsidiaries. Such an amendment could define when a finance subsidiary is a "bona fide" (i.e., bankruptcy-proof) subsidiary. The definition of a bona fide subsidiary could be similar to that adopted for securities subsidiaries and proposed for insurance and real estate subsidiaries unless different criteria are deemed appropriate. In this regard, the FHLBB has issued a detailed regulation covering finance subsidiaries of FSLIC-insured institutions. As an alternative to amending Part 332 or 337, some other type of formal guidance on these subsidiaries could be issued, such as a policy statement or an examination directive.

The FDIC has proposed to adopt a policy statement on finance subsidiaries as opposed to the issuance of a detailed regulation or amendment of Part 332 or 337. A policy statement would allow for more flexibility in its application to specific circumstances and would avoid the time consuming process of trying to devise a regulation that would adequately cover every possible contingency relating to the establishment and operations of finance subsidiaries. In addition, any future revisions in supervisory policy arising as a result of evolutionary changes in the nature of finance subsidiaries could be implemented on a more timely basis if the revisions are to a policy statement rather than a regulation.

Applicability of Supervisory Policy. The policy statement or other form of supervisory guidance could apply to all FDIC-insured institutions or just those for which the FDIC is the primary supervisory authority. The FDIC has proposed to apply the supervisory policy to state nonmember banks and *all* FDIC-insured savings banks, including those FDIC-insured savings banks that are federally-chartered. The policy statement, as proposed, would not apply to state member banks or national banks whose primary supervisory authority is either the Federal Reserve System or the Office of the Comptroller of the Currency. However, even if the OCC and the FRS do not formally adopt any policies for finance subsidiaries, the existence of an FDIC policy statement might very well be considered by both national and state member banks and influence the manner in which these banks structure their finance subsidiary transactions.

The proposed policy statement would apply to FDIC-insured federal savings banks whose primary supervisory authority is the Federal Home Loan Bank Board. Inclusion of FDIC-insured FSBs within the scope of the policy statement is proposed by the FDIC since the institutions are FDIC-insured and since certain provisions of the FHLBB regulation covering finance subsidiaries of FSLIC-insured institutions conflict with the proposed FDIC policy. For example, policy differences exist between the FHLBB regulation and the proposed FDIC policy statement as to the maximum allowable investments in finance subsidiaries and as to the consolidation requirements pertaining to these subsidiaries for reporting and capital adequacy requirements. If the policy statement were not to apply to FDIC-insured federal savings banks, these banks might otherwise look to the FHLBB regulation for guidance as to appropriate procedures for structuring finance subsidiary transctions rather than to any FDIC policy guidelines.

Investment Limitation. The proposed policy statement sets forth an aggregate investment limitation in finance subsidiaries equal to 10 percent of the parent bank's total assets. This is well below the 30 percent limitation allowed by the FHLBB for FSLIC-insured institutions. Nonetheless, the FDIC believes the 10 percent level to be a reasonable guideline. Indeed, assuming a 6 percent capital to asset ratio, a bank with 10 percent of its assets invested in finance subsidiaries would be allowed to have aggregate investments in finance subsidiaries equal to 167 percent of capital.

Even with a 10 percent limitation, a substantial portion of a bank's assets could be encumbered via asset transfers to finance subsidiaries that are used to support the subsidiaries' issuance of securities. In addition, certain subsidiary transactions, including the issuance of preferred stock, require market value collateralization equal to 150 percent or more of the amount of preferred stock issued. Therefore, a 10 percent maximum investment limitation, while noticeably less than the FHLBB's 30 percent limitation, is deemed prudent and is not considered by the FDIC to be an unduly restrictive guideline.

Overcollateralization. The proposed policy statement also recommends that the market value of assets transferred as collateral or other support for a subsidiary's issuance of securities should not exceed 200 percent of the gross proceeds raised from issuing the securities, or such lower percent as is customary or necessary for the nature and type of securities issued. Asset transfers to the subsidiary subsequent to the initial issuance date of the securities would also be included within the collateral limitation guidelines. This collateral guideline is very similar to that set forth by the FHLBB, although the FHLBB does allow collateralization of up to 250 percent of the gross proceeds received by the parent bank. The customary collateralization requirements for debt securities such as CMOs is usually less than 110 percent. However, for finance subsidiaries that issue preferred stock, the market value of assets transferred to the subsidiary as support for the preferred stock issue might range from 150 percent to 200 percent of the gross proceeds raised by the subsidiary's preferred stock issue.

Notification Requirements. The FDIC believes that both prior notice and actual confirmation of subsidiary transactions would be beneficial. The prior notice requirements would include a description of the transaction, the intended use of the proceeds raised from the securities issued by the subsidary, and financial projections as to the impact of the financing transaction on a bank's overall capital level and earnings performance. Notification would also be required of any intended changes in the nature and type of assets acquired or retained through reinvestment of the proceeds received by the parent bank from the subsidiary.

Subsequent to consummation of a finance subsidiary transaction, written confirmation would be provided to the FDIC Regional Director as to the amount of bank assets transferred to the subsidiary, the gross proceeds raised by the subsidiary's issuance of securities, the net proceeds transferred from the subsidiary to the parent bank, and an itemized reconciliation of the difference between the gross proceeds raised by the subsidiary and the net proceeds transferred to the parent bank.

The prior notification would be given at least 30 days before the intended consumation date of the financing transaction and the written confirmation of the actual transaction would be required to be submitted within 30 days after consumation of the transaction. The FHLBB requires prior notification from the FSLIC-insured institution before the initial establishment of a finance subsidiary but does not require any "after the fact" confirmation of the transaction. However, the FDIC believes

that material differences can exist between transactions as initially proposed and as actually consumated; thus, the FDIC believes that both prior notification and actual confirmation of finance subsidiary transactions are appropriate.

Some concern has been raised regarding the responsibility of the FDIC Regional Director upon receipt of a prior notification letter from a bank intending to enter into a finance subsidiary transaction. For example, would the Regional Director have the obligation to specifically approve or disapprove the transaction within the 30-day time period, or could the Regional Director simply express the intent not to disapprove by (1) providing a letter to that effect, or (2) allowing the 30-day time period to expire.

The FDIC believes the policy statement should not impose an additional administrative burden on the FDIC Regional Offices and that the Regional Director's responsibility would only be to inform the bank as to the date the prior notification requirement is received in the Regional Office. If written confirmation of the receipt of the letter by the Regional Office is requested by the bank, this confirmation could be given by providing to the bank a "date-stamped" copy of the bank's prior notification letter. Unless the Regional Director intends to object to the proposed finance subsidiary transaction, no other action by the Regional Director would be required. If the bank wishes confirmation "after-the-fact" that no objection was raised by the FDIC Regional Director during the 30-day time period, this confirmation would be limited to a verbal acknowledgment.

Concern has also been raised by banking associations and investment bankers that the 30-day prior notification requirement may impede a finance subsidiary ability to enter the market on a timely basis, especially since some existing finance subsidiaries have been able to close transactions within less than 30 days from the time that the concept for the transaction was initially conceived.

However, the FDIC believes that a bank can probably resolve this problem by providing a "shelf registration" prior notification covering the types of finance subsidiary transactions that the bank intends to enter into over a specified time frame. After the passage of the initial 30-day time frame, assuming there has been no objection from the Regional Director, the types of transactions mentioned within the one-time "shelf registration" letter could be entered into without any further prior notification requirement. Written confirmation of the specific transactions would, however, still be provided by the bank to the appropriate Regional Director.

Consolidation and Capital Adequacy Requirements. The proposed policy statement would also provide that all finance subsidiaries be consolidated for capital adequacy and Call Report purposes. For both capital maintenance (Part 325) and Call Report purposes, the FDIC presently requires these subsidiaries to be consolidated, unless they do not meet certain "significance" tests. In addition, the FDIC does not allow any preferred stock issued to outside investors by finance subsidiaries to be treated as part of the consolidated bank's capital for Part 325 capital maintenance purposes. On the other hand, the FHLBB allows investments in finance subsidiaries to be excluded from assets for capital adequacy purposes if the securities issued by the finance subsidiary to the outside investors are "duration-matched" with the underlying collateral.

A finance subsidiary is used essentially as a borrowing mechanism. Therefore, the FDIC believes that finance subsidiary borrowings should be reflected on the bank's Call Reports, via consolidation of the finance subsidiary with the parent bank, and that all such subsidiaries should be consolidated, regardless of their significance. The present Call Report instructions only require consolidation of significant subsidiaries. Significant subsidiaries are defined to include subsidiaries which meet any *one* of the following tests:

(1) The bank's investment in the subsidiary equals 5 percent or more of the parent bank's total equity capital.

(2) The parent's proportional share of the subsidiary's *gross* operating income equals 5 percent or more of the gross operating income of the consolidated parent bank.

(3) The subsidiary's income before income taxes is 5 percent or more of the parent bank's income before income taxes.

Even under existing Call Report instructions, the great majority of finance subsidiaries would need to be consolidated. Assuming a bank has a capital to asset ratio of 6 percent, an investment in a finance subsidiary of only 0.3 percent of the bank's assets would be equal to 5 percent of capital, thereby meeting one of the significance tests mentioned above.

The FHLBB requires consolidation of finance subsidiaries issuing preferred stock. However, if the obligation (such as a collateralized mortgage obligation) issued by the subsidiary is "duration-matched" with the underlying collateral (usually mortgages or mortgage-back securities), the FHLBB allows the exclusion from assets of the investments is such subsidiaries for capital analysis purposes. The FHLBB allows this method of analysis for finance subsidiaries issuing CMOs and similar securities since such a subsidiary possesses little or no interest rate risk or credit risk in what is essentially a "pass through" financing transaction. Several savings bank associations and investment bankers have urged the FDIC to also allow investments in finance subsidiaries with "duration-matched" securities to be excluded from assets when analyzing capital adequacy due to (1) the limited risk posed by investments in these finance subsidiaries and (2) the negative impact on capital to asset ratios that would otherwise result from consolidating the subsidiary's assets and liabilities with that of its parent.

Notwithstanding the existence of duration matching, the FDIC believes a finance subsidiary transaction constitutes, in substance, a collateralized borrowing. As a result, the borrowing should be appropriately reflected as a liability on the bank's consolidated Call Reports, regardless of whether the obligation is issued directly by the bank or through a wholly-owned finance subsidiary. In addition, a "duration-matched" financing transaction will not necessarily reduce the consolidated bank's overall risk profile, especially if the high quality, low risk assets transferred to the finance subsidiary are used to raise funds which the parent bank invests in high risk assets.

The FDIC also quetions whether any "duration-matched" concept could be effectively applied as a means for determining whether a finance subsidiary should be consolidated. The FHLBB has indicated that, in determining whether a finance subsidiary transaction is duration-matched, financial institutions should use the duration measure developed by a Mr. F.R. Macauley and reflected in a 1938 publication of the National Bureau of Economic Research. The FHLBB admits that "numerous computational issues and that the use of varying assumptions by institutions may cause an initial lack of uniformity" in reporting duration calculations but that "imposing uniform standards for duration measurements could distort results by imposing an overly rigid framework on an analytical methodology that is still evolving."

As a consequence, the FHLBB decided to address the duration issue by having its Office of Policy and Economic

Research provide general guidance and by having institutions submit "duration calculations in written form for each amount of securities issued through a subsidiary and provide certifications of the accuracy and validity of those duration calculations." The FDIC believes the admininstrative burden imposed upon banks and Regional Offices in providing and reviewing the above mentioned duration information is not warranted. Indeed, the need to review such duration information is effectively eliminated if all finance subsidiary transactions are reflected on a consolidated basis in the bank's consolidated Call Reports.

In addition, utilization of the equity method for investments in finance subsidiaries would effectively allow the use of a part-sale, part-borrowing approach for finance subsidiaries. The finance subsidiary transaction would resemble a borrowing in the sense that no loss is recognized on the assets transferred to the subsidiary. On the other hand, the transaction would resemble a sale in the sense that no borrowing is reflected on the parent bank's books if the subsidiary is accounted for under the equity method. A requirement that all finance subsidiaries be consolidated would better reflect the substance of the financing transaction by eliminating the part-sale, part-borrowing effect that results from use of the equity method.

For the reasons mentioned above, the FDIC has proposed that all finance subsidiaries be consolidated for Call Report and Part 325 capital maintenance requirements.

Other Policy Statement Guidelines. The FDIC believes that several other guidelines would also be beneficial relative to the structure of finance subsidiaries. These provisions would require:

(a) 100 percent ownership of all finance subsidiaries by the parent bank, and

(b) immediate transfer to the parent bank of the entire amount of proceeds raised by the subsidiary, net of underwriting fees and related expenses.

The first provision is similar to a requirement in the FHLBB finance subsidiary regulation and would ensure that the finance subsidiary is for the exclusive benefit of the parent bank and would prevent a parent bank from circumventing consolidation requirements via the use of "joint venture" finance subsidiaries that are less than majority-owned. The second provision ensures that the subsidiary is utilized as a finance subsidiary rather than a service or operating corporation by requiring all of the preceeds from the subsidiary's issuance of securities to be upstreamed to the parent bank.

General Guidance. The policy statement, as proposed, sets forth minimum guidelines applicable to sound, well-run banks wishing to establish finance subsidiaries. Although the policy statement would encourage banks to consider the policy guidelines when evaluating plans to establish finance subsidiaries, adherence to the guidelines would not necessarily ensure that the financing transaction has been structured and implemented in a safe and sound manner. In this respect, the policy statement would remind bank management to carefully consider the impact of the transaction on the bank's overall financial position, including the transaction's effect on capital, asset quality, earnings, liquidity, and interest rate sensitivity. The policy statement would also indicate that the FDIC will seek appropriate supervisory remedies for any subsidiary transactions conducted in an unsafe and unsound manner.

The FDIC is requesting comment on the proposed policy statement, including those policy issues that have been described above. In addition, the FDIC is also requesting comments as to the additional reporting burden that such a policy statement, if adopted, would impose on the affected banks. A copy of the proposed Statement of Policy on Special Purpose Finance Subsidiaries follows.

Federal Deposit Insurance Corporation—Special Purpose Finance Subsidiaries

Proposed Statement of Policy

This Statement of Policy applies to finance subsidiaries that are established by state nonmember banks and insured savings banks. These subsidiaries are established for the purpose of issuing to outside investors debt or equity securities, the proceeds of which are transferred to the parent bank for use in its normal banking activities. In conjunction with the finance subsidiary's issuance of securities, the parent bank transfers certain assets to the subsidiary. These assets are used by the finance subsidiary to collateralize or otherwise support the securities issued to the outside investors.

Finance subsidiaries, if appropriately utilized, may enchance a bank's efforts to restructure its assets, access cheaper and more widely available funding sources, and improve overall profit performance. However, the improper use of finance subsidiaries may result in unsafe and unsound practices that threaten the financial condition of the parent bank.

In order to minimize the potential for inappropriate uses of finance subsidiaries, the following policy guidelines have been developed:

(1) The finance subsidiaries should be 100 percent owned by the parent bank.

(2) The aggregate amount of assets transferred by a parent bank to its finance subsidiaries should not exceed 10 percent of the parent bank's total assets. This amount is based on book value rather than market value.

(3) The entire amount of proceeds raised by the finance subsidiary's issuance of securities, net of underwriting fees and related expenses, should be immediately transferred to the parent bank.

(4) The market value of the assets transferred to a finance subsidiary as collateral or support for the subsidiary's issuance of equity or debt securities should not exceed 200 percent of the gross proceeds raised from issuing the securities, or such lower percent as is customary or necessary for the nature and type of securities issued. Any subsequent transfers of assets by the parent bank to the subsidiary should be considered in conjunction with previous transfers when evaluating the amount of assets transferred in relation to the gross outstanding amount of securities issued by the finance subsidiary.

(5) For purposes of Reports of Income and Condition filed with the FDIC, state nonmember banks and insured savings banks should consolidate all finance subsidiaries with the parent bank. As a result of this consolidation, any debt obligations issued by the subsidiary to outside investors should be reflected as "other borrowed money" in the Report of Condition any any equity securities issued by the subsidiary to outside investors should be reported as "minority interests in consolidated subsidiaries" in Schedule RC–G—Other Liabilities. For purposes of Part 325 of the FDIC's Rules and Regulations, these minority interests in financing subsidiaries will be excluded from both primary and total capital.

(6) A prior written notification should be submitted to the bank's appropriate FDIC Regional Director indicating the bank's intent to establish a finance subsidiary or change the nature of an existing finance subsidiary. This notification should be received by the appropriate FDIC Regional Director at least 30 days prior to the establishment of the finance subsidiary or the commencement of the financing transaction. The notification should provide:

(a) A description of the proposed financing transaction, including copies of any offering circulars relating to the proposed issuance of securities by the subsidiary;

(b) The intended use of the proceeds raised by the finance subsidiary from its issuance of securities to outside investors; and

(c) Financial projections as to the impact of the proposed financing transaction on the bank's overall capital level and earnings performance.

Subsequent to the subsidiary's establishment, prior notification should also be submitted to the appropriate FDIC Regional Director of any intended changes in the nature and types of assets acquired or retained through reinvestment of the proceeds received by the parent bank from the subsidiary. Notice should also be provided of any decision to close out or

unwind transactions previously entered into by the finance subsidiary.

(7) Within 30 days after consummation of any transaction involving the transfer of assets by the parent bank to a finance subsidiary or the issuance of securities by the subsidiary to outside investors, the appropriate FDIC Regional Director should reveive from the bank written confirmation of the following:

(a) The book value and market value of the assets transferred by the parent bank to the subsidiary;

(b) The gross proceeds raised from the subsidiary's issuance of securities;

(c) The net proceeds transferred from the subsidiary to the parent bank; and

(d) An itemized reconciliation of the difference between the gross proceeds raised from the subsidiary's issuance of securities and the net proceeds transferred to the parent bank.

State nonmember banks and insured savings banks are encouraged to consider the above guidelines when evaluating plans to establish finance subsidiaries. This statement of policy sets forth minimum guidelines applicable to sound, well-run banks wishing to establish finance subsidiaries. However, adherence to the policy guidelines does not necessarily ensure that the subsidiary's financing transaction has been structured and implemented in a safe and sound manner. In this respect, bank management should carefully consider the impact of such a transaction on the bank's overall financial position, including the transaction's effect on capital, asset quality, earnings, liquidity, and interest rate sensitivity. The FDIC will seek appropriate supervisory remedies for any subsidiary transactions conducted in an unsafe or unsound manner.

By Order of the Board of Directors this 7th day of April, 1986.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-8105 Filed 4-10-86; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Revocations; AMCO International et al.

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertining to the licensing of ocean freight forwarders, 46 CFR 510.

License Number: 2752
Name: James Costello dba AMCO International
Address: P.O. Box 60831 AMF, Houston, TX 77205
Date Revoked: March 9, 1986
Reason: Failed to maintain a valid surety bond

License Number: 2318
Name: Transatlas International Inc.
Address: P.O. Box 298 JFK Airport, Jamaica, NY 11430
Date Revoked: March 7, 1986
Reason: Failed to maintain a valid surety bond

License Number: 2184
Name: Bruce Transfer Corp.
Address: 22 Lawrence Lane, Lawrence, L.I., NY 11559
Date Revoked: March 20, 1986
Reason: Failed to maintain a valid Surety bond

License Number: 2664
Name: Hap Dong Express, Inc.
Address: 1070 Metropolitan Ave., Brooklyn, NY 11211
Date Revoked: March 20, 1986
Reason: Failed to maintain a valid surety bond

License Number: 2532
Name: Inex, Inc. dba Inex
Address: 765 Rte. 83, P.O. Box 177, Bensenville, IL 60106
Date Revoked: March 24, 1986
Reason: Surrendered license voluntarily

License Number: 651
Name: Mar Shipping Corporation
Address: 87 Walker Street, New York, NY 10013
Date Revoked: March 24, 1986
Reason: Surrendered license voluntarily

License Number: 2217
Name: Lynch, Lynch & Associates, Inc.
Address: P.O. Box 944, Beaufort, NC 28516
Date Revoked: March 27, 1986
Reason: Voluntarily requested revocation

License Number: 34
Name: Magnolia Forwarding Company, Inc.
Address: 935 Industry Road, Bay 2, Kenner, LA 70062
Date Revoked: March 28, 1986
Reason: Failed to maintain a valid surety bond

License Number: 254
Name: Behring Shipping Company
Address: 600 Bayview Avenue, Inwood, NY 11696
Date Revoked: March 31, 1986
Reason: Surrendered license voluntarily

License Number: 2417
Name: Vincent Manta dba Manta Shipping
Address: 59-62 60th Street, Maspath, NY 11378
Date Revoked: March 31, 1986
Reason: Surrendered license voluntarily

License Number: 1338-R
Name: SEI Group of Companies, Inc.
Address: 145-54 156th Street, Jamaica, NY 11434
Date Revoked: April 1, 1986
Reason: Requested revocation voluntarily

Eugene P. Stakem,

Deputy Director, Bureau of Tariffs.

[FR Doc. 86-8121 Filed 4-10-86; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Ameritrust Corp.; Application to Engage de Novo in Check Printing Activities

Ameritrust Corporation, Cleveland, Ohio, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act 12 U.S.C. 1843(c)(8) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), to engage through its subsidiary, ATEK Check Printing Company, Brooklyn, Ohio, in printing and selling to depository institutions, checks and related documents including, but not limited to, corporate image checks, cash tickets, voucher checks, deposit slips, savings withdrawal packages, and other bank forms that require MICR-encoded information. This activity will be conducted as a joint venture with McCorquodale Holdings, Inc., Baltimore, Maryland.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." In determining whether an activity is a proper incident to banking, the Board must consider whether the proposal may "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 interest, or unsound banking practices."

Ameritrust argues that the proposed activity is closely related to banking because check printing is functionally similar to the embossing and encoding of plastic debit and credit cards, a service that is being provided by a number of banks and bank holding companies. Ameritrust also assets that check printing is integrally related to check processing, which banks provide to their correspondent banks, and to the provision of payroll processing services for third parties because these services result in a printed product for the customer. In addition, Ameritrust claims that because banks print a variety of documents for in-house use and for charities that banks already have the expertise to perform check printing. Ameritrust views check printing as a form of data processing with the end

product being the serially numbered checks for specific accounts.

While the Board has decided to publish Ameritrust's proposal for comment, the Board does not thereby take any position on the issues under the Bank Holding Company Act raised by the proposal. This proposal is being published by the Board in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the activity is likely to meet the standards of the Bank Holding Company Act.

Comment is specifically requested concerning whether the printing of checks and other related documents is closely related to banking on the basis that: (1) Banks have generally in fact provided the proposed services; (2) Banks generally provide services that are so similar to the proposed services as to equip them particularly well to provide the proposed services; or (3) Banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form.

These guidelines for determining whether an activity is closely related to banking are set out in *National Courier Association* v. *Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement regarding Regulation Y, 49 FR 806 (1984). Section 225.21(a)(2) of Regulation Y also permits a bank holding company to engage in incidental activities that are necessary to carry on activities that the Board has determined are closely related to banking.

Comment also is requested on whether ATEK's activities would be a proper incident to banking, that is, whether the performance of the activities by Ameritrust may reasonably be expected to produce benefits to the public 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 must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Cleveland.

Any comments regarding the application or requests for a hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than May 10, 1986.

Board of Governors of the Federal Reserve System, April 7, 1986.

William Wiles,

Secretary of the Board.

[FR Doc. 86-8085 Filed 4-10-86; 8:45 am]

BILLING CODE 6210-01-M

Banc One Corp. et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an appliction 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 May 2, 1986.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Banc One Corporation*, Columbus, Ohio; to acquire 100 percent of the voting shares of Citizens Union National Bank and Trust Company, Lexington, Kentucky. In connection with this application *Banc One Kentucky Corporation*, Lexington, Kentucky; has applied to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Union National Bank and Trust Company, Lexington, Kentucky. Comments on this application must be received no later than April 28, 1986.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Badger Bank Services, Inc.*, Cassville, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of Badger State Bank, Cassville, Wisconsin.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Citizens Fidelity Corporation*, Louisville, Kentucky; to acquire 100 percent of the voting shares of Indiana Southern Bank, Sellersburg, Indiana.

2. *Magna Group, Inc., and Millikin Bancshares, Inc.*, both of Belleville, Illinois; to acquire 100 percent of the voting shares of Northtown Bancshares Corporation, Decatur, Illinois, and thereby indirectly acquire Northtown Bank and Trust, Decatur, Illinois.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of Allied Bank Lewisville, Lewisville, Texas, a *de novo* bank.

Board of Governors of the Federal Reserve System, April 7, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86-8086 Filed 4-10-86; 8:45 am]

BILLING CODE 6210-01-M

Guaranty Bancshares Corp. et al., Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the

Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 2, 1986.

A. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Guaranty Bancshares Corporation,* Shamokin, Pennsylvania; to merge with Nanticoke Financial Services, Inc., thereby indirectly acquiring Nanticoke National Bank, both of Nanticoke, Pennsylvania.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Wachovia Corporation,* Winston-Salem, North Carolina; to acquire 100 percent of the voting shares of First Atlanta Bank National Association, New Castle, Delaware.

Board of Governors of the Federal Reserve System, April 7, 1986.

William W. Wiles,

Secretary of the Board.

[FR Doc. 86-8087 Filed 4-10-86; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on April 4, 1986.

Social Security Administration

(Call 301-594-5706 for copies of packages)

Subject: Corrective Action Plan and Progress Report—Extension—(960-0279)

Respondents: State or local governments

OMB Desk Officer: Judy A. McIntosh.

Public Health Service

(Call 202-245-2100 for copies of packages)

Food and Drug Administration

Subject: Quick Response Survey—Extension—(0910-0063)

Respondents: Individuals and households.

Health Resources and Services Administration

Subject: Health Education Assistance Loan Program Forms Revision—(0915-0043)

Respondents: Individuals or households; Businesses or other for-profit; Non-profit institutions.

Alcohol, Durg Abuse and Mental Health Administration

Subject: Supplemental Instructions for Preparing Research Scientist Development/Research Scientist Award Program, New or Competing Renewal Applications—Revision—(0930-0079)

Respondents: Individuals or households

Subject: Final Report Guidelines—Extension—(0930-0005)

Respondents: Individuals or households; Non-profit institutions; Small businesses or organizations

Subject: Inventory of Mental Health Organizations and General Hospital Mental Health Services—Reinstatement

Respondents: State or local governments; Businesses or other-for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations

OMB Desk Officer: Bruce Artim.

Health Care Financing Administration

(Call 301-594-8650 for copies of packages)

Subject: Home Health Agency Cost Report—Revision—(0938-0022)

Respondents: Home Health Agencies

OMB Desk Officer: Fay S. Iudicello.

Human Development Services

(Call 202-472-4415 for copies of packages)

Subject: Telephone Survey: Head Start Recruitment and Enrollment—New

Respondent: State or local governments: Non-profit institutions

OMB Dest Officer: Judy A. McIntosh.

Copies of the above information collection clearance packages can be obtained by calling the Reports Clearance Officer on the number shown above.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. Attn: (name of OMB Desk Officer).

Date: April 7, 1986.

K. Jacqueline Holz,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 86-8120 Filed 4-10-86; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 75N-0184; DESI 10837]

Milpath Tablets; Drugs for Human Use; Drug Efficacy Study Implementation; Withdrawal of Approval of New Drug Application

Correction

In FR Doc. 86-7256 appearing on page 11348, in the issue of Wednesday, April, 2, 1986 make the following correction:

On page 11348, in the third column, in the last paragraph, in the fourth line, the effective date should read "May 2, 1986".

BILLING CODE 1505-01-M

[Docket No. 85D-0467]

Draft Guideline for the Organization and Content of the Clinical Section of an Application; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the notice announcing the availability of a draft guideline entitled "Draft Guideline for the Organization and Content of the Clinical Section of an Application." FDA is taking this action to provide additional time for interested persons to submit comments on the draft guideline.

DATE: Comments by May 30, 1986.

ADDRESSES: Requests for copies of the draft guideline may be made in writing to the Support Services Branch (HFN-62), Center for Drugs and Biologics, Food and Drug Administration, Rm. 13B-05, 5600 Fishers Lane, Rockville, MD 20857, or by telephone to 301-443-6060. A request for the guideline should be identified with the docket number found in the heading of this notice.

Written comments regarding the draft guideline may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm.

4–62, 5600 Fishers Lane, Rockville, MD 20857. Comments should also be identified with the docket number.

FOR FURTHER INFORMATION CONTACT: Howard P. Muller, Center for Drugs and Biologics (HFN–362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8049.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 17, 1986 (51 FR 2574), FDA issued a notice announcing the availability of a draft guideline to assist applicants in presenting the clinical data required as part of new drug and antibiotic marketing applications. FDA made the draft guideline available for public comment to assist it in developing a final guideline. Comments were requested to be submitted by April 17, 1986.

Because of the length and complexity of this draft guideline, FDA believes an extension of the comment period is appropriate and would facilitate additional public comment on the guideline. FDA has determined that its schedule for issuing the guideline in final form would not be unduly delayed by this extension of the comment period, and that such an extension to receive additional comments would be in the public interest. Accordingly, the period for submission of comments is extended to May 30, 1986.

Interested persons may, on or before May 30, 1986, submit written comments on the draft guideline to the Dockets Management Branch (address above). These comments will be considered in determining whether further amendments to, or revisions of, the draft guideline are warranted. 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. The draft guideline and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 7, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–8093 Filed 4–8–86; 11:18 am]

BILLING CODE 4160–01–M

[Docket No. 76N–0356; DESI 1543]

Oral Estrogens for Postmenopausal Osteoporosis; Drug Efficacy Study Implementation; Reevaluation

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is amending the conditions for marketing short-acting oral estrogens. The agency now considers these drugs to be effective for the treatment of postmenopausal osteoporosis.

DATE: Supplements to approved new drug applications due on or before June 10, 1986.

ADDRESSES: Communications in response to this notice should be identified with the reference number DESI 1543, addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, and directed to the appropriate office named below:

Supplements to full new drug applications (identify with NDA number); Division of Metabolism and Endocrine Drug Products (HFN–810), Rm. 14B–04, Center for Drugs and Biologics.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drugs (HFN–230), Center for Drugs and Biologics.

Requests for the report of the National Academy of Sciences-National Research Council: Freedom of Information Staff (HFI–35), Rm. 12A–12.

Requests for protocol guidelines for in vivo bioavailability studies and dissolution tests: Division of Bioequivalence (HFN–250), Center for Drugs and Biologics.

Requests for opinion of the applicability of this notice to a specific drug product: Division of Drug Labeling Compliance (HFN–310), Center for Drugs and Biologics.

FOR FURTHER INFORMATION CONTACT: Judy O'Neal, Center for Drugs and Biologics (HFN–366), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8041.

SUPPLEMENTARY INFORMATION:

I. Background

In a notice published in the **Federal Register** of July 25, 1972 (37 FR 14826), FDA announced its evaluation of reports received from the National Academy of Sciences/National Research Council on certain estrogen-containing drugs for oral or parenteral use. In that notice, the agency classified certain estrogen drug products listed below as effective, probably effective, possibly effective, and lacking substantial evidence of effectiveness for various indications. The drugs were classified as probably effective for selected cases of osteoporosis.

In response to the 1972 notice, only Ayerst Laboratories, manufacturer of Premarin Tablets, submitted data in support of its product for use in osteoporosis.

Subsequently, in the **Federal Register** of September 29, 1976 (41 FR 43114), the Director of the Bureau of Drugs (now the Center for Drugs and Biologics) reclassified all the drugs in the 1972 notice as lacking substantial evidence of effectiveness for their less-than-effective indications. Except for the osteoporosis indication for Premarin Tablets, the notice proposed to withdraw approval of those reclassified indications and offered an opportunity for a hearing on the proposal. The proposal was based on the information available at that time on estrogens.

The September 1976 notice stated that the data submitted in support of Premarin Tablets for use in osteoporosis were determined not to provide substantial evidence of effectiveness. A later notice setting forth an analysis of the data and reasons for this conclusion was to have been the basis for determining the date hearing requests could be submitted for Premarin Tablets only for that indication.

The effectiveness of estrogens in the treatment of osteoporosis was considered by FDA's Endocrinology and Metabolism Advisory Committee on February 18, 1977, and by the Obstetrics and Gynecology Advisory Committee on July 28, 1977. Based upon a review of the recommendations from the advisory committees, additional published literature, and reevaluation of previously submitted data, the Director now concludes that short-acting orally administered estrogens are effective for the treatment of postmenopausal osteoporosis.

Accordingly, the conclusions and actions in the September 29, 1976 notice are rescinded insofar as they affected those portions of the new drug applications (NDAs) listed below for oral short-acting estrogens labeled for osteoporosis. These drugs are now regarded as effective for this use if the requirements of items 1, 2, and 3 set forth below in the amendment portion of this notice are met. The other sections of the September 29, 1976 notice and other **Federal Register** notices that require physician and patient labeling for estrogens for general use remain in effect.

Drug products covered by this notice (i.e., short-acting estrogens intended for oral use) are regarded as new drugs (21 U.S.C. 321(p)). An approved NDA is required for marketing. (See section II.3, below.) A supplemental new drug application is required to revise the labeling of a previously approved drug

in accordance with section II. 1 and 2, below.

This notice applies to the particular, short-acting oral estrogens named in this notice, to all such products that are the subject of an NDA or abbreviated new drug application (ANDA) approved either before or after the Drug Amendments of 1962, and to any identical, related, or similar drug product under 21 CFR 310.6 whether or not it is the subject of an approved NDA or ANDA. Short-acting oral estrogens subject to this notice include the following (NOTE: this is not intended to be a complete listing): conjugated estrogens, diethylstilbestrol, esterified estrogens, estradiol, ethinyl estradiol, estropipate, and stilbestrol. This notice does not apply to estrogen products used in contraception.

It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product that the person manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific product by writing to the Division of Drug Labeling Compliance (address given above). The effective osteoporosis indication is applicable to the five drug efficacy study implementation (DESI) products listed below:

DESI 1543

1. NDA 4–782; Premarin Tablets containing conjugated estrogens; Ayerst Laboratories, Division of American Home Products Corp., 685 Third Ave., New York, NY 10017.

2. NDA 5–292; Estinyl Tablets containing ethinyl estradiol; Schering Corp; Galloping Hill Rd., Kenilworth, NJ 07033.

3. NDA 5–490; Lynoral Tablets containing ethinyl estradiol; Organon, Inc., Division of Akzona, Inc., 375 Mt. Pleasant Ave., West Orange, NJ 07052.

4. NDA 8–579; Vallestril Tablets containing methallenestril; G.D. Searle and Co., P.O. Box 5110, Chicago, IL 60680.

5. NDA 16–649; Feminone Tablets containing ethinyl estradiol; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001.

In addition to the five DESI products listed above, the effective osteoporosis indication is applicable to the four DESI products below which were not mentioned in the September 29, 1976 notice:

DESI 740

1. NDA 4–041 as it pertains to Stilbestrol Tablets containing diethylstilbestrol; Eli Lilly & Co., Box 618, Indianapolis, IN 46206.

2. NDA 4–056 as it pertains to Stilbestrol Tablets containing diethylstilbestrol; E.R. Squibb & Son., Inc., Box 4000, Princeton, NJ 08540.

3. NDA 5–159; Diethylstilbestrol Dipropionate Tablets containing diethylstilbestrol dipropionate; Blueline Laboratories, Inc., 302 South Broadway, St. Louis, MO 63102.

4. NDA 5–233; Diethylstilbestrol Tablets containing diethylstilbestrol; High Chemical Co., 1760 North Howard St., Philadelphia, PA 19122.

II. Amendment

The September 29, 1976 DESI notice (41 FR 43114) (1) set forth specific indications for certain estrogens that would be in accord with the requirements for physician labeling (see **Federal Register** notices of April 7, 1975 (40 FR 15392), September 29, 1976 (41 FR 43117), October 29, 1976 (41 FR 47573), and July 22, 1977 (42 FR 37645)), (2) announced the availability of guidelines to fulfill the requirements for patient labeling (now 21 CFR 310.515), and (3) detailed the general marketing status for estrogen products. This notice amends portions of the three items as follows:

1. *Physician Labeling.* Paragraph IV.B.2.b. of the September 29, 1976 DESI notice is amended by adding an additional indication, with appropriate dosage information, for oral short-acting estrogens as follows:

Osteoporosis (Abnormally Low Bone Mass)

[Drug name to be provided by manufacturer] is indicated in postmenopausal women with evidence of loss or deficiency of bone mass, to retard further bone loss and estrogen-deficiency-induced osteoporosis. This product should be used with other important measures such as diet, calcium, and physiotherapy. A more favorable benefit/risk ratio exists in a woman who has had a hysterectomy because she has no risk of endometrial carcinoma (see boxed warning).

There is evidence that bone loss is increased in many women following the menopause, but there is no clear way to identify those women who will develop osteoporotic fractures. There is also evidence that the rate of bone loss can be reduced in postmenopausal women by taking estrogens, but substantial evidence is lacking that estrogens decrease the incidence of osteoporotic bone fractures. Women who have had an early surgical menopause (oophorectomy) appear to be at increased risk for the development of osteoporosis.

Dosage and Administration

The recommended daily dosage of [insert drug name] for treatment of osteoporosis is [insert dosage amount equivalent to 0.625 mg conjugated estrogens, U.S.P.] administered cyclically 21 out of 28 days.

2. *Patient Labeling.* The September 29, 1976 DESI notice (41 FR 43114, at 43115, section IV.B.2.c) announced the availability of guidelines to meet the requirements for patient labeling for estrogens (now 21 CFR 310.515(b)), and provided for the future revision of patient packaging text. To that extent and in accord with 21 CFR 310.515(f), the following section may be relied upon to meet the patient packaging labeling requirements of 21 CFR 310.515(b) regarding the proper use of estrogens in postmenopausal osteoporosis.

Estrogens in Postmenopausal Osteoporosis

Osteoporosis is a thinning of the bones that makes them weaker and more likely to break. The bones that break most commonly is osteoporosis are those of the spine, arms, and upper legs. Both men and women start to lose bone after about age 40, but women seem to lose bone faster after the menopause. Not all women develop osteoporosis after menopause. Adequate calcium in the diet and exercise may help to prevent osteoporosis. Taking estrogens after the menopause seems to slow down the bone loss but there is not enough evidence to show that it prevents the bone from breaking.

3. *Marketing Status.* Section IV.B.3. paragraphs a.(i) and c.(i) of the September 29, 1976 DESI notice (41 FR 43114, at 43115–6) are revised as follows:

a.(i) Marketing of such a drug product that is now the subject of an approved or effective NDA or an approved ANDA may be continued provided that, on or before June 10, 1986, the holder of the application has submitted a supplement for revised labeling in accord with the labeling conditions described in this notice.

c.(i) For products not the subject of an approved NDA, approval of an ANDA (21 CFR 314.55) must be obtained before marketing such products. In addition, the bioavailability regulations (21 CFR 320.21) require any person submitting a full or abbreviated new drug application after July 7, 1977, to include either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. These requirements are waived for oral products in immediate release dosage form that contain an estrogen other than diethylstilbestrol or ethinyl estradiol. (See 21 CFR 320.22(c)(1).) Marketing a drug product before approval of a new drug application will subject those products, and those persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053 as amended (21 U.SC. 352, 355)) and under the authority delegated to the Director of the Center for Drugs and Biologics (21 CFR 5.70).

Dated: April 3, 1986.

Paul Parkman,

Acting Director, Center for Drugs and Biologics.

[FR Doc. 86-8095 Filed 4-10-86; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86E-0064]

Determination of Regulatory Review Period for Purposes of Patent Extension; Suprol

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Suprol and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESS: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20859, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) generally provides that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Suprol (suprofen) which is indicated for the relief of mild to moderate pain and for the treatment of primary dysmenorrhea. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Suprol from Janssen Pharmaceutica N.V. and requested FDA's assistance in determining the patent's eligibility for patent term restoration. FDA, in a letter dated February 27, 1986, advised the Patent and Trademark Office that the human drug product had undergone a regulatory review period and that its active ingredient, suprofen, represented the first permitted commercial marketing or use of that active ingredient. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Suprol is 3,571 days. Of this time, 951 days occurred during the testing phase of the regulatory review period, while 2,620 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date and exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* March 17, 1976, FDA has verified the applicant's claim that the notice of claimed investigational exemption became effective on March 17, 1976.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* October 23, 1978. FDA has verified the applicant's claim that the new drug application for the drug (NDA 18-217) was initially submitted on October 23, 1978. Although NDA 18-217 was voluntarily withdrawn on June 1, 1979, and later refiled on August 11, 1981, the agency still considers October 23, 1978, as the date the NDA was initially submitted.

3. *The date the application was approved:* December 24, 1985. FDA has verified the applicant's claim that NDA 18-217 was approved on December 24, 1985.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 731 days of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 10, 1986, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 8, 1986, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 2, 1986.

Stuart L. Nightingale,

Associate Commissioner of Health Affairs.

[FR Doc. 86-8095 Filed 4-10-86; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meetings

The following adisory committee meetings are announced:

Ad Hoc Advisory Committee on Hypersensitivity to Food Constituents

Date, time, and place. May 8 and 9, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Avenue SW, Washington DC.

Type of meeting and contact person. Open committee discussion, May 8, 9

a.m. to 2:30 p.m.; open public hearing, 2:30 p.m. to 4 p.m.; open committee discussion, May 9, 9 a.m. to 12 m.; Mary C. Custer, Center for Food Safety and Applied Nutrition (HFF–334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–426–9463.

General function of the committee. The committee will review and evaluate available information relevant to adverse reactions in humans associated with use of food constituents.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss "allergic-type" adverse reactions resulting from exposure to aspartame, monosodium glutamate, sodium benzoate, and tartrazine. The committee will discuss the clinical signs and symptoms that can follow exposure to these food ingredients and the severity, pathogenesis, prevalence, and treatment of these adverse reactions. Other topics the committee will discuss and consider include the toxicology, food uses, and regulatory aspects of these four substances.

Arthritis Advisory Committee

Date, time, and place. May 19 and 20, 9 a.m., Conference Rms. D and E, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, May 19, 9 a.m. to 4:15 p.m.; open public hearing, 4:15 p.m. to 5:15 p.m.; open committee discussion, May 20, 9 a.m. to 4 p.m.; David F. Hersey, Center for Drugs and Biologics (HFN–32), Food and Drug Administration, 5600 Fishers Lane, Rockville MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in arthritis and related diseases.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss: (1) use of methotrexate for rheumatoid arthritis; (2) adverse drug reactions (ADR's) to nonsteroidal anti-inflammatory drugs (NSAID's)-upper gastrointestinal (GI) reaction; (3) inclusion of new paragraph on GI–ADR's in labeling for all NSAID's; (4) dimethyl sulfoxide for use in scleroderma; and (5) draft on "Guidelines for the Clinical Evaluation of Anti-inflammatory Drugs," 2d Edition.

Pulmonary-Allergy Drugs Advisory Committee

Date, time, and place. May 19 and 20, 8:30 a.m., Bethesda Marriott, 5151 Pooks Hill Rd., Bethesda, MD.

Type of meeting and contact person. Open public hearing, May 19, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 4:30 p.m.; May 20, 8:30 a.m. to 4:30 p.m.; Thomas E. Nightingale, Center for Drugs and Biologics (HFN–32), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the treatment of pulmonary disease and diseases with allergenic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee contact person.

Open committee discussion. The committee will discuss the general issue of over-the-counter (OTC) marketing of beta-adrenergic bronchodilator drug products in metered dose inhalers. For more background information and the agency's notice requesting written comment on this general issue, see [Docket No. 86N–0063] the **Federal Register** notice of March 21, 1986 (51 FR 9842).

General Hospital and Personal Use Devices Panel

Date, time, and place. Wednesday, May 21, 12:30 p.m., Conference Rm. 1207, 8757 Georgia Ave., Silver Spring, MD 20910.

Type of meeting and contact person. This meeting will take the form of a telephone conference call. A speaker phone will be provided in the conference room to allow public participation in the open session of the meeting. Open public hearing, 12:30 p.m. to 1 p.m.; open committee discussion, 1 p.m. to 2:30 p.m.; Andrea A. Wargo, Center for Devices and Radiological Health (HFZ–420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the committee contact person before May 2, and submit a brief statement of the general nature of the evidence or argument they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a petition from the Health Industry Manufacturers Association to FDA for the reclassification of Infant Radiant Warmers from class III (premarket approval) to class II (performance standards).

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in

accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Docket Management Branch (HFA–305), Rm. 4–62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: April 7, 1986.

John M. Taylor,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–8092 Filed 4–10–86; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

Human Development, National Advisory Child Health and Human Development Council, Subcommittee on Planning; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Child Health and Human Development Council Subcommittee on Planning, April 15, 1986, in Building 31, Room 2A52, National Institutes of Health, Bethesda, Maryland. This meeting was scheduled on short notice to meet the deadline for the submission of comments to the Director, NIH, for inclusion in the biennial report to the Congress.

In accordance with the provisions set forth in sections 552b(c)(9), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on April 15 from 1:00 p.m. to adjournment to discuss and prepare comments Council wishes to submit to the Director, NIH, for inclusion in the biennial report to the Congress.

Mrs. Majorie Neff, Council Secretary, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland 20205, Area Code 301, 496–1485, will provide a summary of the meeting and a roster of Council members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.864, Population Research, and 13.865, Research for Mothers and Children, National Institutes of Health)

Dated: April 7, 1986.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 86–8224 Filed 4–10–86; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 39537]

Realty Action; Direct Sale of Public Land in Lake County, OR

The following land is suitable for sale under Section 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 (and 1719), at no less than the appraised fair market value.

Serial No. and Legal description	Acreage	Value	Minimum bid deposit	Bidding procedures
OR 39537, T. 27 S., R. 15 E., Willamette, Meridian, Oregon, Sec. 11: S½NE¼.	80	$5,200	30	Direct.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute. The segregative effect of the notice of realty action shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication in the Federal Register of a termination of the segregation or 270 days from the date of publication, whichever occurs first.

The sale will be held on Wednesday, June 18, 1986, at the Bureau of Land Management, Lakeview District Office, P.O. Box 151, 1000 South Ninth Street, Lakeview, Oregon 97630. This is an isolated parcel which is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another federal agency. No significant resource values will be affected by this disposal. The sale is in conformance with BLM's planning for the land involved and the public interest will be best served by offering this land for sale.

Bidders Qualifications

Bidders must be U.S. citizens, 18 years of age or more; a state or state instrumentality authorized to hold property; or a corporation authorized to own real estate in the state in which the land is located.

Direct Sale Procedures

Direct sale procedures are being used since a competitive sale is not appropriate and the public interest would be best served by a direct sale. Benefits to direct sale would be; (1) To aid in eliminating the isolated public land situation in the area, and (2) to satisfy an area need for an adequate school site location.

The parcel identified is being offered to the North Lake County School District using direct sale procedures authorized under 43 CFR 2711.3–3. The land will be sold at fair market value to the designated purchaser without competitive bidding. The designated purchaser is required to render the minimum percent bid deposit in the form of a certified check, postal money order, bank draft or cashier's check, made payable to the U.S.D.I.—Bureau of Land Management by Wednesday, June 18, 1986. The balance within 180 days of the above date. If the required deposit is not submitted and the full purchase price not rendered within 180 days of the sale date, the preference right is cancelled, and the deposit will be forfeited.

Terms and Conditions of the Sale

The terms, conditions and reservations applicable to the sale are as follows:

1. The mineral interests being offered for conveyance have no known mineral value. A bid will also constitute an application for conveyance of the mineral estates, (*with the exception of the oil and gas, which will be reserved to the United States*), in accordance with Section 209 of the Federal Land Policy and Management Act, 43 U.S.C. 1719. All qualified bidders must include with their bid deposit(s), a non-refundable $50.000 filing fee, per parcel, for the conveyance of the mineral estates.

2. Rights-or-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Patents will be issued subject to all valid existing rights and reservations of record.

4. The BLM may accept or reject any and all offers, or withdraw any land or

interest in land from sale if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Federal Land Policy and Management Act or other applicable laws.

Unsold Parcels

If the subject parcel is not sold on June 18, 1986, it will remain available to the North Lake County School District until sold or withdrawn from the market.

Comments

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Lakeview, Oregon. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: March 27, 1986.

Jerry Asher,

District Manager.

[FR Doc. 86-8118 Filed 4-10-86; 8:45 am]

BILLING CODE 4310-33-M

Availability of Public Lands in Lake County, OR

The parcels of public land described below have been previously offered for public auction sale by the Lakewiew District, Bureau of Land Management pursuant to section 203 of the Federal Land Policy and Management Act of 1976, (90 Stat. 2750, 43 U.S.C. 1713) but remain unsold. The subject parcels have been reappraised to reflect current fair market value and sealed bids for these parcels will not be accepted at the Lakeview District Office. Bids may be submitted by qualified persons either by mail or delivered in person during regular business hours, (7:45 a.m. to 4:30 p.m.). Bids will not be accepted for less than the minimum bid listed below for each parcel and a separate sealed written bid must be submitted for each sale parcel desired.

All bids received will be opened June 18, 1986, and the first Wednesday of each subsequent month, thereafter. To be considered, bids must be received by 10:00 a.m. on the day of the bid opening. Each bid must be accompanied by a certified check, postal money order, bank draft, or cashier's check, made payable to the U.S. Department of the Interior-BLM for not less than the percent bid deposit indicated for each parcel. Bids must be enclosed in a sealed envelope marked in the lower left-hand corner as follows: "Public Sale Bid, Serial No.

If two or more envelopes containing valid bids of the same amount are received, the determination of which is to be considered the highest bid, shall be by supplemental bidding. Tied high bidders will be notified immediately and be allowed twenty days, from the date of notification receipt, to submit a new bid. In all cases, the highest sealed bid will determine the successful purchaser. The successful purchaser will be notified in writing and will be required to submit the remainder of the amount bid within 180 days from the date of sale. Failure to submit the full sale price within 180 days from the date of sale shall result in sale cancellation and forfeiture of the bidder's deposit. All unsuccessful bids will be returned.

The parcels will remain available for purchase as described above until sold or withdrawn from sale by the authorized officer. The parcels available for sale are described as follows:

Serial and parcel No.	Legal description/ acreage Willamette Meridian, Oregon	Acres	Minimum bid	Percent bid deposit
OR 34957C, parcel No. 1.	T. 27 S., R. 17 E. Sec. 15: SW¼SW¼.	40	$2,400	30
OR 34957D, parcel No. 2.	T. 27 S., R. 17 E. Sec. 14: SE¼SW¼. Sec. 23: NE¼NW¼, S½NW¼NW¼.	100	6,000	30
OR 34957E, parcel No. 3.	T. 27 S., R. 17 E. Sec. 23: S½NW¼, N½SW¼.	160	9,600	30
OR 36015, parcel No. 4.	T. 25 S., R. 18 E. Sec. 5: SE¼SE¼.	40	2,000	30
OR 36016, parcel No. 5.	T. 25 S., R. 18 E. Sec. 17: NE¼NE¼.	40	2,000	30
OR 36017, parcel No. 6.	T. 26 S., R. 19 E. Sec. 6: Lot 5.	34.52	1,730	30
OR 36018, parcel No. 7.	T. 26 S., R. 18 E. Sec. 25: SW¼.	160	8,000	30
OR 36019, parcel No. 8.	T. 27 S., R. 17 E. Sec. 31: SE¼NE¼, E½SE¼. Sec. 32: S½NW¼.	237.46	11,900	20
	T. 28 S., R. 17 E. Sec. 6: Lot 1.			
OR 36283, parcel No. 9.	T. 25 S., R. 19 E. Sec. 29: SW¼SW¼.	40	2,000	30
OR 36284, parcel No. 10.	T. 25 S., R. 19 E. Sec. 29: E½SE¼, SW¼SE¼.	120	6,000	30
OR 36285, parcel No. 11.	T. 25 S., R. 19 E. Sec. 28: NE¼.	160	8,000	30
OR 36286, parcel No. 12.	T. 26 S., R. 18 E. Sec. 13: S½.	320	16,000	20
OR 36287, parcel No. 13.	T. 26 S., R. 16 E. Sec. 1: Lots 1 thru 4, SW¼NE¼, S½NW¼. Sec. 2: Lot 1.	199.49	10,000	30
OR 36857B, parcel No. 14.	T. 27 S., R. 17 E. Sec. 27: SW¼SW¼. Sec. 28: SE¼SE¼.	80	3,200	30
OR 36857D, parcel No. 15.	T. 26 S., R. 17 E. Sec. 32: W½NW¼.	80	4,000	30

Except for the provisions of Section 203 of the Federal Land Policy and Management Act of 1976, (90 stat. 2750; 43 U.S.C. 1713), the above described lands are hereby segregated from appropriation under the public land laws, including the mining laws. The segregative effect of the notice of realty action shall terminate upon issuance of patent or other document of conveyance to such lands, upon publication of the segregation or 270 days from the date of publication, whichever occurs first.

Bids or requests for information on the above parcels should be directed to the Lakeview District Office, 1000 South 9th Street, P.O. Box 151, Lakeview, Oregon 97630, telephone (503) 947-2177.

Dated: March 27, 1986.

Jerry Asher,

District Manager.

[FR Doc. 86-8119 Filed 4-10-86; 8:45 am]

BILLING CODE 4310-33-M

[Serial No. I-22814]

Idaho; Proposed Withdrawal and Opportunity for Public Meeting

April 3, 1986.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Corps of Engineers, Department of Army, proposes to withdraw 764.61 acres of public land adjacent to the Dwarshak Dam and Reservoir for big game habitat mitigation. This notice closes the land for up to two years from surface entry and mining. The land will remain open to mineral leasing.

DATE: Comments and requests for a public meeting should be received by July 10, 1986.

ADDRESS: Comments and meeting requests should be sent to: Idaho State Director, Bureau of Land Management, 3380 Americana Terrace, Boise, ID 83706.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 208-334-1735.

On March 31, 1986, the Corps of Engineers filed an application to withdraw the following-described public land from settlement, sale, location, or entry under the general public land laws, including the mining laws, subject to valid existing rights:

Boise Meridian

T. 41 N., R. 5 E.
Sec. 19, NE¼SE¼NE¼;
Sec. 25, lots 3 and 4, S½SW¼NW¼;
Sec. 26, lot 9, lot 2, except NW¼, SE¼SE¼NE¼, NW¼NE¼SW¼, S½NE¼SW¼;
Sec. 27, S½N½SW¼;
Sec. 28, S½SE¼SW¼;
Sec. 31, S½SE¼SE¼;
Sec. 32, lots 2 and 3, E½NE¼NE¼, SE¼SW¼NE¼, SE¼NE¼, S½NE¼SW¼, SW¼SW¼, NW¼SE¼;
Sec. 33, lots 6 and 7;
Sec. 34, N½N½NE¼, NE¼SW¼NW¼, W½SW¼NW¼, NW¼SE¼NW¼;
Sec. 35, N½NW¼NE¼, SW¼NW¼NE¼, N½N½NW¼, SE¼NE¼NW¼.

The area described contains 764.61 acres in Clearwater County.

The purpose of the proposed withdrawal is to protect the land for big game habitat. This application is for a total withdrawal effectively transferring full jurisdication of this area of Federal land to the U.S. Army Corps of Engineers.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of pubication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of two years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date.

William E. Ireland,
Chief, Realty Operations Section.
[FR Doc. 86-8117 Filed 4-10-86; 8:45 am]
BILLING CODE 4310-33-M

Nevada; Proposed withdrawal and Reservation of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service proposes to withdraw 45,298 acres of public land in Clark and Lincoln Counties, Nevada, to protect the lands pending a legislative exchange for privately owned lands in Florida. This notice closes the lands for up to 2 years from surface entry and mining. The lands will remain open to mineral leasing.

ADDRESS: Inquiries concerning the land should be sent to: Nevada State Director, Federal Building, 300 Booth Street, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, 702-784-5703.

On April 8, 1986, a petition was approved allowing the U.S. Fish and Wildlife Service to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general public lands laws, including the mining laws, subject to valid existing rights:

Mount Diablo Base and Meridian

T. 11 S., R. 63 E.,
Secs. 19-23;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26-35.
T. 12 S., R. 63 E.,
Secs. 2-11;
Sec. 12, W½W½;
Sec. 13, W½;
Secs. 14-17;
Sec. 18, E½;
Sec. 19, E½;
Secs. 20-23;
Sec. 24, W½;
Secs. 25-29;
Sec. 30, E½;
Sec. 31, E½;
Secs. 32-36.
T. 12 S., R. 64 E.,
Sec. 31, W½SW¼.
T. 13 S., R. 63 E.,
Sec. 1-5;
Sec. 8, E½, E½W½;
Secs. 9-16;
Sec. 17, E½;
Sec. 20, E½;
Secs. 21-24;
Sec. 25, N½;
Sec. 26, N½.
T. 13 S., R. 64 E.,
Sec. 6, W½;
Sec. 7, W½ W½SE¼;
Secs. 18-19;
Sec. 30, N½.

The lands described aggregate approximately 45,298 acres in Clark and Lincoln Counties.

The purpose of the withdrawal is to protect the lands pending a legislative exchange for privately owned lands in Florida. Until an application is filed, no further action will be taken on this proposal.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled, or the withdrawal is approved prior to that date.

The temporary segregation of the lands in connection with a withdrawal application or proposal shall not affect adminstrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the U.S. Fish and Wildlife Service.

Robert H. Lawton,
Acting Associate Director.
April 8, 1986.

[FR Doc. 86-8157 Filed 4-10-86; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Freeman Diversion Improvement Project, United Water Conservation District, Ventura County, CA.; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, and section 21002 of the California Environmental Quality Act, the Bureau of Reclamation, Department of the Interior, and the United Water Conservation District have prepared a joint environmental impact statement/environmental impact report (EIS/EIR). The EIS/EIR addresses the impacts associated with the construction and operation of the Freeman Diversion Improvement Project.

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Bureau of Reclamation, Room 7423, Washington, D.C. 20240, Telephone: (202) 343-4991

Property and Services Branch, Technical Publications and Library Branch, Engineering and Research Center, Code 960, Denver, Colorado 80225, Telephone: (303) 236-5972

Regional Environmental Office, Bureau of Reclamation, Federal Building, 2800 Cottage Way, Room W–1408, Sacramento, California 95825–1898
United Water Conservation District, 725 East Main Street, Suite 301, Santa Paula, California 93060, Telephone: (805) 525–4431

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, Washington, DC; Regional Environmental Office, Sacramento, California; or the United Water Conservation District. Copies will also be available for inspection in libraries in the project vicinity.

Dated: April 4, 1986.

Joseph B. Marcotte, Jr.,

Acting Commissioner.

[FR Doc. 86–8091 Filed 4–10–86; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Report to Congress on Artificially Propagated Fish for National Fishery Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

SUMMARY: This notice is to inform interested parties that the U.S. Fish and Wildlife Service is prepared to distribute copies of a final report mandated by Congress in the Department of the Interior and Related Agencies Appropriations Act, 1985 (Pub. L. 98–473). The report analyzes future Federal fish production needs, compares the cost of buying fish to the cost of producing fish, and discusses other related matters.

DATE: Date of Report January 1986.

ADDRESS: Requests for copies of the Report should be sent to: Publication Unit, Room 527, Matomic Building, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Brown, Chief, Division of Program Operations—Fisheries, Room 637, Matomic Bldg., U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, (202/653–8746).

SUPPLEMENTARY INFORMATION: The Congress directed the U.S. Fish and Wildlife Service ". . . prepare a report on additional fish rearing plans and include in that report a comparative analysis of the costs of Service production to private or commercial production. In addition, the report should provide a list of potential new hatchery sites including an evaluation of the Nisqually Tribe hatchery, plans for the future production outputs from the Makah NFH (National Fish Hatchery), and an analysis of the effect of the *Boldt* decisions, and the Salmon and Steelhead Enhancement Act on those hatcheries. In addition, the study should address other fishery issues including Atlantic salmon and striped basss recovery including the appropriate Federal role. That report should reflect public comment and be provided to the Committee in time for the fiscal year 1986 appropriations hearings."

The Service notified the public in the **Federal Register** of February 12, 1985, (50 FR 29) that this report was under development.

The Service notified the public in the **Federal Register** on July 31, 1985, (50 FR 147) of the availability of the draft report for review and comment. Comments were requested by August 30, 1985. All comments received through September 20, 1985, were considered and addressed in the final report. Displayed below is the Table of Contents of the report.

Artificially Propagated Fish for National Fishery Programs—An Analysis of Source, Cost, Purpose, and Use

Dated: April 4, 1986.

F. Eugene Hester,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 86–8128 Filed 4–10–86; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Appalachian Trail Route Changed

There proposed relocations of the Appalachian Trail right-of-way, and Trail routes within those rights-of-way, were published on February 19, 1986 (51 FR 6044) to provide an opportunity for public review and comment. No comments were received on the proposals. Environmental Assessments have been prepared, and a Finding of No Significant Impact for each of these relocations is on file in the Appalachian Trail Project Office, National ParK Service, Harpers Ferry, West Virginia 25425. This notice confirms these right-of-way relocations as the official route of the Appalachian Trail.

David A. Richie,

Project Manager.

April 2, 1986

[FR Doc. 86–8146 Filed 4–10–86; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 394 (Sub-No. 2)]

Decision; Cost Ratio for Recyclables; 1986 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Determination of Maximum Rate Ceiling For Rates on Nonferrous Recyclable Commodities For The Year 1986.

SUMMARY: In a decision served January 10, 1986 the Commission calculated the 1986 revenue-to-variable cost (R/VC) ratio for maximum rates on nonferrous recyclables to be 152.5 percent. The 1986 R/VC ratio was calculated in the same manner as for 1985 with one minor refinement. Interested parties were allowed 20 days, from the date of **Federal Register** publication to comment on the one minor refinement. No comments on this issue were received and the R/VC ratio is therefore set at 152.5 percent.

EFFECTIVE DATE: The decision will become effective on April 11, 1986.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354, Jereal E. Evans (202) 275–7354.

SUPPLEMENTARY INFORMATION:

In Ex Parte No. 394 (Sub-No. 1), *Cost Ratio For Recyclables—1983 Determination,*—ICC 2d—(June 19, 1985), we outlined the procedures for calculating the R/VC ratio, representing the ceiling for rates on nonferrous

recyclables under the statutory standards of 49 U.S.C. 10731(e). Because the recalculation is largely mechanical, we decided not to take comments each time we issue a new ratio.

The 1986 ratio was calculated in the same manner as the 1985 ratio, with one minor refinement: The 1986 embedded cost of capital was weighted by applying the interest rate on road property and equipment separately to the respective net investment bases, whereas the 1985 cost of capital ratio was the composite interest rate applied to the combined net investment base. It was only this one difference on which we sought comments.

In the only timely comment that was received, The Glass Packing Transportation Council (GPTC) urges that the Commission hold the R/VC ratio at the 146 percent level that was in effect for 1981. GPTC, however, overlooks our earlier decision in the Sub-No. 1 proceeding, in which we already decided that the R/VC ratio would be recalculated annually. Because GPTC did not address the propriety of the minor methodological refinement described above, the proposed 152.5 percent R/VC ratio is hereby made effective.

The Commission certifies that this decision will not have a significant economic impact on a substantial number of small entities because it does not change the rules but merely updates the rate ceiling calculated by these rules. Thus, the impact on small business entities remains unchanged. A final regulatory flexibility analysis of these rules is contained in Ex Parte 394 (Sub-No. 1), *supra*.

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

It is ordered:

(1) The R/VC ratio that applies to rates on nonferrous recyclables for the year 1986 will be 152.5 percent.

(2) This decision is effective on the date of Federal Register publication.

Authority: 49 U.S.C. 10731(e).

Dated: April 4, 1986.

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

James H. Bayne,

Secretary.

[FR Doc. 86-8124 Filed 4-10-86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30808]

Fore River Railway Co, Inc.; Operation Exemption

The Fore River Railway Company, Inc., has filed a notice of exemption to operate property leased by Fore River Railroad Corporation between East Braintree, MA and Quincy, MA. Any comments must be filed with the Commission and served on Joseph H. Dettmar, 1000 Potomac Street NW., Washington, DC 20007.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: April 1, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86-8126 Filed 4-10-86; 8:45 am]

BILLING CODE 7025-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 85-26]

Steven M. Gardner, M.D.; Grant of Restricted Registration

On April 19, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued to Steven M. Gardner, M.D. (Respondent), of 2 Homer Avenue, Deer Park, New York 11729, an Order to Show Cause proposing to deny Respondent's application, executed on October 10, 1984, for registration as a practitioner under 21 U.S.C 823(f). The proposed action was predicted upon the Respondent's controlled substance-related felony conviction on January 28, 1981, in the United States District Court, Southern District of New York. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

The hearing on this matter was held before Administrative Law Judge Francis L. Young, in Washington, D. C. on November 14, 1985. Judge Young issued his opinion and recommended ruling, findings of fact, conclusion of law and decision. Neither Respondent nor the Government filed exceptions to the Administrative Law Judge's opinion and recommended decision. On February 25, 1986, Judge Young transmitted the record to the Administrator. The Administrator has considered this record in its entirety and, pursuant to 21 CFR 1316.67, hereby, issues his final order in this matter, based upon the findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that Respondent is a psychiatrist licensed to practice medicine in the State of New York. In October 1979, then known as Steven M. Glicksman, he was employed as a first-year psychiatry resident at St. Vincent's Hospital in New York City. To ease his financial problems at that time, he responded to an advertisement published in the Sunday *New York Times* soliciting physicians to work in a "weight control clinic." The "clinic" was organized and operated by Lloyd Breen and Robert Bering, non-physicians, who had set up "stress clinics" througout New York City. This clinic, like their other "stress clinics" was in the business of selling prescriptions of methaqualone products under the guise of treating "patients" for insomnia and other alleged disorders. At that time, methaqualone was a Schedule II controlled substance. It was subsequently rescheduled as a Schedule I controlled substance. Breen and Bering hired Respondent and other physicians to write the prescriptions and give the clinics the appearance of legitimacy.

In October 1979, the production manager for Lemmon Pharmaceutical Company in Sellersville, Pennsylvania, contacted the New York DEA Field Division office to report that the Respondent and Lloyd Breen had visited the company in an attempt to purchase 10,000 Quaalude (methaqualone) tablets. At that time, DEA, in conjunction with the New York State Bureau of Prescription Analysis, was monitoring all Quaalude prescriptions written by physicians in New York City. The prescription analysis of Respondent revealed that he had written an unusually large quantity of Quaalude prescriptions, many of which could be traced to one of several offices known to have been used by "stress clinics." Between October and December 1979, Respondent wrote at least 300 prescriptions for methaqualone, each for 45 dosage units of Quaaludes. Of these prescriptions, 110 were written for alleged patients, whose names were provided to Respondent by Robert Bering. In return for writing the above prescriptions, Respondent received approximately $5,000.00.

In March 1980, Respondent was summoned to the United States Attorney's Office in New York and was confronted with the evidence regarding

his excessive methaqualone prescriptions compiled during the DEA investigation. Thereafter, Respondent fully cooperated with the Federal authorities in the investigation of Breen and Bering. On July 18, 1980, Respondent was charged by criminal information with conspiracy to violate 21 U.S.C. 812, 841(a)(1), and 841(b)(1)(B), and unlawful distribution of methaqualone in violation of 21 U.S.C. 812, 841(a)(1), and 841(b)(1)(B). On January 28, 1981, Respondent pleaded guilty to the criminal information in the United States District Court for the Southern District of New York, and was convicted of unlawfully, willfully, and knowingly conspiring to aid and abet the distribution of methaqualone in violation of 21 U.S.C. 846, a felony offense related to controlled substances. As a result of this conviction, Respondent was sentenced to a period of three years of probation, fined $5,000.00, and ordered to serve 200 hours of community service. All of the conditions of this sentence have been satisfied.

In August 1980, Respondent moved to California to reside with his wife; he returned briefly to New York to testify before a grand jury investigating Breen and Bering's illegal activities. While living in California, Respondent legally changed his name from Glicksman to Gardner, partly out of his fear of Bering. Since he was not licensed to practice medicine in California, he was initially employed as a medical writer and later worked in a a para-medical capacity, performing physical examinations for insurance companies. Respondent sought, but was denied medical licensure in California.

In July 1983, Respondent returned to live and work in New York, where his medical license was still in force. He became a resident at a Long Island hospital, and despite informing the hospital of his previous conviction, he was able to become its Chief Resident Within Two years.

On August 9, 1984, the New York State Department of Education, Board of Regents, revoked Respondent's license to practice medicine in the State of New York. Execution of the revocation was stayed and he was placed on probation for a period of five years under the supervision of a licensed psychiatrist who must make period reports to the State Department of Education.

Respondent is currently engaged in the private practice of psychiatry in Long Island, New York. He also is employed as a supervising psychiatrist in the Community Mental Health Center in Southampton, New York. There he treats a number of indigent patients and supervises social workers, psychologists and fellow psychiatrists.

In the years following his conviction, Respondent has married and established a family. He has successfully completed his residency training in psychiatry, serving one year as Chief Resident at the Nassau County Medical Center. In his current employment, he is favorably regarded by his supervising colleagues. In addition, he has engaged and continues to engage in considerable personal rehabilitative efforts, including years of ongoing psychotherapy.

Following the administrative hearing, the parties stipulated that Respondent's application for registration be amended to seek registration as a practitioner with reference to only the following substances, which are scheduled as indicated:

Schedule II, Non-narcotic

Detroamphetamine	Pentobarbital
Methylphenidate	Secobarbital
Amobarbital	

Schedule III

Butabarbital	Thiamylal
Talbutal	Thiopental

Schedule IV

Chlorodiazepoxide	Lorazepam
Diazepam	Temazepam
Oxazepam	Triazolam
Clorazepate	Phenobarbital
Flurazepam	Methobarbital
Clonazepam	Methahexital
Halazpam	Chloral Hydrate
Prazepam	Paraldehyde
Alprazolam	Pemoline

The Administrative Law Judge found that Respondent had broken the law and breached the trust placed in him when he abused his prescribing privileges by unlawfully writing methaqualone prescriptions. He allowed himself to be used by others in such a manner as to harm the public. He abused the power over controlled, dangerous drugs vested in him by his DEA registration.

Subsequent to his arrest, Respondent fully cooperated with the United States Attorney's Office in their investigation, and testified before a Federal grand jury against Breen and Bering. Respondent's cooperation led to the arrest of one of the principal figures in the business of Quaalude mills in New York City. Furthermore, Respondent chose to cooperate with the United States Attorney's Office despite his fears of Bering, who he believed had organized crime connections.

The Administrative Law Judge found that although Respondent was convicted of a serious controlled substance felony violation, and thus, there exists a lawful basis for denying his pending application for registration, he has since conducted himself in a thoroughly responsible and professional manner. Judge Young concluded that there is nothing in his present situation to suggest a likelihood that his previous wrongful conduct will be repeated. On the contrary, the Administrative Law Judge concluded that Respondent's current conduct suggests that his prospects for a solid, productive professional and personal life appear to be good.

In light of his conclusion, the Administrative Law Judge recommended that Respondent's registration be approved, but that it be limited to the substances listed above and that it be conditioned upon his maintaining of a log of each and every controlled substance prescription he writes, as well as each occasion on which he administers a controlled substance. This record should be kept in a manner specified by the Special Agent in Charge of the DEA New York Field Division and should be submitted to that office every six months, beginning six months from the effective date of the final order in this case. As a further condition, Respondent's registration should be subject to revocation, forthwith, and without opportunity for a hearing, should he fail to fully comply with the conditions stated above, or should he violate any law or regulation, state or Federal, governing the possession or use of controlled substances. These restrictions and conditions should apply for a period of at least five years. Finally, the Administrative Law Judge recommended that after the five year period, Respondent be able to reapply for an unrestricted practitioner registration. The approval of such registration would, of course, be dependent upon Respondent's record at that time.

Respondent has agreed to accept the terms of the restricted registration recommended by the Administrative Law Judge, as described above.

The Administrator adopts the Administrative Law Judge's findings of fact, conclusions of law and recommendations in their entirety. While the Administrator concludes that Respondent's past violation was extremely serious, the imposition of the additional restrictions upon his registration, suggested by the Administrative Law Judge, will allow the Respondent to demonstrate that he can responsibly handle controlled substances in his medical practice, yet simultaneously protect the public by providing a mechanism for rapid detection of any improper activity related to controlled substances.

Having concluded that there is a lawful basis for the denial of Respondent's application for registration, yet having further concluded that under the facts and circumstances presented in this case, Respondent's application for a restricted registration should be approved, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100, hereby orders that Dr. Gardner be granted a registration restricted to the controlled substances previously listed, and subject to the conditions set forth above.

This order is effective April 11, 1986.

Dated: April 7, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-8134 Filed 4-10-86; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 85-60]

Tony's Discount Drug Store, Anthony Sekul, Proprietor; Revocation of Registration

On October 29, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Tony's Discount Drug Store, Anthony Sekul, Proprietor (Respondent) of 1223 Government Street, Ocean Springs, Mississippi 39564, an Order to Show Cause proposing to revoke the pharmacy's DEA Certificate of Registration AS3465817 and to deny any pending applications for registration as a retail pharmacy under 21 U.S.C. 823(f). The proposed action was predicated on Respondent's lack of state authorization to handle controlled substances in the State of Mississippi. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that the continued registration of Tony's Discount Drug Store would be inconsistent with the public interest as that term is used in 21 U.S.C 823(f) and 21 U.S.C. 824(a)(4).

By letter dated December 7, 1985, Anthony Sekul, the owner of Tony's Discount Drug Store, requested a hearing on the issues raised by the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Francis L. Young. Judge Young issued an Order for Prehearing Statements to be filed by Government counsel and by Anthony Sekul, on behalf of Respondent, on or before January 15, 1986.

On December 20, 1985, Government counsel filed a Motion for Summary Disposition alleging that Respondent pharmacy is in effect not authorized by the State of Mississippi to handle controlled substances and therefore its DEA registration must be revoked. Subsequently, the Administrative Law Judge issued a Memorandum To The Parties giving Respondent to and including February 5, 1986, to file a response to the Motion For Summary Disposition. No such response was filed. However, on February 7, 1986, an attorney, on behalf of Respondent pharmacy, filed a Motion for Continuance asking for "additional time to prepare a proper response in the above styled matter." Government counsel opposed Respondent pharmacy's request for additional time, asserting that Respondent pharmacy had been given ample opportunity to respond to the Government's motion. In an order dated February 11, 1986, the Administrative Law Judge denied the Respondent's Motion For Continuance.

On February 19, 1986, the Administrative Law Judge issued his opinion and recommended findings, conclusions and decision regarding the Government's Motion For Summary Disposition. No exceptions were filed and on March 17, 1986, Judge Young transmitted the record of these proceedings to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that as a result of irregularities regarding the controlled substance business at Tony's Discount Drug Store found to have occurred during 1983 and 1984, the Mississippi State Board of Pharmacy ordered the suspension of the pharmacist license of Anthony Sekul for one year. The last nine months of the suspension was stayed and Mr. Sekul's license to practice pharmacy was placed on probation for two year. Anthony Sekul appealed the ruling of the Mississippi State Board of Pharmacy. On July 23, 1985, the Chancery Court, Jackson County, Mississippi issued a final judgment ordering Mr. Sekul to close Tony's Discount Drug Store for business to the public and to surrender his pharmacy permit for Tony's Discount Drug Store. The Court did not order the surrender of the controlled substance permit of Tony's Discount Drug Store.

In support of its Motion For Summary Disposition, Government counsel submitted the affidavit of the Executive Director of the Mississippi State Board of Pharmacy. The affidavit states that, "[i]t was an apparent inadvertant oversight that the Chancery Court did not also order Tony's Discount Drug Store to surrender its controlled substance registration. The Chancery Court could not have intended to put Tony's Discount Drug Store out of business but still permit the closed drugstore to handle controlled substances." The Executive Director of the Board further stated in his affidavit that, "it is my opinion that Tony's Discount Drug Store is in effect not authorized to handle controlled substances in the State of Mississippi."

The Administrative Law Judge concluded that the Court certainly did not intend for the pharmacy to remain authorized to dispense controlled substances even though the final judgment did not specifically order the surrender of the Mississippi controlled substance permit of Tony's Discount Drug Store. It is incongruous that the Chancery Court would mean to put Tony's Discount Drug Store out of business but still permit the closed pharmacy to handle controlled substances. Judge Young stated that, in the language of 21 U.S.C. 824(a)(3), Respondent pharmacy "has had [its] State . . . registration . . . revoked . . . by competent State authority and is no longer authorized by State law to engage in the . . . dispensing of controlled substances . . . ."

DEA has consistently held that if a registrant or applicant is without authority to handle controlled substances under the laws of the state in which he practices or proposes to practice, DEA is without statutory authority to issue or maintain a registration. In such cases, a motion for summary disposition is properly entertained and granted. See, *Avner Kauffman, M.D.*, Docket No. 85-8, 50 FR 34208 (1985); *Floyd A. Santner, M.D.*, Docket No. 79-23, 47 FR 51831 (1982) and cases cited therein. The Administrative Law Judge also noted that there is no need for convening an evidentiary hearing, since there is no issue of fact presented. See, *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 455 F.2d 432, 453 (9th Cir. 1971).

The Administrative Law Judge concluded that since Tony's Discount Drug Store is not authorized to handle controlled substances in the State of Mississippi, the DEA registration of the pharmacy must be revoked. The

Administrator adopts the recommended ruling, findings, conclusions and decision of the Administrative Law Judge in their entirety.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AS3465817, previously issued to Tony's Discount Drug Store, be and it hereby is revoked. The Administrator further orders that any pending applications for registration are hereby denied. This order is effective immediately.

Dated: April 7, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-8135 Filed 4-10-86; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

New General Wage Determination Decisions

The numbers of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume II

Iowa: IA86-10 ..... pp. 60a-60b.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the Federal Register are in parentheses following the decisions being modified.

Volume I

New Jersey:
- NJ86-2 (Jan. 3, 1986) ..... pp. 580-581, p. 583.
- NJ86-3 (Jan. 3, 1986) ..... pp. 599, 602.

New York:
- NY86-3 (Jan. 3, 1986) ..... pp. 663-667.
- NY86-7 (Jan. 3, 1986) ..... p. 693.
- NY86-8 (Jan. 3, 1986) ..... p. 712.
- NY86-12 (Jan. 3, 1986) ..... pp. 743-744, pp. 747-748.
- NY86-13 (Jan. 3, 1986) ..... pp. 755-756.

Vermont:
- VT86-2 (Jan. 3, 1986) ..... pp. 1108, pp. 1110-1112.

Volume II

Iowa: IA86-2 (Jan. 3, 1986) ..... pp. 28-32, pp. 385-386.

Michigan:
- MI86-1 (Jan. 3, 1986) ..... pp. 391-392.
- MI86-4 (Jan. 3, 1986) ..... pp. 423-427.
- MI86-5 (Jan. 3, 1986) ..... pp. 430-431, pp. 433-437.
- MI86-12 (Jan. 3, 1986) ..... pp. 472, pp. 475-476.

Missouri:
- MO86-6 (Jan. 3, 1986) ..... pp. 583-588.
- MO86-8 (Jan. 3, 1986) ..... p. 595.

Ohio:
- OH86-2 (Jan. 3, 1986) ..... p. 677.
- OH86-29 (Jan. 3, 1986) ..... p. 758.

Listing by location (index) ..... pp. xx, xxii.
Listing by decision (index) ..... p. xlix.

Volume III

California:
- CA86-2 (Jan. 3, 1986) ..... pp. 49, 54.
- CA86-4 (Jan. 3, 1986) ..... p. 64, pp. 69-71, pp. 80, 95.

Colorado: CO86-1 (Jan. 3, 1986). p. 105.

North Dakota: ND86-1 (Jan. 3, 1986). pp. 204-207.

South Dakota: SD86-1 (Jan. 3, 1986). pp. 276-277.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This

publication is available at each of the 80 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s) be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. The subscription cost is $277 per volume. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 4th day of April 1986.

James L. Valin,

Assistant Administrator.

[FR Doc. 86-7909 Filed 4-10-86; 8:45 am]

BILLING CODE 4510-27-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Member to the Performance Review Board

AGENCY: Office of the Special Counsel, Merit Systems Protection Board.

ACTION: Notice of Appointment of Member to the Performance Review Board.

SUMMARY: This notice publishes the name of one Performance Review Board member as required by 5 U.S.C. 4314(c)(4).

The following person has been appointed to and will serve on the Performance Review Board for Senior Executives in the Office of the Special Counsel: Bert G. Truxell, Assistant Inspector General for Investigation, Department of Defense. He will replace William D. Van Stavoren.

EFFECTIVE DATE: February 13, 1986.

FOR FURTHER INFORMATION CONTACT: M. Marie Glover, Personnel Officer, Operations Management Division, Office of the Special Counsel, 1120 Vermont Avenue, NW., Washington, DC 20005, (202) 653-8964.

Approved:

Date: February 10, 1986.

K. William O'Connor,

Special Counsel.

[FR Doc. 86-8154 Filed 4-10-86; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Astronomical Sciences.

Date and Time: April 21, 1986, 9 am-5 pm; April 22, 1986, 9 am-5 pm.

Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of Meeting: Open.

Contact Person: Dr. Laura P. Bautz, Director, Division of Astronomical Sciences, Room 615, National Science Foundation, Washington, DC 20550, 202/357-9488.

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning research programs, proposals, and projects in NSF-funded astronomy with the objective of achieving the highest quality forefront research for the funds allocated. To provide advice and recommendations concerning short range and long range plans in astronomy, including a recommendation of relative priorities.

Agenda:

Monday, April 21

9 am-5 pm—FY 86-87 Budgets and Long Range Plans; FY 88 Initiatives; Report of Subcommittee on Large Optical/Infrared Telescope

Tuesday, April 22

9 am-4 pm—Report on Coordination between Ground- and Space-Based Astronomy; Continuation of Previous Day's Discussions.

Reason for Late Notice: Delay in getting agenda established and approved.

M. Rebecca Winkler,

Committee Management Officer.

April 8, 1986.

[FR Doc. 86-8136 Filed 4-10-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Developmental Neuroscience; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following:

Name: Advisory Panel for Developmental Neuroscience.

Date and Time: April 28, 29, and 30, 1986; 9:00 a.m.-5:00 each day.

Place: National Science Foundation, 1800 G Street, NW., Room 1242, Washington, DC 20550.

Type of Meeting: Part Open—

Closed 4/28-9:00 a.m. to 5:00 p.m.

Closed 4/29-9:00 a.m. to 12:00 p.m.

Open 4/29-1:00 p.m. to 3:00 p.m.

Closed 4/29-3:00 p.m. to 5:00 p.m.

Closed 4/30-9:00 a.m. to 5:00 p.m.

Contact person: Dr. Frank Collins, Program Director, Developmental Neuroscience Room 320, National Science Foundation, Washington, DC 20550 (202) 357-7042

Summary Minutes: May be obtained from the Contact Persons at the above stated address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in developmental neuroscience.

Agenda

Open—General discussion of the correct status and future plans of the Developmental Neuroscience Program.

Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-8173 4-10-86; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Geography and Regional Science; Meeting

In accordance with the Federal advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Geography & Regional Science.

Date/Time: April 28, 1986—8:30 a.m. to 5:00 p.m., Closed; April 29, 1986—8:30 a.m. to 5:00 p.m., Closed.

Place: National Science Foundation, 1800 G St., NW (Rm. 1242) Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Ronald F. Abler, Program Director, Geography & Regional Science, National Science Foundation, Washington, DC 20550, Room 312, Phone (202) 357-7326.

Purpose of Advisory Panel: To provide advice and recommendations concerning research in Geography and Regional Science.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associatd with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Officer.

April 8, 1986.

[FR Doc. 86–8175 Filed 4–10–86; 8:45 am]

BILLING CODE 7555-01-M

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology.

Dates: Monday & Tuesday, April 28–29, 1986.

Time: 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Dr. Elvira Doman, Executive Secretary, National Science Foundation, Rm. 332–B, 1800 G Street NW., Washington, DC 20550 Telephone: 202/357–7975.

Purpose of Committee: Responsible for all Committee matters relating to the participation in and opportunities for education, training, and research for minorities, women and handicapped persons in science and technology, and the impact of science and technology on them.

Summary Minutes: May be obtained from the contact person at the above stated address.

Agenda: The Committee will consider mechanisms to increase participation of minorities, women and handicapped persons in Foundation programs, research projects, and on all NSF advisory committees. It will also advise the Director on how to modify NSF policies and procedures relating to minority, women and handicapped persons as well as the internal distribution of funds to implement this program.

M. Rebecca Winkler,

Committee Management Officer.

April 8, 1986.

[FR Doc. 86–8174 Filed 4–10–86; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–410]

Niagara Mohawk Power Corp., Nine Mile Point Nuclear Station, Unit 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to the Niagara Mohawk Power Corporation (the applicant) for the Nine Mile Point Nuclear Station, Unit 2, located at the applicant's site in Scriba, New York.

Environmental Assessment

Identification of Proposed Action

The proposed action would provide an exemption from certain Commission regulations. The proposed exemption would relieve the applicant of conducting the Type A and the Type C test for certain valves. Pursuant to paragraph III of Appendix J to 10 CFR Part 50, a program consisting of a schedule for conducting Type A, B, and C tests shall be developed for leak testing the primary reactor containment and related systems and components penetrating primary containment pressure boundary. The Applicant has requested exemptions from both Type A and Type C leak testing for the hydraulic control system for reactor recirculation flow control valves on the grounds that testing these lines would require the system to be disabled and drained of hydraulic fluid.

The applicant's request for this exemption, and the basis therefor, are contained in its letters dated April 26, 1985 and September 3, 1985.

The Need for the Proposed Action

For the Nine Mile Point Nuclear Station, Unit 2, Type A and Type C leak testing of the hydraulic control system for the reactor recirculation flow control valves would require the system to be disabled and drained of hydraulic fluid. Possible damage could occur to the system which is not normally exposed to air in establishing the test condition or restoring it to normal.

Environmental Impacts of the Proposed Action

The exemption would permit the applicant to exclude the hydraulic control system for reactor recirculation from Type A and Type C tests of 10 CFR Part 50, Appendix J. Although this system is not qualified to be operational in the post-LOCA containment environment, because it is protected against pipe whip, missiles, and jet forces, there is a reasonable basis for concluding that the system boundary will maintain its integrity and will not become a containment atmosphere leak path. Consequently, the exclusion of this system from Type A and C tests of 10 CFR Part 50, Appendix J will not affect the containment integrity and does not affect the risk of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined, nor does the proposed relief otherwise affect radiological plant effluents, nor result in any significant occupational exposure. Likewise, the relief does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

Alternative to the Proposed Action

Because the Commission has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives to the exemption, will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. Such action would not reduce the environmental impact of the operation of Nine Mile Point Nuclear Station, Unit 2 and would result in an increased potential of damage to the hydraulic control system for the reactor recirculation system flow control valves.

Alternative Use of Resources

These actions do not involve the use of sources not previously considered in connection with the "Final Environmental Statement Related to Operation of Nine Mile Point Nuclear Station, Unit No. 2" dated May 1985.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's requests that support the proposed exemption. The NRC staff did not consult other agencies or persons.

Finding of no Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed actions will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to the

actions, see the applicant's requests for the exemption dated April 26, 1985 and September 3, 1985, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Penfield Library, State University College, Oswego, New York 13126.

Dated at Bethesda, Maryland, this 8th day of April 1986.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, BWR Project Directorate No. 3, Division of BWR Licensing.

[FR Doc. 86-8188 Filed 4-10-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket No.: 50-482]

Kansas Gas & Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of a partial exemption from the requirements of Appendix J to 10 CFR Part 50 to the Kansas Gas and Electric Company (the licensee) for the Wolf Creek Generating Station located at the licensee's site in Coffey County, Kansas.

Environmental Assessment

Identification of Proposed Action: The exemption would allow for a three month extension for the performance of Type C tests on 15 containment isolation valves until July 13, 1986. Section III.D.3 of Appendix J requires that Type C tests be performed during each reactor shutdown for refueling but in no case at intervals greater than 2 years. The current Type C test due dates range from March 1 to September 25, 1986, for the 15 affected valves. The extension would allow KG&E to take the station off line at a time consistent with system need for power rather than forcing a station shutdown in April when the distribution system's need for power is high due to the planned outage of other system power plants. The proposed exemption is in accordance with the licensee's request dated January 20, 1986, as supplemented on February 5, 1986 and February 26, 1986.

The Need for the Proposed Action: The proposed exemption is required to permit the licensee to perform the Type C tests on 15 containment isolation valves at a time consistent with the distribution system's need for power.

Environmental Impact of the Proposed Action: The proposed exemption grants a three month extension for the performance of Type C local leak rate tests on 15 containment isolation valves. With respect to this exemption from Appendix J, the increment of environmental impact is related solely to the potential increased probability of containment leakage during an accident. This could lead to higher offsite and control room doses. However, this potential increase is not significant because: (1) The original tests were conducted a year prior to the issuance of the Wolf Creek low power license, therefore, the reactor has only been operating, and the valves exposed to their operating environment, for less than one year compared for the nominal two year surveillance interval permitted by Appendix J, (2) these valves all yielded successful test results on their initial tests, (3) all 15 of these valves at the identical Callaway Station operated by Union Electric Company have been sucessfully tested without repair after operation at full power for approximately one year.

Alternative to the Proposed Action: Because the staff has concluded that there is no measurable impact associated with the proposed exemption, any alternative to these exemptions will have either no environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts of plant operations and would result in increased radiation exposure to plant personnel.

Alternative Use of Resources: This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement related to the operation of Wolf Creek Generating Station Unit 1," dated June 1982.

Agencies and Persons Consulted: The NRC staff reviewed the licensee's request that support the proposed exemption. The NRC staff 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 details with respect to this action, see the request for the exemption dated January 20, 1986, as supplemented February 5, 1986, and February 26, 1986, which is available for plublic inspection at the Commission's Public Document Room, 1717 H Stret NW., Washington, DC, and at the William Allen White Library, Emporia State University, Emporia, Kansas, and at the Washburn University School of Law Library, Topeka, Kansas.

Dated at Bethesda, Maryland, this 7th day of April 1986.

For The Neclear Regulatory Commission.

Darl S. Hood,

Acting Director, PWR Project Directorate No. 4, Division of PWR Licensing-A, Office of Neclear Reactor Regulation.

[FR Doc. 86-8187 Filed 4-10-86; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 030-01993, 070-01396, License Nos. 21-00338-02, SNM-1393, (EA 85-89)]

Hurley Medical Center; Hearing

Hurley Medical Center (the Licensee) of Flint, Michigan is the holder of NRC License Nos. 21-00338-02 and SNM-1393 which authorize the Licensee to possess and use radioactive materials in accordance with the conditions specified therein.

On August 22, 1985, the Regional Administrator, Region III, pursuant to section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282), and 10 CFR 2.205 of the Commission's regulations, served upon the Licensee a Notice of Violation and Proposed Imposition of Civil Penalties (Notice). This Notice alleged that violations of Commission requirements had occurred and set forth cumulative civil penalties to be assessed equally among the violations. The violations were identified as a result of an inspection of the Licensee's activities conducted on May 2, 3, and 24, 1985, at the Licensee's facility located in Flint, Michigan.

The Licensee responded to the Notice by two letters dated October 4, 1985. After consideration of the Licensee's response, the Director, Office of Inspection and Enforcement, issued an Order Imposing Civil Monetary Penalties on February 24, 1986 (51 FR 7349, March 3, 1986), in the total amount of $2,500. By letter dated March 13, 1986, the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before the Honorable Ivan W. Smith, Administrative Law Judge, at a time to be set by the Administrative Law Judge. The issues to be heard are:

(a) Whether the Licensee was in non-compliance with the Commission's requirements as set forth in the August 22, 1985, Notice of Violation and

Proposed Imposition of Civil Penalties; and,

(b) Whether the February 24, 1986 Order Imposing Civil Monetary Penalties should be sustained.

Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than 20 days from the date of publication of this Notice in the **Federal Register**.

A prehearing conference will be held by the Administrative Law Judge at a date and place to set by the Administrative Law Judge to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and notice in the **Federal Register**. Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington D.C.

Pending further order of the Administrative Law Judge parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and two (2) copies of each document with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the **Federal Register**.

Dated at Washington, D.C., this 8th day of April 1986.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 86-8191 Filed 4-10-86; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-23102; File No. SR-NYSE-86-1]

Self Regulatory Organizations; New York Stock Exchange, Inc; Order Approving Proposed Rule Change

I. Introduction

On January 8, 1986, the New York Stock Exchange, Inc. ("NYSE") submitted copies of a proposed rule change, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] to list and trade options on the NYSE Beta Index ("Beta Index" or "Index").

The proposed rule change was noticed in Securities Exchange Act Release No. 22811 (January 17, 1986), 51 FR 3554. No comments were received on the proposed rule change.

II. Description

The Beta Index is a price-weighted index [3] comprised of 100 NYSE-listed stocks with the highest beta coefficients [4] that have a price of $10.00 or more per share and at least seven million shares outstanding.

In its filing, the NYSE states that the minimum price requirement of $10.00 per share will prevent very low priced stocks, which tend to have higher beta coefficients, from skewing the Index value, and that the minimum share requirement guarantees that the stocks in the Index have sufficient liquidity.

The price-weighted Beta Index is calculated by adding the sums of the prices per share of the component stocks and dividing by a constant divisor. Accordingly, stocks with higher prices will influence the Index value more than the lower priced stocks. As of February 26, 1986, the highest priced stock in the Index, Teledyne, represented 10.25% of the Index value. The three highest priced stocks have an aggregate weight of 14.64% with the top six priced stocks representing 20.28% of the Index value. The stocks comprising the Index represent approximately 25 distinct industry groups.[5] As of August 31, 1985, the total market capitalization of the Index was $79.6 billion. In addition, the NYSE is the primary market for all stocks comprising the Index.

The composition of the Index will be reviewed every six months and adjusted by the NYSE, if necessary, so that the component stocks represent the 100 stocks with the highest beta coefficients.[6]

The NYSE proposes to apply its existing broad-based index options rules to trading on the Beta Index. For example, positions in the Beta Index cannot exceed $300 million on either side of the market, as set forth in NYSE Rule 704(c).

III. Discussion

The NYSE proposal to trade options on the Beta Index does not, for the most part, raise novel questions.[7] The Commission previously has approved the NYSE broad-based index options rules that will be applied to the Beta Index.[8] In this regard, the Commission finds that the NYSE proposed designation of the Index as broad-based is appropriate. As noted above, the Beta Index contains stocks representing a diversity of business sectors. In addition, because the Index contains 100 stocks and is price-weighted, the NYSE has ensured that no single stock or group of stocks should comprise a significant percentage of the Index.

Nevertheless, because the component stocks of the Index are selected on the basis of their price change in relation to market moves as a whole, the Beta Index is representative of the more volatile stocks traded on the NYSE. In addition, the stocks comprising the Index have lower capitalization than those stocks comprising other exchange-traded broad-based index options. Indeed, the NYSE recognizes both these facts, noting in its filing that the Beta Index will be useful for investors holding more volatile stocks in their portfolios, and also for institutional investors specializing in portfolios of growth or lower capitalization stocks.

The Commission is not inclined to substitute its judgment for the business judgment of a self-regulatory

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[1] 15 U.S.C. 78s(b) (1982).

[2] 17 CFR 240.19b-4 (1985).

[3] In a price weighted index an issue's weight in the total index value is based on its price rather than its total capitalization.

[4] Beta coefficients indicate an individual stock's historical price volatility as compared to the market as a whole. For example, if a stock's beta equals 1, the stock will have tended, for the period measured, to have made on average the same percentage movements as the market as a whole. If the beta is equal to 2, the sock will have tended to be twice as volatile, and if it is 0.5, half as volatile. Beta measures the magnitude of a stock's move relative to the market, but not the direction on the move. In calculating beta values to determine which stocks will be included in the Index, the NYSE is measuring individual stock movements against the NYSE Composite Index.

[5] These industry groups include construction, electronics, computer data processing, health care services and brokerage services.

[6] The NYSE indicates that the Index also will be adjusted for substitutions of stocks, additions and deletions of stocks, as well as stock splits, stock dividends, reorganizations, recapitalizations and similar events, upon their occurrence.

[7] In its filing the NYSE states that: "The NYSE asserts its proprietary interests in the manner of calculation of the Index, in the resulting Index values, and in the trading of options on the Index. The NYSE intends to take appropriate steps to protect these interests." Without addressing the NYSE's asserted proprietary rights, the Commission notes that it "continues to believe that . . . multiple trading of index options [is] appropriate and consistent with its previous decisions to allow the multiple trading of index options among exchanges." Securities Exchange Act Release No. 22439 (September 20, 1985), 50 FR 39191, (footnote omitted).

[8] The NYSE currently trades two broad-based index options—the NYSE Composite Index option and the NYSE Double Composite Index option—pursuant to these rules.

organization in matters of contract design so long as there are no regulatory concerns. In this regard, we note that the marketplace generally should be permitted to determine whether the NYSE's Beta Index—seeking to attract investors with portfolios in the high growth, more volatile stocks—will be a viable product.[9] Because the Index is price-weighted, however, a stock's impact on the Index may be unrelated to its capitalization. Thus, the liquidity and quality of all the stocks comprising the index is important. In particular, higher-priced, lower-capitalized stocks may present manipulation concerns because price-weighting provides added influence to those issues, which may be less liquid and thus more susceptible to manipulation.

These concerns generally are mitigated by the fact that price-weighting can ensure that no single stock or group of stocks comprise a significant percentage of the Index. In the case of the Beta Index, one stock—Teledyne—represents 10.25% of the Index value. The Commission does not believe, however, that Teledyne dominates the Index. Nevertheless, to the extent that the potential for manipulation is a concern, a substantial price movement is a small number of stocks in the Index or a price movement in a substantial number of the stocks should be detectable under the surveillance plan being proposed by the NYSE.[10] We also note that the minimum price and outstanding shares requirements help to ensure that smaller, less liquid stocks are not included in the Index.

Moreover, although the Beta Index has been designed to follow the more volatile stocks in the market, it still correlates highly with other broad-based or market index options. For example, using a three-year base period (from 1982 to 1985), the Beta Index correlated .9552 with the Standard and Poor's 100 Stock Index.

As noted above, stocks in the Index will be reviewed every six months. Because stocks qualify for the Index based on their beta coefficients, the component stocks of the Index may change more often than in other indexes. The NYSE has indicated that generally the top 90 stocks will remain constant, with the most changes occurring in the 10 stocks with the lowest beta coefficients included in the Index. The Commission does not believe this should present significant problems, so long as the NYSE ensures that the stocks meet the other qualifying criteria and are sufficiently liquid so that manipulation concerns are not increased.

As noted above, the Commission's manipulation concerns are reduced to the extent there are proper surveillance procedures in place to monitor trading. NYSE proposes to apply its existing surveillance plan for broad-based index options to its Beta Index. In addition, the NYSE procedures will give added attention to movements in Teledyne because of its weight in the Index. The NYSE will be submitting to the Commission staff, for its approval, the parameters it will be using to monitor the Index before trading commences.

IV. Conclusion

Under section 19(b)(2) of the Act, the Commission must approve the foregoing rule change if it determines that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. The Commission believes that the Index should provide useful hedging and portfolio adjustment opportunities to investors and market professionals holding portfolios which emphasize highly volatile NYSE securities. The Commission also has reviewed carefully the NYSE Beta Index and has concluded that the rules applicable to the listing and trading of options in the Index provide for adequate and proper regulation of the proposed market. For this reason, as more fully discussed above, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, the requirements of Section 6.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 4, 1986.

John Wheeler,

Secretary.

[FR Doc. 86-8165 Filed 4-10-86; 8:45 am]

BILLING CODE 8010-01-M

[9] Unlike the regulations under the Commodity Exchange Act, the federal securities laws do not contain an explicit "economic purpose" test for new options products. Nevertheless, to approve a new options proposal the Commission must be satisfied that its introduction is in the public interest [*See* section 6(b)(5) of the Act, 15 U.S.C. 78(f)(b)(5)(1984)]. Such a finding would be difficult with respect to an options product that served no hedging or other economic function since any benefits that might be derived by market participants would likely be outweighed by the potential for manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns. While it is unclear whether an index product related to a cross-industry band of high volatility stocks will attract widespread investor participation, particularly in view of the multitude of competing index products, the Commission accepts the NYSE's representation that the Beta Index would serve an economic function to hedge portfolios of growth stocks and provide a vehicle for investors to take a position in price moves involving that segment of the market, irrespective of whether an active trading market will develop for the option. Accordingly, because the Commission is satisfied that the Index will not raise regulatory problems and can serve an economic function, the Commission believes it is up to the business judgment of the exchange to determine whether to introduce the product.

[10] As noted below, the NYSE surveillance plan also will devote special attention to activity in Teledyne because of its weight in the Index.

SMALL BUSINESS ADMINISTRATION

Presidential Advisory Committee on Small and Minority Business Ownership; Public Meeting

The Presidential Advisory Committee on Small and Minority Business Ownership, located in Washington, DC, will meet on May 5, 1986, at 9:30 a.m. until 5:00 p.m., the Economic Development Administration Building, 355 Roosevelt Avenue, 4th Floor Conference Room, Hato Rey, Puerto Rico 00918, with Committee members, representatives from the large corporate sector, small and small minority entrepreneurs, local officials and associations to discuss availability of procurement, capitalization and marketing assistance from the private sector as they relate to the Caribbean Basin Initiative. The meeting will be open to all interested persons, however, space is limited.

Persons wishing to obtain further information should contact Milton Wilson, Jr., Office of Private Industry Programs, Small Business Administration, 1441 L Street NW., Room 602, Washington, DC 20416, telephone (202) 653-6526.

Jean M. Nowak,

Director, Office of Advisory Councils.

April 4, 1986.

[FR Doc. 86-8099 Filed 4-10-86; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04/0136]

Suwannee Capital Corp.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.601 of the SBA Regulations (13 CFR 107.601 (1986)), for the transfer of control of Suwannee

Capital Corporation, 3030 Popular Avenue, Memphis, Tennessee 38111, a Federal Licensee under the Small Business Investment Act of 1958, as amended (The Act), (15 U.S.C. 661 *et seq.*). The transfer of ownership and control of Suwannee Capital Corporation, which was licensed July 11, 1978, is subject to written approval by SBA.

Suwannee Capital Corporation is a wholly-owned subsidiary of M & H Financial corporation which is a wholly-owned subsidiary of Malone & Hyde, Inc. In August 1984, Malone & Hyde, Inc. became a wholly-owned subsidiary of Pittco Holding Corporation which resulted in a change of control of Suwannee Capital Corporation. There have been no management or operational changes in Suwannee Capital Corporation.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit to SBA, in writing, comments on the transfer of control. Any such communications should be addressed to the Deputy Associate Administrator for Investment. Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of the Notice will be published in a newspaper of general circulation in Memphis, Tennessee.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 28, 1986.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 86-8100 Filed 4-10-86; 8:45 am]

BILLING CODE 8025-01-M

[Disaster Loan Area No. 6396]

Virginia; Designation of Disaster Loan area

The City of Newport News, Virginia constitutes a disaster area because of flooding closing the James River oyster beds from November 6, to December 24, 1985. Eligible small businesses without credit elsewhere and small agricultural cooperatives without credit elsewhere may file applications for economic injury assistance until the close of business on September 2, 1986, at the address listed below: Disaster Area 2 Office, Small Business Administration, Richard B. Russell Federal Bldg., 75 Spring Street SW., Suite 822, Atlanta, Georgia 30303, or other locally announced locations. The interest rate for eligible small business applicants without credit elsewhere is 4 percent and 10.5 percent for eligible small agricultural cooperatives without credit elsewhere.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: April 4, 1986.

Charles L. Heatherly,

Acting Administrator.

[FR Doc. 86-8098 Filed 4-10-86; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/960]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Friday, May 2, 1986 at 9:30 a.m. in Room 921, AT&T Building, 1120 20th Street NW., Washington, D.C.

The purpose of the meeting is to review results of the last CCITT Study Group XV meeting and make initial preparations for the next Working Party meeting dealing with optical fibers.

Members of the general public may atendthe meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 647-6700. All attendees must use the C Street entrance to the building.

Dated: March 24, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-8149 Filed 4-10-86; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/959]

Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on Friday, May 2, 1986 at 9:30 a.m. in Room 1406, Department of State, 2201 C Street NW., Washington, D.C.

The purpose of the meeting is to prepare to further study CCITT restructure.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, D.C.; telephone (202) 647-6700. All attendees must use the C Street entrance to the building.

Dated: March 24, 1986.

Earl S. Barbely,

Acting Director, Office of Technical Standards and Development.

[FR Doc. 86-8150 Filed 4-10-86; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TREASURY

Customs Service

[41 T.D. 86-74]

Tuna Fish; Tariff-Rate Quota; The Tariff-Rate Quota for the Calendar Year 1986, on Tuna Classifiable Under Item 112.30, Tariff Schedules of the United States (TSUS)

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

ACTION: Announcement of the quota quantity for tuna for calendar year 1986.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 112.30, TSUS, is based on the United States pack of canned tuna during the preceding calendar year.

EFFECTIVE DATES: The 1986 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Acting Quota Program Manager, Admissibility Requirements Section, Commercial Compliance Division, Office of Commercial Operations, U.S. Customs Service, Washington, DC 20229 (202-566-8592).

It has now been determined that 81,092,100 pounds of tuna may be entered for consumption or withdrawn

from warehouse for consumption during the Calendar Year 1986, at the rate of 6 percent ad valorem under item 112.30, TSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 112.34, TSUS.

(QUO-2-CO:C:CA)

Dated: April 4, 1986.

William von Raab,

Commissioner of Customs.

[FR Doc. 86-8147 Filed 4-10-86; 8:45 am]

BILLING CODE 4820-02-M

[T.D. 86-75]

Recordation of Trade Name, "CRYOMEC, INC."

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

ACTION: Notice of recordation.

SUMMARY: On September 25, 1985, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "CRYOMEC, INC." was published in the **Federal Register** (50 FR 38939). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in opposition to the recordation and received not later than November 25, 1985.

Stremikon Corporation, a Michigan corporation, commented in opposition to recordation of the trade name, citing concern that "CRYOMEC, INC." is confusingly similar to Stremikon Corporation's "CRYO-MED" trademark registered on the Principal Register of the United States Patent and Trademark Office (Reg. No. 1,068,060) used for refrigerator installations and parts thereof. Cryomec, Inc. is the owner of the registered and recorded "CRYOMEC IN DESIGN" service mark (Reg. No. 1,228,721).

We find that the two marks lawfully co-exist. Therefore, genuine articles bearing the "CRYO-MED" trademark shall not be seized or detained as confusingly similar to "CRYOMEC, INC."

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "CRYOMEC, INC." is recorded as the trade name used by Cyromec, Inc., a corporation organized under the laws of the State of California, located at 1265 North Kraemer Boulevard, Anaheim, California 92806. The trade name is used in connection with the following goods, manufactured in the Unitd States: pumps, particularly reciprocating and centrifugal pumps for cryogenic liquids, cryogenic vaporizers, and conversion systems for converting cryogenic liquids to a gas, and related equipment, including heat exchangers.

EFFECTIVE DATE: April 11, 1986.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5765).

Dated: April 8, 1986.

Donald W. Lewis,

Director, Entry Procedures and Penalties Division.

[FR Doc. 86-8148 Filed 4-10-86; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 96]

Organization, Functions, and Authority Delegations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: Authority is delegated to the Director, Employee Plans Technical and Actuarial Division, and to directors of all employee plans key district offices to grant partial relief under section 7805(b) of the Internal Revenue Code in certain situations where employee plans were not amended by the applicable compliance date to meet qualification requirements under the Tax Equity and Fiscal Responsibility Act of 1982, the Tax Reform Act of 1984, and the Retirement Equity Act of 1984. The text of the delegation order appears below.

EFFECTIVE DATE: April 10, 1986.

FOR FURTHER INFORMATION CONTACT: Ira Cohen, OP:E:EP, Room 6526, 1111 Constitution Ave., NW., Washington, DC 20224, 202-566-6740 (not a toll-free telephone number).

Ira Cohen,

Director, Employee Plans Technical and Actuarial Division.

Order No. 96 (Rev. 9)

Effective date: April 10, 1986.

Application of Rulings Without Retroactive Effect

1. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805-1(b):

a. the Associate Chief Counsel (Technical) and the Deputy Associate Chief Counsel (Technical) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Chief Counsel relating to the internal revenue laws shall be applied without retroactive effect.

b. the Assistant Commissioner (Employee Plans and Exempt Organizations) and the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) are hereby authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from the Assistant Commissioner relating to the internal revenue laws shall be applied without retroactive effect.

2. a. Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7805-1(b), there is hereby delegated to the Director, Employee Plans Technical and Actuarial Division of the National Office, and to the Director of each EP/EO Key District, the authority to limit the retroactive effect of the revocation of any determination letter or opinion letter issued with respect to employee plans if the conditions set forth in Notice 86-3 are met.

b. Partial relief will be granted through section 7805(b) such as described in Notice 86-3.

3. The section 7805(b) authority described in sections 2a and 2b will be exercised except in rare and unusual circumstances. Where rare and unusual circumstances exist, denial of section 7805(b) relief will be applied only if approved by the National Office.

4. The authority delegated in section 1 may not be redelegated.

5. The authority to grant 7805(b) relief in certain employee plan matters herein delegated to the Director, Employee Plans Technical and Actuarial Division and to the Director of each EP/EO Key District may not be redelegated below the level of Chief, Employee Plans Rulings and Qualifications Branch.

6. This delegation order expires with respect to the Director of each EP/EO Key District on December 31, 1987.

7. Delegation Order No. 96 (Rev. 8), effective November 27, 1983, is superseded.

Dated: April 3, 1986.

Approved:

James I. Owens,

Deputy Commissioner.

[FR Doc. 86-8190 Filed 4-10-86; 8:45 am]

BILLING CODE 4830-01-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation of Authority of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Impressionist to Early Modern Paintings from the U.S.S.R.: Works from the Heritage Museum, Leningrad and the Pushkin Museum of Fine Arts, Moscow" (included in the list [1] filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the Soviet Ministry of Culture and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art in Washington, DC, beginning on or about May 1, 1986, to on or about June 15, 1986; at the Los Angeles County Museum of Art, Los Angeles, California, beginning on or about June 26, 1986, to on or about August 12, 1986; and at the Metropolitan Museum of Art, New York, New York, beginning on or about August 23, 1986, to on or about October 5, 1986, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 8, 1986.

Thomas E. Harvey,

General Counsel and Congressional Liaison.

[FR Doc. 86-8183 Filed 4-10-86; 8:45 am]

BILLING CODE 8230-01-M

[1] An itemized list of objects included in the exhibit is filed as part of the original document. A copy of this list may be obtained by contacting Mr. John Lindburg of the Office of the General Counsel of USIA. The telephone number is 202-485-7976, and the address is Room 700, 301 4th Street, SW., Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 51, No. 70
Friday, April 11, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Wednesday, April 16, 1986, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111—18th Street, NW., Washington, DC

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

*1. Gas Check Program: NLPGA Briefing**

The Natural LP Gas Association will brief the Commission on their "Gas Check" program, which encourages LP gas customers to operate and maintain their equipment safely.

Closed to the Public.

2. Enforcement Matter OS# 5345.

The staff will brief the Commission on issues related to OS# 5345.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

April 9, 1986.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 86–8248 Filed 4–9–86; 2:24 pm]

BILLING CODE 6355–01–M

* The Commission voted to permit participation in the meeting by representatives of NLPGA.

2

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Thursday, April 17, 1986, 9:30 a.m.

LOCATION: Third Floor Hearing Room, 1111–18th Street, NW., Washington, DC

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Enforcement Matter OS# 3789a

The staff will brief the Commission on issues related to OS#3789a.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

April 9, 1986.

[FR Doc. 86–8249 Filed 4–9–86; 2:24 pm]

BILLING CODE 6355–01–M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 12:30 p.m., Wednesday, April 16, 1986.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this mailing, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 8, 1986.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 86–8240 Filed 4–9–86; 1:04 pm]

BILLING CODE 6210–01–M

4

MARINE MAMMAL COMMISSION

TIME AND PLACE: The Marine Mammal Commission Sunshine Act meeting scheduled to take place on Friday, April 11, 1986 has been cancelled due to unavailability of the Commission's Executive Director. The meeting will be rescheduled at a later date.

Date: April 9, 1986.

Robert J. Hofman, Ph.D.,

Acting Executive Director.

[FR Doc. 86–8247 Filed 4–9–86; 2:44 pm]

BILLING CODE 6820–31–M

federal register

Friday
April 11, 1986

Part II

Department of Education

Office of Special Education and Rehabilitative Services

National Institute of Handicapped Research; Funding Priorities; Notice

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

National Institute of Handicapped Research; Funding Priorities

AGENCY: Department of Education.

ACTION: Notice of final funding priorities for fiscal year 1986.

SUMMARY: The Secretary of Education announces final funding priorities for research activities to be supported under some programs of the National Institute of Handicapped Research (NIHR) in Fiscal Year 1986. NIHR is required under the Rehabilitation Act of 1973, as amended, to develop a long-range research plan that identifies goals for rehabilitation research and to determine funding priorities that will facilitate the support of these activities within available resources. These final priorities are derived from the NIHR Long-Range Plan and are articulated within the goals, objectives, and research activities specified in the Plan.

EFFECTIVE DATE: These priorities take effect either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute of Handicapped Research, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 3070), Washington, DC 20202. Telephone (202) 732–1139; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

SUPPLEMENTARY INFORMATION: Under this program, awards are made to public and private agencies and organizations, including institutions of higher education, NIHR can make awards for up to 60 months.

The purpose of the awards is for planning and conducting research, demonstrations, and related activities which have a direct bearing on the development of methods, procedures, and devices to assist in providing vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

The priorities contained in this notice were proposed for public comment through publication in the **Federal Register** on November 13, 1985 (50 FR 46810). Several comments were received from the public, and as a result some changes were made to the proposed priorities. A review of the comments and the Secretary's responses to them, including changes to the priorities, is contained in the section of this notice titled Summary of Comments and Responses.

The publication of these final priorities does not bind the United States Department of Education to fund projects in any or all of these research areas.

The priorities contained in this notice are those which NIHR intends to support under the Rehabilitation Research and Demonstration Projects and the Knowledge Dissemination and Utilization Projects Programs.

Following are brief descriptions of these two programs.

Research and Demonstration Projects support research and/or demonstrations in single project areas on problems encountered by handicapped individuals in their daily activities. These projects may conduct research on rehabilitation techniques and services, including analysis of medical, industrial, vocational, social, sexual, psychiatric, psychological, economic, and other factors affecting the rehabilitation of handicapped individuals.

Knowledge Dissemination and Utilization Projects support activities to ensure that rehabilitation knowledge generated from projects and centers funded by NIHR and others is fully utilized to improve the lives of handicapped persons.

Priorities

Priorities for Research and Demonstration Projects (7)

Transition From School to Work for Deaf Youth

There are approximately 400 identifiable, mainstream secondary education programs, as well as approximately 70 (private or public) residential school programs serving deaf and hard-of-hearing students. Some observers note that there is a significant problem in providing these students a transition into the work force, whether directly into the job market or into vocational rehabilitation services. However, there is currently no national research documenting experiences and identifying superior strategies.

An absolute priority will be given to applications for a research and demonstration project which will:

- Study the vocational rehabilitation aspects of planning and providing transitional assistance to deaf and hard-of-hearing students in their movement from various types of educational programs into the work force;
- Identify, in existing programs, those variables associated with successful transitions, reviewing for such factors as the following: early identification and referral to vocational rehabilitation programs; joint Individualized Education Programs—Individual Written Rehabilitation Plans and cooperative planning between the educational and vocational rehabilitation agencies; and other methods used in various types of secondary and postsecondary programs serving deaf and hard-of-hearing students, especially the most severely disabled youth;
- Study a representative sample of deaf and hard-of-hearing students with secondary disabilities such as blindness, developmental disabilities, and mental handicaps, to assess transitional outcomes and factors associated with successful transitions; and
- Analyze the variations in cooperative transitional programs involving State vocational rehabilitation agencies and special education programs serving deaf and hard-of-hearing students; determine which models provide the best results for clients and their families; and determine the most effective methods for disseminating the findings to the appropriate parent organizations, and to rehabilitation and special education personnel.

Neuromuscular Impairment As A Late Effect of Poliomyelitis

There are an estimated 300,000 polio survivors between the ages of 38 and 55 in the United States who are experiencing additional complications that are emerging as late effects of poliomyelitis. Based on the findings of two international symposia and the Task Force on Post-Polio Problems of the American Congress of Rehabilitation Medicine, there is an immediate need for further research on late-developing debilitating problems affecting polio survivors. These late effects may cause loss of motor function and reversal of rehabilitation gains. Research is needed to develop methods of prevent additional complications as well as to treat those that do occur. Rehabilitation medicine practitioners and treatment teams need definitive new knowledge on effective interventions in these areas.

An absolute priority will be given to applications for a research and demonstration project which will:

- Conduct studies on the metabolism of the motor unit in subjects undergoing progressive motor unit dysfunction specifically related to late effects of poliomyelitis;

- Conduct clinical research into the mechanisms of rapid fatigue and generalized exhaustion related to post-polio syndrome; and
- Investigate the response to exercise of partially enervated muscles in chronic post-polio syndromes.

Etiology and Secondary Complications of the Late Effects of Poliomyelitis

There is an immediate need for further research on late-developing debilitating problems affecting polio survivors. Among the distressing factors in post-polio syndrome are compromised respiratory function and chronic pain.

Research is needed to understand the causes of various secondary complications, and to study medical management of these problems.

An absolute priority will be given to applications for a research and demonstration project which will:

- Study the etiology, natural history, and medical management of the progressive late effects of polio and post-polio syndromes; and
- Investigate the etiology, pathophysiology, and techniques of improved medical management of progressive secondary complications, including impaired respiratory function and chronic pain.

Financing Home Care for Seriously Disabled and Chronically Ill Children

One goal of the Office of Special Education and Rehabilitative Services is to promote the use of least restrictive environments for living, education, work, and social life for all disabled people. Most interested parties, including parents, physicians and allied health personnel, educators, policymakers, and researchers, agree on the benefits of rearing severely disabled children at home with their families. However, financial considerations currently are a major obstacle to rearing severely disabled children in their own homes, and current systems of financial support for health and habilitative care provide additional disincentives to maintaining these children in the least restrictive environments. Federal and State governments and third-party payers such as insurance companies, as well as parents and program admininstrators, must be involved in efforts to develop and implement mechanisms to provide the necessary financial support for care in the home and community.

An absolute priority will be given to applications for a research and demonstration project which will:

- Investigate the variations in coverage by major third-party payers, including coverage of psychosocial support services for disabled children and their families;
- Develop a financing model, involving public, private, and voluntary resources, which supports home and community-based services;
- Develop a model for providing families with financial counseling regarding reimbursement procedures and other options available for financing home care and other community-based services;
- Investigate, in consultation with the Department of Health and Human Services, the potential impact of applying Diagnostic Related Groups to pediatric services on reimbursement for care of disabled and chronically ill children at home and in institutions;
- In consultation with the Department of Health and Human Services, analyze the use of existing Title XIX waiver programs and develop strategies to encourage States to adopt waiver programs; and
- Develop a plan to facilitate the nationwide dissemination and utilization of the research findings, including a national conference of relevant parties to discuss and develop strategies to implement the research findings.

Improved Functioning in Families with Learning Disabled Children

Low self-esteem, lack of social skills, and disorganization are characteristics often found in children with severe learning disabilities. Disruptive and other behaviors associated with these characteristics frequently lead to family dysfunction, and thus inadequate care for the learning disabled child. Many parents of learning disabled children are not well equipped with the knowledge, skills, or experience to help with their children's behavioral and organizational problems. There is a need to assist these parents and children to develop family coping skills, but there is an inadequate knowledge base on which to develop intervention strategies.

An absolute priority will be given to applications for a research and demonstration project which will:

- Develop and evaluate strategies that would enable families to teach appropriate social skills to severely learning disabled children;
- Develop and evaluate strategies for training that would enable families to cope with behavioral problems evidenced by severely learning disabled children; and
- Establish a resource center which will promote the use of new knowledge in management of the unique behavior deficits of learning disabled children by disseminating information to parents.

Technology for Sensory Devices

Past research in the area of assistive devices for deaf people, supported by NIHR and other Federal agencies, has been directed primarily toward aiding deaf people to hear. Recent NIHR-sponsored studies have indicated that there is a need for more research to develop devices and systems to provide input for the communication of sounds through other senses. NIHR proposes to study ways in which the Federal government and the private sector can cooperate to apply most effectively modern technological advances to minimize communication barriers for deaf individuals in the home, workplace, and community.

An absolute priority will be given to applications for a research and demonstration project which will:

- Explore the feasibility of influencing manufacturers of products for the general market to adapt their products and devices to make them accessible to deaf and severely hard-of-hearing people;
- Determine the most feasible approach to promote and maintain a continuous activity of developing and enhancing special aids, to ensure that the benefits of new technology will be regularly incorporated in sensory aids;
- Explore the feasibility of establishing alternative mechanisms for financing the purchase of general aids and special sensory aids that meet the needs of deaf and severely hard-of-hearing individuals;
- Identify emerging technology that has potential to reduce or eliminate some of the communication barriers confronting deaf people; and
- Assess the needs for sensory aids for deaf people, focusing on the needs for aids incorporating recent technological developments.

Housing Adaptations to Promote Less Restrictive Environments

It is often extremely difficult for severely disabled people to live independently in their own homes or other noninstitutional residential facilities. In many cases housing is not modified or adapted to the special physical needs of the individual. While a number of advances have been made in suitable architectural designs for homes and offices, research and development are needed to improve technology to enhance the independence of the disabled user, especially the most severely disabled individuals.

An absolute priority will be given to applications for a research and demonstration project which will:

- Analyze the existing data on human factors, or collect data as necessary using anthropometric techniques, to aid in developing criteria for housing design;
- Develop criteria and performance standards for building and housing design for all types of residences and public use buildings, including subsidized housing and multiple residence units, and including furnishings for these buildings, which will allow disabled individuals to live independently, either alone or with other disabled or nondisabled family or household members;
- Test the design criteria for applicability to both new construction and modification of existing housing, and for its applicability in designing modular components; and
- Analyze and compare the costs of alternative means of providing housing and building accommodations for disabled individuals.

Priorities for Knowledge Dissemination and Utilization Projects (2)

Regional Diffusion Networks

There is a need to promote the widespread use of new, validated practices and exemplary programs in selected priority areas in order to improve the service delivery system for disabled individuals, especially those most severely disabled. NIHR proposes to address this need by establising one or more regional diffusion networks similar to those which are now operating in the West (Regions VI and IX). Priority areas for diffusion efforts during the period of this project will include school-to-work transition programs which include learning disabled individuals and programs which promote least restrictive environments for severely disabled people.

An absolute priority will be given to applications for a knowledge dissemination and utilization project which will:

- Develop criteria for identifying exemplary programs, and develop information collection instruments which include measurements related to the identified criteria;
- Solicit nominations of exemplary programs in the priority areas from program operators, consumer organizations, and other relevant parties in the selected regions;
- Develop and implement a procedure to select the most promising programs for further consideration and arrange independent peer reviews of those programs to select exemplary programs for diffusion;
- Develop public relations and marketing approaches to make the wide audience of rehabilitation service providers and special educators aware of the exemplary programs and stimulate their interest in adopting/adapting similar models, assisted by the diffusion network;
- Facilitate the exchange of technical assistance between the exemplary program and the adopter program; and
- Maintain appropriate data on the diffusion network to support an evaluation of its effectiveness.

Policy Research Utilization Center

Numerous agencies and organizations have undertaken research and other studies relevant to disability policy issues. To promote more effective use of knowledge in the development of disability policy, policymakers and others need access to this knowledge base. There is a need to identify relevant policy research, analyze it for reliability and applicability, and categorize and format it for easy access and use by policymakers. Research related to policies on rehabilitation and employment of disabled persons, especially those most severely disabled, will have first priority in this effort.

An absolute priority will be given to applications for a knowledge dissemination and utilization project which will:

- Identify that research supported by NIHR and other agencies which has policy implications, focusing particularly on studies on: the economics of disability; work disincentives; community-based care; habilitation of handicapped children; and the training and deployment of professionals in rehabilitation-related disciplines;
- Develop a mechanism to obtain input from NIHR, the National Council on the Handicapped, and other Federal agencies managing disability-related programs on other policy issues which are of significant interest and in which there should be reviews of research during the project period;
- Evaluate and summarize available research documents in these areas, and disseminate summaries and relevant source documents to agencies which the project selects as appropriate recipients;
- Develop a directory of agencies and organizations active in the area of disability policy research; and
- Identify gaps in policy research in areas reviewed for the study.

Summary of Comments and Responses

NIHR received over 100 letters of comment about the proposed priorities. The great majority of these were endorsements of the priorities as proposed. A few commenters suggested changes in the priorities, and their comments are summarized and answered below.

Comment: Some commenters urged that the focus of many of the proposed priorities should be on the most severely handicapped individuals.

Response: Some changes have been made. The legislation which created NIHR emphasizes that NIHR activities should be directed toward solutions to problems of severely handicapped individuals. This was stated in the preamble to the proposed priorities and repeated in many of the individual priorities. NIHR intends that these priorities focus on needs of severely handicapped persons, and this is now emphasized more clearly in each priority.

Comment: One commenter urged that the priority on transition services to deaf youth be expanded to include all hearing impairments and communicative disorders.

Response: No change has been made. The Secretary believes there is a particular need to assess the impact of various service delivery systems for education and habilitation of deaf youth, including both mainstreaming and specialized schooling. This issue is specific and unique and should not be diluted by including other target groups.

Comment: One commenter suggested that the priority on transition services for deaf youth should not be limited to education and rehabilitation agencies, but should also include programs run by voluntary agencies or programs financed under other auspices.

Response: No change has been made. This priority was intended to focus on the experiences of deaf youth in various types of secondary school settings and to develop an understanding of the role of the vocational rehabilitation service network in the process of transition from school to work for this group. Applicants are not precluded from also looking at additional programs which may be involved in this process.

Comment: Two commenters urged that the priority on poliomyelitis include emphasis on development of orthotic devices.

Response: No change has been made. NIHR is supporting several Centers and projects focusing on the development of lighweight, cosmetically acceptable orthotic devices. The Secretary believes that the needs expressed by these commenters should be addressed by these Centers. The intent of this priority is to develop a better knowledge base on the causes and nature of late complications of poliomyelitis and to

explore possible rehabilitative interventions. Potential applicants are encouraged to submit proposals related to special orthotic concerns for affected polio survivors under the Field-Initiated Research or Innovation Grants competitions.

Comment: Two commenters argued that polio survivors have a critical need for an information network to share information about experiences and coping strategies

Response: No change has been made. The Secretary believes NIHR's primary responsibility is to develop new knowledge as described in the statement of the priority. However, interested parties may submit applications for a network project to the Innovation Grants program competition, which closes on July 1, 1986. The application notice for this competition was published in the **Federal Register** on September 4, 1985 (50 FR 35856).

Comment: One commenter suggested several specific research hypotheses to be investigated in the general area of muscle fatigue in polio survivors.

Response: No change has been made. NIHR does not specify the lines of scientific inquiry which the investigator should adopt. Applicants for awards under the priorities are free to propose the most appropriate research approach to address the issues and objectives described in the priorities.

Comment: One commenter asked that inquiry into possible polio-related problems of the siblings of polio survivors be included in that priority.

Response: No change has been made. This issue is really peripheral to what the Secretary regards as a critical need to establish a post-polio rehabilitation research program which looks at fundamental issues in physical deterioration and loss of capacity in polio survivors.

Comment: One commenter suggested that psychosocial elements of post-polio syndrome be examined.

Response: No change has been made. NIHR is currently funding one project in management of post-polio syndrome, which includes examination of psychosocial aspects. These new priorities are intended to begin a systematic examination of the nature of physical and functional deterioration, and the Secretary believes the effort should not be diluted with attention to psychosocial issues.

Comment: Several commenters argued that pain and respiratory complications are among the most important problems of adversely affected polio survivors and should be included in the NIHR priority on late effects of polio.

Response: A change has been made. The priority has been modified to constitute two separate priorities and to incorporate attention to both pain and compromised respiratory function.

Comment: Two commenters urged that the priority on sensory devices for deaf individuals be expanded to include the hard-of-hearing population.

Response: No change has been made. The priority as worded does contain some reference to severely hard-of-hearing individuals. However, NIHR is already funding research and development of hearing aids. Thus, the major purpose of the priority is the development of communication devices for individuals who do not hear, which is a substantially different focus than that of developing technology to enhance hearing in those with impaired hearing.

Comment: One commenter urged that the priority on financing home care for disabled children include services which are not delivered in the home.

Response: A change has been made. Although the published statement of the proposed priority does state that services in the home and community are included, the priority has been changed to include additional references to community-based services to make it clear that this is the intent of the priority.

Comment: One commenter urged that NIHR give preference to proposals which demonstrate ability to adapt existing programs to meet the needs for financing home care for disabled children, and gave as an example a program of low-cost home health care.

Response: No change has been made. NIHR is requesting research and development activities for comprehensive programs for financial coverage of all medical and rehabilitative services in the home or community. NIHR does not want to restrict potential applicants to those currently operating programs, and the basic purpose of the priority is the conduct of research, not program operation.

Comment: Two commenters recommended that the priority on housing adaptations should include analyses of costs and commercial viability and dissemination of the findings.

Response: A change has been made. The Secretary agrees that cost is an important factor in evaluating any new designs. Thus, that priority has been revised and the analysis of potential costs has been incorporated.

Comment: One commenter stated that the priority for environmental adaptations should be changed to focus on criteria for new construction, especially of modular housing, as well as the more costly modification of existing housing, and for subsequent evaluation of newly designed modular housing components. The criteria should meet the needs of both disabled and nondisabled individuals for living independently, either separately or together. This commenter also pointed out that private industry has taken the lead in the development of technology for environmental controls and communications, and that many systems for these purposes are commercially available.

Response: A change has been made. The Secretary agrees that design standards for new construction are necessary and expected to be cost-effective, and also that Government activity should not duplicate private sector efforts. The priority now includes an emphasis on the development of criteria for new construction as well as for modifying existing housing, with special reference to modual living systems. Activities related to environmental controls and communication systems have been deleted.

Comment: One commenter suggested that the priority on environmental adaptation should not focus on private, single-family housing, as many disabled individuals require housing assistance or live in multiple dwelling units, and that access to other public buildings is also important.

Response: A change has been made. There was no intention to limit activity to one type of housing. The priority has been modified to clarify the inclusion of all types of residences, including public buildings, subsidized housing, and multiple residence units.

Comment: One commenter suggested that the Policy Research Center should also solicit the advice of organizations of disabled individuals and service providers.

Response: No change has been made. The priority is intended to prescribe only the minimum scope of activities and to provide guidance as to the general content of the project. The priority statement does not limit the project to using only those information sources mentioned in the priority.

Comment: One commenter stated that the Regional Diffusion Network should maintain direct linkages to the Policy Research Utilization Center and the Rehabilitation Research and Training Centers, as well as other research programs. The same commenter stated that there was no rationale for the regional basis of the Diffusion Network,

and suggested that other bases should be used, such as national networks in specific subject areas.

Response: No change has been made. The Regional Diffusion Network is intended to identify and disseminate the best practices from the field. NIHR has made diffusion of research results a responsibility of each of its research grantees, and also provides support to a number of other activities that disseminate the results of research. Therefore, the Secretary intends to maintain the focus of this priority on exemplary practices rather than research results; thus, the priority is for diffusion of exemplary practices rather than dissemination of research. The Network is being organized on a regional basis because NIHR, on the basis of findings of projects it has supported, believes that the adoption of new practices is facilitated by the adopting agency's identification with the source agency. This identification is enhanced by perceived similarities, geographic proximity, personal knowledge, frequent contact, and established lines of communication. Therefore, the Networks will continue to have a regional basis.

Comment: Two commenters recommended that the Research Diffusion Network also focus on exemplary secondary education programs in the preparation of disabled youth for transition to work.

Response: No change has been made. The priority is for a Regional Rehabilitation Diffusion Network to identify best practices in rehabilitation and promote their use. The focus on exemplary transition projects may include secondary or other educational programs which are part of outstanding transition programs, but will not focus on secondary education programs themselves. The Department of Education already provides support to a Diffusion Network for education practices *per se*. The Secretary is interested in also promoting the use of outstanding rehabilitation practices through this new priority.

Comment: One commenter urged that the priorities include research on pressure ulcers.

Response: No change has been made. NIHR has supported considerable research in this area for some time. The Secretary intends projects funded under these priorities to examine the new areas as stated.

Comment: One commenter urged that NIHR focus on barriers and employment issues facing the nation's most educated and productive disabled adults before looking at "incidental" problems concerning children and transition to work.

Response: No change has been made. The Secretary notes that NIHR has a legislative mandate to address the needs of handicapped children and elderly persons, as well as those of working-age adults. The legislation also directs an emphasis on problems of those individuals with the most severe handicaps.

(29 U.S.C. 760–762)

(Catalog of Federal Domestic Assistance Number 84.133, National Institute of Handicapped Research)

Dated: April 7, 1986.

William J. Bennett,

Secretary of Education.

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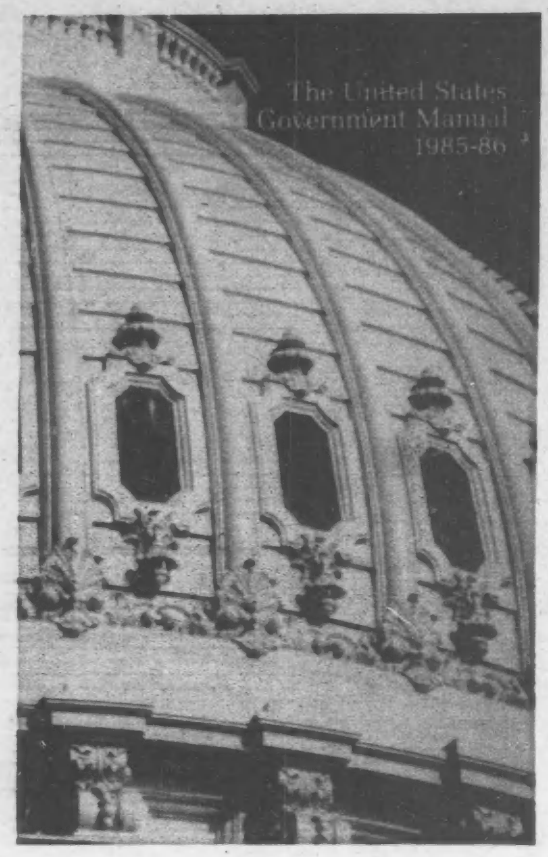

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